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 Reneé Francis Lee, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board of County Commissioners Stacey Miller, and Deputy Clerk Diane J. Nice. The meeting was called to order at 9:00 A.M.

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:**

**Proclamations**

U.S. Army Sergeant Michael R. Woodliff Day – March 12, 2004

**Regular Business**

Agenda Item P-6, Real Property – Update on eleven (11) acres next to the Murdock Administration Building

Agenda Item P-7, County Attorney – Direction regarding the details of the Land Acquisition Referendum

**Changes:**

**General Services**

Agenda Item J-7, add the following language to the Recommended Action: Request the Board of County Commissioners waive the bid procedures on File #04-216, Stump Pass Beach State Park Innovative Stabilization Project,
with Beach Restoration, Inc. for a total project cost of $995,872

Planning and Zoning Agenda

Agenda Item V-4, Petition Z-03-12-52, pulled and to be brought back at a future meeting

Agenda Item V-5, Petition Z-03-12-53, pulled and to be brought back at a future meeting

COMMISSIONER DEVOS MOVED FOR APPROVAL OF THE ADDITIONS AND CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER D’APRILE AND DECLARED UNANIMOUS.

I. SPECIAL RECOGNITION

Employee Recognition:

Commissioner D’Aprile and Bruce D. Loucks, County Administrator, recognized the following employees for their service with the County. **Five Years** — Stephanie S. Adkins, Utilities; Mary E. Anderson, Public Works; David F. Milligan, Parks, Recreation and Cultural Resources; Catherine A. Olson, Environmental and Extension Services; Martin F. Simone, Public Works; and Jack F. Wood, Budget Office; **Ten Years** — Brian A. Bredfeldt, Community Development; Bryon F. Catlin, Information Technology; David A. Jahn, Facilities, Construction and Maintenance; Teri J. Salomon, Facilities, Construction and Maintenance; Thomas A. Bowman, Firefighter/EMT; Kenneth P. Coblentz, Fire Lieutenant; Howard J. Hartfelder, Fire Prevention Inspector; Scott D. Humphreville, Firefighter/EMT; and Nelson C. Mesa, Firemedic; and **Fifteen Years** — Barry F. DeMello, Public Works; Gordon A. Missimer, Community Development; Richard H. Weingarten, Human Services; Jeffrey C. Mendel, Firefighter/EMT; and Jeffrey C. Ehle, Firemedic.

Proclamations:

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH 14, 2004 AS “JUAN PONCE DE LEON CONQUISTADOR DAY” ON MOTION BY COMMISSIONER DEVOS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Stan Munson, a member of the Charlotte County Conquistadors, accepted the proclamation and invited everyone to
the Annual Landing at the Punta Gorda Elks on Sunday, March 14, 2004, at 1:00 P.M. and the Dedication of the Juan Ponce De Leon statute in Gilcrest Park on the following Friday, at 3:00 P.M.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH 27, 2004 THROUGH APRIL 4, 2004 AS “SENIOR GAMES WEEK” ON MOTION BY COMMISSIONER DEVOS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Todd Heidenreich, Parks, Recreation, and Cultural Services Recreation/Program Supervisor, accepted the proclamation, invited all seniors to participate and register by March 19, 2004, and introduced Howard Hall, the State of Florida 2001 Senior Athlete of the Year. Mr. Hall promoted the Games by explaining that 11 categories exist for people from 50 years to over 100 years of age for athletic and non-athletic games, some of his past challenges, and his future competition goals.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH, 2004 AS “ED LABARBERA, ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH” ON MOTION BY COMMISSIONER HORTON, SECONDED BY CHAIRMAN DeBOER AND DECLARED UNANIMOUS. Judy Malbuisson, Arts and Humanities Council Executive Director, accepted the proclamation and expressed appreciation for the Board’s continued support.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH, 2004 AS “PROFESSIONAL SOCIAL WORKERS’ MONTH” ON MOTION BY COMMISSIONER DEVOS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Harvey Hackett, on behalf of National Social Workers Southwest, Charlotte Chapter, accepted the proclamation.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH 12, 2004 AS “MICHAEL R. WOODLIFF DAY” ON MOTION BY COMMISSIONER DEVOS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Chairman DeBoer stated the proclamation would be given to the family; the father is retired military and a brother is currently serving; the funeral service is open to the public on Friday, March 12, 2004, at 4:00 P.M. at the Abundant Life Assembly Church on Cooper Street, Punta Gorda, Florida; and suggested people show support by holding flags on the streets from the family’s home on Aqui Esta Drive and left on Cooper Street to the Church between 3:30 and 4:00 P.M.
COMMISSIONER D’APRILE MOVED FOR APPROVAL TO ADD A PROCLAMATION, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH 15, 2004 AS “RENEÉ FRANCIS LEE DAY” ON MOTION BY COMMISSIONER DEVOS, SECONDED BY CHAIRMAN DeBOER AND DECLARED UNANIMOUS. Renée Francis Lee, County Attorney, stated the proclamation was not in her packet, she is supposed to know what is going on, accepted the proclamation, and expressed appreciation for support from Board Members, her family, staff, Don Ross, and everyone in the community.

II. CITIZEN INPUT – AGENDA ITEMS ONLY

Joseph Salidino, of Prompt Towing, commented in support of Agenda Item D-1, Resolution increasing Maximum Fees that may be Charged for Nonconsensual Towing Services and offered to answer questions.

John O’Neil, a representative of Tala Lake Condominium Association, commented on the petition delivered to Board Members last weekend regarding Agenda Items V-1, Petition # Z-03-11-40 and V-2, Petition # TDR-03-11-04 filed by Southwest Florida Land 6 LLC by stating Association Members do not oppose the petitions they are concerned about impacts from increased traffic, including commercial vehicles, on Oakview Drive as it would become a shortcut to I-75 and during a conversation with Commissioner D’Aprile, it was suggested that a gate be installed at Oakview Drive to restrict traffic to unit owners.

Chairman DeBoer announced input would be allowed at each of the land use public hearings, the 10:00 A.M. Public Hearing on Economic Incentives, and Citizen Input.

Chairman DeBoer reported, during the Home Depot Grand Opening on Friday night, a man named Eddie from New Jersey spoke with him and Bruce D. Loucks, County Administrator, about doing a better job of cleaning up and maintaining the community and quoted: “If you want to get dressed up, you have to take a bath first.”

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

Construction Board of Adjustments & Appeals
• one (1) volunteer for an alternate representative appointment for a three-year term

IV. REPORTS RECEIVED AND FILED

Charlotte Harbor Community Redevelopment Agency Advisory Committee (CRAAC) Meeting – Minutes of Thursday, January 22, 2004

V. CONSENT AGENDA

COMMISSIONER D’APRILE MOVED FOR APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER DEVOS 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 February 17, 2004 through March 2, 2004 in the amount of $11,940,495.58

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M. February 10, 2004 Regular BCC Meeting
2:00 P.M. February 23, 2004 Goal Setting Meeting
BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Reappoint Al Tousignant as a member-at-large representative to the Affordable Housing Advisory Board for an additional two-year term.

Agenda Item C-2

Reappoint Craig Econopouly as a Licensed Plumbing Contractor member and Eugene J. Extejt as a Specialty Contractor member and appoint Wade M. Warden as an Electrical Contractor member to the Construction Industry Licensing Board for four-year terms from March, 2004 to March, 2008.

Agenda Item C-3

Appoint Jerry L. Dupper as a member-at-large representative to the Charlotte Harbor Community Redevelopment Agency to replace Kristine Wishard.

Agenda Item C-4

Appoint Joe Karpach as the District #5 representative to the Parks and Recreation Advisory Board to fill the unexpired term of Genifer Mastrella.

D. County Attorney

Agenda Item D-1

Resolution #2004-041 increasing the maximum fees that may be charged for nonconsensual towing services.

Agenda Item D-2

Agreement #2004-015 amending Agreement #980470A0 between Charlotte County and the County Attorney to provide compensation starting March 15, 2004, the completion of 10 years, for 50%
sick leave accrual at the current rate of pay upon termination or resignation.

E. **Budget Office**

**Agenda Item E-1**

a. **Budget Transfer #04-024** for $166,406 to augment funding in various accounts of the South Gulf Cove Street & Drainage Maintenance Unit in order to pipe 30 intersections prior to paving.

**Agenda Item E-2**

a. **Budget Amendment #04-A27** for $50,000 of Emergency Management carryover grant money.

b. **Budget Transfers #04-25, #04-26, #04-30, and #04-31** to adjust carryover amounts in departmental budgets.

F. **Economic Development**

**Agenda Item F-1**

Appoint Frank Lee as the community-at-large representative to Enterprise Charlotte.

G. **Environmental Services**

**Agenda Item G-1**

Set a Public Workshop for Tuesday, March 23, 2004 at 2:00 P.M., or as soon thereafter, to discuss the Habitat Conservation Plan (HCP) for scrub jays. Commissioner Horton requested the purpose of the workshop. Cathy Olson, Environmental Specialist II, stated the intent is for staff to provide an update on the costs and Board direction on a Countywide versus a County-project plan. Commissioner Horton advised other comments would wait until discussion on Agenda Item P-7, Direction on the Land Acquisition Referendum as recommended by the Environmental Lands Acquisition Advisory Council (ELAAC). Chairman DeBoer stated he would bring up three specific cases under Commissioner Comments regarding scrub jay issues that staff has not responded to and concerns about potential lawsuits against the County.
**H. Facilities Construction & Maintenance**

**Agenda Item H-1**

**Resolution #2004-042** authorizing the Chairman to execute **Agreement #2004-016** for a lease between Charlotte County and Florida State Representative Lindsay Harrington for office space in the South County Annex from January through November, 2004 at the rental rate of $300 per month.

**J. General Services**

**Agenda Item J-1**

**File #04-146, Purchase of Vehicles,** (a) piggyback off of State of Florida Bid #070-001-02-1 and Florida Sheriff’s Association / Florida Association of Counties (FAC) #03-11-0825 from Duval Ford at a total cost of $118,666, Mike Davison Ford at a total cost of $130,112, and Atlantic Trucks at a total cost of $66,825 and (b) purchase three (3) Jeep Wranglers from Douglas Jeep for a total price of $62,136 for use by Utilities due to acquisition of Florida Water Services.

**Agenda Item J-2**

**Bid #04-115, South Port Access Road,** to Better Roads, Inc. of Port Charlotte, Fl, in the amount of $91,555.75 for construction of an access road for about 1,500 square yards off of South U.S. 41 near Hancock Avenue.

**Agenda Item J-3**

**Change Order #1 to Contract #02-340, Carmalita Corridor Improvements,** with American Consulting Engineers, PLC of Land O’Lakes, FL, for additional drainage analysis to include the Charlotte County School Board property east of Cooper Street and topographic survey work along Carmalita Street between Education and Florida Streets in the amount of $9,112 for a revised contract amount of $509,385. **Commissioner Horton** questioned if the additional work was omitted or required because of a rule change. **Dan Quick,** Stormwater Manager, explained the additional
analysis and survey work were identified during the design phase.

Agenda Item J-4

Amendment #9 to Contract #01-125, Sarasota / Charlotte County Beach Restoration Study, with Coastal Technology Corporation of Sarasota, FL, for the annual environmental and physical monitoring of the completed Charlotte County Erosion Control Project - Phase I, addressing critically eroded Gulf-front shorelines, as set forth by the Scope of Work, in an amount not to exceed $219,984.

Agenda Item J-5

Amendment #10 to Contract #01-125, Sarasota / Charlotte County Beach Restoration Study, with Coastal Technology Corporation of Sarasota, FL, to provide permitting, design assistance, and peer review assistance to proceed with the installation of a submerged groin on Manasota Key to reduce sediment transport into Stump Pass, as set forth by the Scope of Work, in an amount not to exceed $33,791.

Agenda Item J-6

Amendment #11 to Contract #01-125, Sarasota / Charlotte County Beach Restoration Study, with Coastal Technology Corporation of Sarasota, FL, to provide engineering services required to modify Charlotte County Erosion Control Project - Phase I Army Corp. of Engineers and Florida Department of Environmental Protection permits to adjust requirements pertaining to maintenance dredging of the Stump Pass 1980 alignment and reprioritizing beach fill placement so as not to conflict with the proposed innovative technology project at the Park, as set forth by the Scope of Work, in an amount not to exceed $18,824.

Agenda Item J-7

Waive Bid Procedures on File #04-216, Stump Pass Beach State Park Innovative Stabilization Project, to Beach Restoration, Inc. for design, permitting, construction, post construction monitoring of a submerged groin along Stump Pass State Park on Manasota Key, as set forth by the Scope of Work, for a total
project cost of $995,872. Commissioner Horton expressed confusion about the need to waive bid procedures instead of expediting a project; referenced the Winchester Interconnect Project that was expedited in conjunction with Sarasota County; stated no other road projects, C.R. 775 and development of the south end of Piper Road, have been completed since then.

Agenda Item J-8

**Approve (a) deletion of the Property Inventory Items for March, 2004** (items not working / missing) as well as the donation request of two (2) ambulances to the Sheriff’s Office [Swat and Dive Teams] and one (1) ambulance to Edison College and **(b) declare Property Inventory Items as Surplus Property** (equipment for on-line auction) to the County’s need for March, 2004 and authorize the Purchasing Department to proceed with disposal of items with Gov-Deals, Inc.

Agenda Item J-9

**Contract for Request for Proposal #03-461, Solid Waste Facility Site Improvement – Vegetative & Special Waste Storage and Processing,** at the Zemel Road Landfill, with Globex Engineering & Development of Deerfield Beach, FL, to provide engineering designs, permitting and engineering construction oversight for the development of processing and storage areas including access roads, utilities, storm water controls and other regulatory controls needed for a facility that can accommodate customers, storage, and processing, in the amount of $107,114.

K. **General Services – Real Property Services**

Agenda Item K-1

**Resolution #2004-043** and County Deed releasing portions of two ten (10) foot wide utility and drainage easements located between Lots 10 and 13; all of the two ten (10) foot utility and drainage easements located between Lots 11 and 12; and all of the four six (6) foot wide utility and drainage easements located between Lots 10, 11, 12, and 13; located in Block 4224, Port Charlotte Subdivision, Section Fifty-Eight (58), in Charlotte County, FL, as requested by Edward David Callender, for use of the four lots for construction of a single family
residence, located in South Gulf Cove, north of Olsen Street, east of Kenanee Lane, and west of Clarissa Lane.

Agenda Item K-2

Resolution #2004-044 and County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 5 and 6, Block 3705, Port Charlotte Subdivision, Section Sixty-Three (63), in Charlotte County, FL, as requested by Anthony J. Cawley and Lucinda J. Cawley, for use of the two lots for construction of a single family residence, located at 1162 Rockwell Avenue.

Agenda Item K-3

One lot donation from Folz, the assessed value of the lot is $1,615, and the estimated cost of recording fees and documentary stamps is $15.70.

L. Human Services

Agenda Item L-1

Approve (a) recommendation of the Affordable Housing Advisory Committee to award SHIP funds of $162,395 to Villa San Carlos II, the Homeless Coalition, Presbyterian Villas, and Time Out Respite and (b) Budget Transfer #04-032 to transfer funds from Rental New Construction to the new strategy Non-profit Rental Rehabilitation to cover this expenditure.

M. Public Safety

Agenda Item M-1

Agreement #2004-017 between Charlotte County and the City of Punta Gorda for joint participation in the revision and update of the Charlotte County / City of Punta Gorda Local Mitigation Strategy to ensure compliance with the Disaster Mitigation Act of 2000.
Agenda Item M-2

The Charlotte County Structural Hazard Mitigation Policy outlines the County’s participation in the Hazard Mitigation Programs offered by the Federal Emergency Management Agency and the State of Florida for assistance to citizens in reducing exposure to hazards that might cause catastrophic damage to property and loss of life.

N. Public Works

Agenda Item N-1

Budget Transfers #04-020 ($52,060), #04-021 ($30,000), and #04-022 ($48,470) to augment funding within the Rotonda Villa, Rotonda Heights, and Rotonda Meadows MSBUs, respectively, to provide for vegetation clearing as requested by the communities.

Agenda Item N-2

Resolution #2004-045 authorizing the Chairman or designee to sign Agreement #2004-018 between Florida Department of Transportation (FDOT) and Charlotte County for the Pioneer Trial Phase III Bike Path from the terminus of the existing trail to the northerly property line of the Coral Creek Golf Club.

Agenda Item N-3

Resolution #2004-046 authorizing the Chairman or designee to sign Agreement #2004-019 between FDOT and Charlotte County for the Pioneer Trial Phase VI Sidewalk from the northerly line of the Coral Creek Golf Club, along the 60-foot wide easement adjacent to the C.R. 771 right-of-way, to the Gasparilla Causeway.

ITEM FOR DISCUSSION

E. Budget Office

Agenda Item E-3, Approve Resolution authorizing the Chairman, or in his absence the Vice Chairman, to sign the Loan Agreement, Series 2004 Note, and other documents as required by Bond Counsel, between Charlotte County and Bank of America, N.A., and
Budget Amendment #04-A28 for $10 million to provide additional funding for Murdock Village Land Acquisition

Commissioner Horton expressed continued opposition to the additional expenditure of funds. COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF RESOLUTION #2004-047 AND AGREEMENT #2004-02, SECONDING COMMISSIONER DEVOS. CALL ON THE MOTION: CHAIRMAN DeBOER AND COMMISSIONERS CUMMINGS, D’APRILE, AND DEVOS VOTED “YES” AND COMMISSIONER HORTON VOTED “NO.” MOTION CARRIED: (4:1).

RECESS 9:50 A.M. – 10:00 A.M.

VII. PUBLIC HEARING AGENDA

Q. 10:00 A.M. – Economic Incentive Development Code

Agenda Item Q-1, Consider an Ordinance to amend the Economic Incentive Development Code to implement recommendations developed by Enterprise Charlotte as a result of Enterprise Charlotte’s annual review of the Code (Proof of publication was in order.)

Betty Williams, Economic Development Manager, explained the Economic Incentive Development Program provides economic incentives to qualified businesses in exchange for development and maintenance of specified levels of employment and capital investments; Enterprise Charlotte has completed its annual review of the Program and has submitted three proposals:

1. Consider leasehold improvements for which Program participants are liable as eligible capital incentives in order to increase the number of businesses that are eligible for capital incentives.
2. Jobs be created no more than ninety (90) days prior to the date that the County receives an application from a prospective Program participant in order to be eligible for the initial award of employment incentives.
3. Building permits be issued no more than ninety (90) days prior to the date that the County receives an application from a prospective Program participant
in order for capital improvements constructed pursuant thereto to qualify for capital incentives.

Ms. Williams stated proposals 2 and 3 are designed to identify and direct incentives toward businesses whose development and expansion can be traced to the Program and pointed out the ordinance provides for the addition and modification of definitions and other Code provisions to carry out the recommendations and corrections of other areas explored during the annual review. Michael Grant, Enterprise Charlotte Chairman, stated the Enterprise Charlotte Board voted unanimously in support of the proposals and requested approval.

COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D’APRILE AND DECLARED UNANIMOUS. COMMISSIONER HORTON MOVED FOR APPROVAL TO ENACT ORDINANCE #2004-009 TO IMPLEMENT RECOMMENDATIONS DEVELOPED BY ENTERPRISE CHARLOTTE AS A RESULT OF ITS ANNUAL REVIEW, SECONDED BY COMMISSIONER D’APRILE AND DECLARED UNANIMOUS.

VI. REGULAR AGENDA

P. Regular Business

Agenda Item P-1, Administration, Legislative Update - Request Direction on Specific Proposed Bills

Kelly Shoemaker, Assistant to the County Administrator, provided an update regarding the Legislative Trip to Tallahassee on March 4, 2004 and the Report from Bitner and Associates. Ms. Shoemaker explained Commissioner Cummings, Mr. Loucks, Attorney Lee, and her with representatives from Collier, Lee, and Hendry Counties, Town of Ft. Myers Beach, and the Cities of Naples and Ft. Myers made up a group of 20 individuals who attended as part of the Southwest Florida Legislative Consortium. Ms. Shoemaker reported the Consortium selected five legislative priorities for 2004 and they were summarized on brightly colored index cards; advised Speaker of the House Jonnie Byrd indicated support for reinstituting the $1 million that was diverted from Red Tide research money last year; and meetings were held with 14 Legislators and staff including Appropriations Chairmen Representative Kyle and Senator Pruitt and Representative Harrell who sponsored the Platted Lands Bill. Ms. Shoemaker stated over 2,100 substantive Bills were filed and Bitner and
Associates are monitoring 263 bills for Charlotte County; reported representatives of the League of Cities and Association of Counties have been working on an agreement of which she received a draft copy on Friday; and the process for eliminating enclaves of 40 acres or less would be stream lined through an interlocal agreement to address issues concerning service, infrastructure, and jurisdictional boundaries. Ms. Shoemaker indicated no Bills have been seen to shift water supply allocation from a publicly regulated to a market driven process; House Bill 293 by Representative Russell is close to what nearly passed last year and it has two more committees to go; and the Bill would strengthen requirements for local governments to plan for water supply in their Comprehensive Plans by compelling identification of water supply projects necessary to meet existing and projected use demands in conjunction with the water management district’s long range water supply planning. Ms. Shoemaker reported Representative Harrell filed House Bill 1513 and Senator Bennett filed Senate Bill 2548 to assist local governments dealing with antiquated subdivisions and platted lands issues and, even though some progress is anticipated this year, it would probably be a multi-year effort. Ms. Shoemaker stated legislation was recently filed on behalf of the wireless industry, copies have been distributed to staff, and it is probably going to be a controversial subject; counties and cities are warring over potential changes to the Community Redevelopment Agencies statute; presentations were made before the House Local Government Committee, the parties were instructed to bring back an agreement by April 17, 2004, and progress would be monitored; legislation has been filed in the House and Senate to allow the Department of Community Affairs to approve up to five pilot projects for redevelopment in coastal high hazard zones; in order to qualify, the County must approve an emergency management element in the Comprehensive Plan to address evacuation, shelters, and other disaster mitigation strategies; no Bills have been filed on Article V implementation but they are expected soon; the House Select Committee includes two Southwest Florida Legislators, Representatives Goodlette and Kottkamp; the Senate Appropriations Subcommittee on Article V implementation has provided very little direction and there are no Southwest Florida Legislators on this Subcommittee; and Senate Bill 1400 requires local governments to raise solid waste fees for non-profit organizations that have a recycling or reuse rate at 50% or greater; the Bill could impair bond covenants
between public entities operating waste disposal facilities and bond underwriters; and advised staff and FAC are requesting the Board oppose this Bill. Ms. Shoemaker informed the Board of a conference call this morning with FAC during which the following was indicated: “We are in a very precarious situation ... we are pulling non-recurring revenue to pay for recurring expenses so the budget will continue to be an issue.” Ms. Shoemaker pointed out David Bitner and Cari Roth have had positive initial discussions regarding appropriation of the Library Grant and updates would be made as more information is available. 

Commissioner Cummings stated there were no significant changes in legislative positions i.e. support to reinstate the $1 million for Red Tide research funding, Gas Tax Indexing might be considered next year, the High Risk and Pension Fund would probably not be approved, Article V funding issues were the same, Platted Lands issues would probably be addressed in two or three years, the State Transportation Trust Fund would be raided again this year for a temporary use of the funds. Commissioner Cummings opined the brightly colored cards were a very effective tool that helped Charlotte County representatives stand out and make a real impression; suggested using the cards and make them a trade mark tool next year; the trip was worth it since opinions were changed regarding the $500,000 for library funding; and staff did an outstanding job. Commissioner Devos reported she made follow-up telephone calls to various legislative offices and many positive comments were made on Ms. Shoemaker’s organizational skills and presentation efforts. Chairman DeBoer expressed appreciation to all who went to Tallahassee and acknowledged Charlotte County’s profile has been raised up in the political world. Commissioner Devos stated the $500,000 for the library is great.

Agenda Item P-2, Parks, Recreation and Cultural Resources – Approve the Plan of Action to Manage Historical Resources

Laura Kleiss Hoeft, Parks, Recreation and Cultural Resources Director, stated the Charlotte County Historical Center opened in April, 2003 and staff has developed a new approach for future historical preservation. Mrs. Kleiss Hoeft recommended that a nine member Historical Advisory Committee be created to advise and assist the Board and staff; the Committee would be comprised of members from the El Jobean Community League, Punta Gorda Historical Society, Lemon Bay Historical Society, Charlotte
Commissioner Cummings questioned if issues would be addressed relative to only unincorporated areas of the County or if the City of Punta Gorda would be included. Ms. Kleiss Hoeft explained this would not supplant significant initiatives identified in the City and the intent is to include the City on the Advisory Committee along with historical groups to address preservation issues on a County-Wide level. Commissioner Cummings pointed out the Punta Gorda Historical Society raises funds to acquire properties for preservation, this is a good example for the associations and historical groups, agreed with the proposal in concept, expressed support for moving forward, and stated the County level of participation should be based on fund raising efforts of the historical organizations i.e. all parties should be pro-active not like the last time. Commissioner Devos agreed with Commissioner Cummings, stated one of the major problems with the last approach was the lack of a central collection place and the committee lacked authority to raise money, and the proposed action plan seems to be pro-active with an emphasis on fund raising. COMMISSIONER DEVOS MOVED TO ACCEPT THE PROPOSED ACTION PLAN FOR MANAGING HISTORICAL RESOURCES INCLUDING ESTABLISHMENT
OF A HISTORICAL ADVISORY COMMITTEE, SECONDED BY COMMISSIONER CUMMINGS. Commissioner D’Aprile commented in support of the action plan, concerned with the lack of a daily fund raising program, and questioned if all of the preservation sites have been identified. Michael Konefal, Community Development Director, explained the 1989 site survey would be updated under the action plan utilizing grant funds; approximately 200 sites have been identified in the unincorporated area; and Punta Gorda sites have been incorporated into the Geographic Information Systems map. Commissioner D’Aprile requested the amount of money necessary to restore the sites. Mr. Konefal advised the 1989 site survey did not include restoration costs, the goal is to protect and maintain the sites, there is no program to restore the sites to their original status, and it would probably be outside the scope of a historical committee or board. Commissioner D’Aprile opined a goal needs to be established for restoration including costs and funding options and questioned the level of participation and financing needed from the Board. Mr. Konefal stated the proposed guidelines and Board direction would be used in the establishment of the Advisory Committee and goals and advised financing would be needed for future staffing purposes since funding is coming from current budgets. Chairman DeBoer indicated site maps are available in the Commission Office, the maps need to be updated and sites prioritized, the County needs to be ready with funding to acquire historical structures prior to demolition, agreed with Commissioner Cummings on the level of participation and funding raising necessary from the private sector, and opined establishment of an archival site should be the first priority. Commissioner Devos questioned if an amendment to the motion is needed. Chairman DeBoer requested Board consensus on the first priority. Commissioner Cummings suggested the archives be placed in the new library. Mrs. Kleiss Hoeft explained no allocations in the library have been made for the archives. Chairman DeBoer stated, based upon Board Members’ comments, the Advisory Committee be authorized to create a fund raising mechanism as part of its scope of work. Commissioner Cummings expressed support for the Advisory Committee networking together to create private sector fund raising. Chairman DeBoer requested the sufficiency of the Dotzler Park site to locate structures. Mrs. Kleiss Hoeft advised the parcel is comprised of 13 acres. Chairman DeBoer suggested it be utilized for
relocation of structures. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

**Agenda Item P-3, Parks, Recreation and Cultural Resources – Approve the Plan of Action on Boating Facility Issues: Closing of Tom Adams Boat Ramp and Boat Ramp Improvements with Sales Tax Funds**

Mrs. Kleiss Hoeft recalled on July 22, 2003, the Board directed staff to consider closing the Tom Adams Boat Ramp; as a result of a review with Public Works staff, it was discovered the boat is in disrepair and would be significantly impacted from construction of the sidewalk along Beach Road, scheduled to begin in early Summer 2004; that would eliminate the existing limited vehicle and trailer parking area; Sandpiper Key Condominium Association has allowed parking on its property since there has been an overflow onto Beach Road right-of-way; reviews were performed by the Parks and Recreation Advisory Board and the Marine Advisory Committee; the final recommendation from all parties is to close the Tom Adams Boat Ramp and retain a road cut through for an emergency vessel launch site. **Commissioner Cummings** requested construction of a gate at the emergency launch site. **Thomas O’Kane**, Public Works Director, explained a chain or guard would be constructed across the ramp and sidewalk cut through to allow access for emergency purposes. **Commissioner Cummings** suggested an attractive gate or structure. Mr. O’Kane recalled Marine Advisory Committee has prioritized launch sites higher than the Tom Adams Boat Ramp, one of which is Ainger Boat Ramp and it needs repair work. **Commissioner Cummings** concurred with staff’s recommendation. **Chairman DeBoer** agreed. **Commissioner Horton** stated leaving the Tom Adams Boat Ramp open for emergency vessels would create problems in the future and suggested closing it now since there are other accessible boat ramps i.e. Ainger Boat Ramp. **Chairman DeBoer** agreed on moving forward with improvements to Ainger Boat Ramp and closure of the Tom Adams boat ramp. Mrs. Kleiss Hoeft reported $3 million of 2002 Sales Tax Revenues was set aside for boat ramp improvements and/or land acquisitions; funds were allocated during the last Capital Improvements Program (CIP) for the Triple Diamond contract; and recommended the remaining $2.6 million be used for:
1. A West County boat ramp site i.e. the County has already acquired land south of the Ainger Boat Ramp and funds could be allocated for design and permitting to expand parking and add another lane subject to channel issues;
2. Acquire new land for additional parking and improve the El Jobean boat ramp;
3. Land was previously acquired across from Spring Lake Park and funds might be use for the design and permit process and for restrooms;
4. Parkland currently exists on the waterfront at the O’Hara site off of Midway Boulevard and steps need to be taken to work with residents to create a master plan and boat access.

Mrs. Kleiss Hoeft acknowledged the need for more boat ramps in West County; stated expansion of the Ainger Boat Ramp will help; commented on the South Gulf Cove boat ramp and the differences between regional, community, and neighborhood boat ramps as a means to provide more boating and water recreational opportunities in addition to numerous beach access and parks. **Chairman DeBoer** commented in support of performing improvements to the Ainger Boat Ramp; stated the land on O’Hara, which was not designated as a boat ramp or park site, was acquired from General Development Corporation in consideration of back taxes; Manchester Waterway Association members have expressed a preference for the site to be sold and developed as a single family residence; reported the owner of property next door also owns land in the O’Hara area and he has expressed an interest in a land swap; and suggested Board direction be given for Real Property Services Manager J. Paul Payette to contact the property owner regarding a land swap for the property next door; improvements should be done on the El Jobean Boat Ramp; permits for dredging would be needed to improve access from Spring Lake; and staff should work on finding sites with direct access to Charlotte Harbor and the Gulf. **Commissioner Devos** stated she has tried to prioritize boat ramp improvements and acquisitions on a short and long-term basis i.e. Ainger and El Jobean Boat Ramps; she is reluctant to make improvements to the Spring Lake Park, other than bathroom facilities, because of permitting issues; and agreed with **Chairman DeBoer** on the need to identify more boat ramp sites in West County. **Commissioner Cummings** requested verification that $2.6 million remains of the $3 million allocated from Sales Tax revenues for boat ramp
improvements and acquisitions if nothing more is done with the Triple Diamond property and then requested cost estimates for improvements to Spring Lake, Ainger, and El Jobean Boat Ramps and the O’Hara site. Mrs. Kleiss Hoeft stated the difference was used to purchase land south of Ainger and the South Gulf Cove boat ramp site; estimated $100,000 for design and $530,000 for construction and a restroom facility for a total of approximately $630,000 at Spring Lake; $710,000 for Ainger at about $140,000 for design and $570,000 for construction that will double the parking by 35 more spaces and one additional lane; the 11 acres on O’Hara are owned by the County but a lot of work is needed with the residents to establish a boat ramp and neighborhood park and estimated a $270,000 expenditure over a three-year period for design of a master plan, construction documents, and permitting. Commissioner Cummings estimated about six of the 11 acres would be usable for a boat ramp and parking after heavy buffering and other requirements. Mrs. Kleiss Hoeft expressed uncertainty since a preliminary environmental study has not been performed and stated it would be more of a neighborhood type of park with 30 to 40 parking spaces with one lane located in the No. 2 deficit area. Mrs. Kleiss Hoeft stated the land for El Jobean is currently priced at $395,000 not $250,000; and estimated $390,000 to $400,000 for land, $100,000 for design, and $350,000 to $380,000 for construction. Commissioner Cummings stated the prioritization based on demand deficit would be Ainger, El Jobean, and O’Hara sites and pointed that the most serious deficits and the most difficult to find boat ramp sites are in West County. Mrs. Kleiss Hoeft explained staff is continually evaluating possible sites, the $2.6 million would be expended first, and additional funding would be necessary to acquire more land in West County. Commissioner Cummings concluded the $2.6 million would be used to fund improvements on Ainger, El Jobean, and O’Hara assuming no land swap is involved and additional funding would be needed in the future for boat ramp land acquisitions. Chairman DeBoer requested consensus to direct Mr. Payette to explore a trade for the land next door. Commissioner Cummings concurred. Chairman DeBoer explained the developer’s attorney has spoken with him about a land swap, the Manchester Waterway Association members oppose development of the O’Hara land for a marina and a park, reiterated the County acquired the waterfront property in lieu of back taxes, and its location is in a residential area. Commissioner Horton concurred with Commissioner Cummings on
spending the $2.6 million to acquire lanes now instead of buying land for the future.

**Chairman DeBoer** reported residents of the Village of Holiday Lakes have requested the County vacate a certain right-of-way and he has spoken with Mrs. Kleiss Hoeft on evaluating the possibility of a land swap for the property adjacent to the entrance for a potential boat ramp site. *(Board consensus.)*

**Agenda Item P-4, Parks, Recreation and Cultural Resources – Approve the plan of action on the future of the Englewood / Myakka Fishing Pier**

Mrs. Kleiss Hoeft stated the Pier was closed since the road right-of-way parking was eliminated due to the FDOT SR 776 widening and new bridge construction project; before reopening the Pier, parking and repairs need to be addressed; a parking area for 12 to 15 vehicles (depending on permitting requirements and the amount of land needed for mitigation) could be constructed on the old railroad bed in conjunction with development of a bridge over the canal since a driveway ramp just south of the bridge was part of the FDOT project to provide access to a future parking area and the median is open at this location to allow eastbound traffic access; design and permitting would take a minimum of one year; the estimated cost would be approximately $250,000 (depending on permitting requirements); reported the Engineering Team, Construction Team, and County Project Management staff performed an analysis of the actual Pier and all Teams agreed that enough of the original Pier has a sufficient remaining life span to make a wood replacement / renovation project the most cost effective method; the total estimate for repair and renovation is approximately $800,000 although the cost impact of CCA pressure treated lumber is unknown at this time; and pointed out the Phase I Report provides permitting implications, engineering analysis, and detailed construction costs; funding for the project may be allocated from the El Jobean Park CIP project, existing landfill loan, and the Fishing Pier CIP project that will come on line for the upcoming fiscal year; advised additional monies would be necessary to fund the total project; and requested direction. **Commissioner Horton** recalled FDOT’s position to leave assess for parking and a turn around with road cuts because of the possibility that Charlotte County may provide future parking,
and opined the Pier should be made useable. Mrs. Kleiss Hoeft estimated the Pier demolition cost between $200,000 and $250,000. Chairman DeBoer pointed out an additional $550,000 would make the Pier a useable facility. Mrs. Kleiss Hoeft explained $800,000 for the Pier reconstruction and $250,000 for design, permitting, and construction of the parking lot. Commissioner Devos questioned funding sources. Mrs. Kleiss Hoeft advised $637,000 was a loan in the Capital Improvements Program (CIP) established with Florida Communities Trust (FCT) Fund for the El Jobean side of the boat ramp as part of the river park that did not occur; $250,000 is in the CIP budget for the first year of the trestle removal program (there is $1 million in the five-year CIP budget); pointed out the $250,000 budgeted for the bridge realignment at the Placida Fishing Pier and Parking project would need to be put on hold in order to do this project i.e. three CIP projects would need to be consolidated to perform this project; and recommended using the $250,000 to begin design and permitting of the parking area which would probably take about a year and then utilize the loan funding. Mrs. Kleiss Hoeft recalled the Board directed staff to create fire suppression systems on fishing piers as improvements are made, reported the $800,000 includes a fire suppression system and signage on recommendations regarding non-flammable lanterns and stoves, and the fishing community has expressed support for non-flammable lanterns. COMMISSIONER D’APRILE MOVED FOR APPROVAL TO DIRECT STAFF TO CONTINUE RECONSTRUCTION OF THE MYAKKA FISHING PIER AND PARKING LOT AS PROPOSED BY STAFF, SECONDED BY COMMISSIONER HORTON. Commissioner Horton indicated Representatives Jerry Paul, Lindsay Harrington, and Jeff Kottkamp support the County’s reconstruction efforts and pointed out time is of the essence concerning the FDEP permit since Representative Paul will be leaving for Washington, D.C. Commissioner Cummings requested the funding sources. Mrs. Kleiss Hoeft stated the Fishing Pier Trestle Fund in the CIP allocates $250,000 starting in October 2005 and continuing for five years for a total of $1 million, the CIP budget item entitled El Jobean Riverwalk Park has a balance of $637,000 in the form of a FCT grant / landfill loan, and no revenue source has been identified other than ad valorem. Commissioner Cummings questioned the delay to other CIP projects. Mrs. Kleiss Hoeft explained the Placida Fishing Pier Improvements budget allocation of $250,000 includes redecking, parking changes in conjunction with the roadway, exotics removal, and
fire suppression system installation. Commissioner Devos expressed a preference for Public Works to perform the work on the parking area, stated reconstruction should be addressed during the CIP process, and opposed the motion. Commissioner Horton questioned if the repairs to the Pier in Placida would be performed at the same time as the road project. Mr. O’Kane stated Parks, Recreation, and Cultural Resources would do the improvements in conjunction with the road project that is scheduled to start this calendar year. Commissioner Horton pointed out if the Placida project is not done this fiscal year, the $250,000 allocation would be a carry over. Mr. O’Kane stated a revenue source would be necessary to hire a consultant to develop the design and questioned if the $250,000 is part of that. Commissioner Devos suggested tabling this matter. Commissioner Cummings expressed the assumption that FDEP would require demolition of the trestle if something would not done with it and requested the time line for demolition. Mrs. Kleiss Hoeft stated she does not have a time line for demolition. Commissioner Cummings opposed demolition of the trestle and allocation of funds for it and expressed reluctance regarding the use of the $637,000 because of the budget deficit. Chairman DeBoer suggested withdrawal of the motion and second. COMMISSIONER D’APRILE WITHDREW THE MOTION FOR FURTHER DISCUSSION AND COMMISSIONER HORTON WITHDREW THE SECOND. COMMISSIONER DEVOS MOVED FOR APPROVAL TO TABLE ACTION ON THIS MATTER TO A FUTURE DATE, SECONDED BY COMMISSIONER CUMMINGS. Commissioner Devos requested individual consultation with staff regarding estimated costs and repayment options. Commissioner Horton expressed a preference for a time certain for future discussion. Commissioner Devos suggested two weeks. Chairman DeBoer commented in support of addressing the project during the CIP process since the majority of the funds would be from an internal loan and repayment of the loan must be identified during the CIP budget process. Commissioner Cummings agreed with Chairman DeBoer to review this in the CIP process and as part of the Parks Master Plan. Bruce D. Loucks, County Administrator, suggested tabling the matter to allow staff to bring it forward as part of the CIP process and advised the Board would have two choices during the CIP budget process: add more funding to the CIP by increasing the Millage Rate or delay projects to future years. COMMISSIONER DEVOS MOVED FOR APPROVAL TO INCORPORATE THE MYAKKA PIER PROJECT IN THE NEXT REGULAR CIP
Chairman DeBoer commented on the February 18, 2004 letter from Bruce McLean, Beaches & Shores Advisory Committee Chairman, requesting written approval to develop a conceptual plan and evaluate funding sources for a pilot project on the feasibility and benefits of restoring waterways within the County starting with the channelized, exotic overgrown waterway that runs along the west side of Carmalita Park, Edison Community College, and the east side of the old Sheriff’s Office. COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE PROPOSED PILOT STREAM RESTORATION PROJECT, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.

Comissioner Horton expressed concern
about the delay of issuing building permits on single-family lots because of requirements relating to scrub jay habitat areas, stated mitigation for scrub jay lands should be the number one priority, and it should not hinge on the outcome of the referendum vote in November. Commissioner Devos acknowledged the workshop scheduled in two weeks to discuss a County-wide plan, agreed with Commissioner Horton on not waiting until November, and requested verification that a legal opinion would be rendered during the workshop on a funding mechanism to pay for mitigation i.e. $2,500 per property owner and creating an MSBU. Reneé Francis Lee, County Attorney, recalled Commissioner Devos requested clarification on utilizing the MSBU process instead of the MSTU; advised research is being conducted on paying for the birds today although they may not be located on lands when owners are ready to build; stated an MSBU may be better since property owners could be added at the time of construction; and staff is working with Attorney George Nickerson on this issue. Commissioner Devos stated the ability to issue permits is critical to selling property owners and, hopefully, a HCP will be developed for the workshop. Attorney Lee pointed out a private individual has established a HCP that property owners may be able to participate in until the County establishes a HCP; and some mitigation needs may be more urgent than waiting on the outcome of the referendum. Mr. Loucks advised the use of County funds to buy property, makes it public property and permits may not be issued because the County acquires the property i.e. if the County purchases property for the HCP, it becomes preservation lands. Commissioner Devos stated the County would not acquire the lands if an MSBU were established. Mr. Loucks explained the only way anyone could build in a Red Zone is to provide a 2-for-1 mitigation on acceptable scrub jay habitat elsewhere in the County. Commissioner Devos recalled during a conversation with Mr. Kampert that the $2,500 assessment would eliminate the need for a 2-for-1 mitigation if a County-wide HCP were adopted. Mr. Kampert stated under the County-wide HCP, a calculation of $2,500 has been made for property owners to contribute i.e. a property owner would pay $2,500 and the property would be released for development and the County would use that money to buy contiguous scrub jay habitat land. Commissioner Cummings pointed out the issue today is approval of details for the referendum; the referendum entails a much broader environmental land acquisition effort on a County-wide basis than for scrub
Jay habitats; the County must develop a scrub jay HCP under the Comprehensive Plan regardless of the referendum; at a minimum funding must be identified for this year; and commented in support of placing the referendum on the ballot. Commissioner D’Aprile agreed on directing staff to place the referendum on the ballot and commented on the need to be considerate now of property owners who have lands within scrub jay identified habitat areas. Commissioner Horton commented in support of placing the referendum on the ballot. CALL ON THE MOTION: DECLARED UNANIMOUS. Mr. Loucks added the $50 million in projected revenues includes interest payments and acquisition funding.

Chairman DeBoer suggested taking a 10 minutes recess and working through the remainder of the morning agenda.

RECESS: 12:00 P.M. – 12:12 P.M.

(Commissioner Devos was not present for this portion of the meeting.)

VIII. CITIZEN INPUT - ANY SUBJECT

Don Ross commented on boat ramps by suggesting the County consider land owned by government agencies i.e. the parcel at the end of the South Gulf Cove canal owned by SWFWMD, the Triangle Park in the Gulf Cove area received as a result of the General Development Corporation bankruptcy, and the Box site around the lock on the Manchester Waterway; and stated permitting should not be a limiting factor since mitigation would be required on the projects; and recommended compiling a library of restoration projects on public lands to provide mitigation options.

Grace Amodeo acknowledged the Manchester Waterway lock is to be removed and expressed appreciation for each Board Member’s vote in support of the ELAAC referendum.

R. County Administrator

Mr. Loucks reported meetings are continuing with the State agency for designating CR 771 and SR 776 as Scenic Highways and updates would be provided to the Board.
S. County Attorney

Attorney Lee reported Attorney William Moore filed a lawsuit challenging statutory authority for the Board to conduct eminent domain proceedings within the CRA based upon unconstitutionality of the Statute and the County’s application; each Board Member should have a copy of the lawsuit this morning; and she may need to request an Executive Session soon for discussion purposes.

T. Commissioner Comments

Chairman DeBoer reported he has contacted Bob Hill, Chairman of the Little Gasparilla Island Steering Committee, who will compile a report and in the interim Mrs. Shoemaker has compiled the Committee minutes from February 5, 2003 through February 6, 2004 for informational purposes. Chairman DeBoer expressed concern about communications Commissioner Horton has been receiving on the south end of Piper Road construction; requested information on the process for obtaining FDOT funding and the percentage of the Piper Road project that would be covered by FDOT funding; suggested the County expedite a portion of the project not funded by FDOT since there are interested developers; requested the cost to the County to do the south end with the consideration of FDOT reimbursement; and stated the County needs to exercise flexibility to expedite the project. Chairman DeBoer reiterated the need to make a commitment to employees working at the Justice Center that are currently funded under Article V or advise them to find other jobs instead of leaving them in limbo and suggested each Board Member convey their opinions to the County Administrator. Chairman DeBoer advised staff has not responded to his concerns on potential lawsuits involving property owners who are having permits delayed due to scrub jay habitats i.e. a property owner of 10 acres of pasture land off of Washington Loop Road located in a yellow zone who had Dexter Bender perform a survey reflected no scrub jays or scrub jay habitats are located on the property; two lots located off of Flamingo Boulevard are in a green zone and the survey performed reflects no scrub jays or scrub jay habitats; one of the property owners has written to the Governor and hired legal counsel and estimated a possible $300,000 to $400,000 lawsuit since it is waterfront property; one of the property owners had a clearing permit which was not renewed;
there is a fourth potential lawsuit situation he has not fully reviewed; offered to provide all of the information to Board Members; and suggested Mr. Loucks and Attorney Lee establish a clearing house for these types of citizens inquiries. Mr. Loucks suggested the communications be sent to him. **Chairman DeBoer** stated he has spoken with Symphony representatives regarding the July 4th concert; they have indicated a desire to hold the concert at the Auditorium; Mrs. Kleiss Hoeft has indicated the Auditorium is available; Symphony representatives have requested the County donate the use of the Auditorium and underwrite it with a contract with Parks, Recreation, and Cultural Resources; a $5.00 admission could be charged to help recover some of the costs; and provide a match for corporate sponsorships up to a certain amount. **Chairman DeBoer** requested direction on the naming of El Jobean Park after Randy Spence and naming of the north and south piers after two individuals and expressed understanding that these have been held up due to the Parks and Recreation Advisory Committee recommendations to install a monument in the park for Randy Spence and then name the park after his death and if the south pier is not to be reconstructed, then it should not be named. **Commissioner D’Aprile** reported two more parcels have been identified off of I-75 for a Veterans Cemetery and indicated he would update the Board subsequent to the late March meeting. **Commissioner D’Aprile** requested an update on the Stadium proposals i.e. were proposals received after the deadline and, if so, have they been accepted for consideration. **Commissioner D’Aprile** reported he has been contacted by a taxpayer whose home was acquired by the County to allow the residents to move out of a home that has been flooded allegedly as a result of a berm that was installed around the house; questioned why the County purchased the home if the berm created the flooding; and advised he has consulted with Mr. Loucks who indicated a report would be made on the situation. **Commissioner D’Aprile** stated he would report back to the Board. **Commissioner Horton** commented in support of naming the El Jobean Park after Randy Spence while he is living and able to enjoy it. **Commissioner Horton** stated Charles Evans was hired to monitor the Sales Tax Projects under the first $.01 Sales Tax extension and the process worked extremely well; pointed out the County has about $100 million worth of road projects over the next 10 years; and suggested bonds be issued and the projects be privatized instead of doing them piecemeal. **Commissioner Cummings** recalled the informal guideline of not
naming roads, parks, etc. after people during their lifetimes was done away with and expressed support for naming the park after Randy Spence. Commissioner Cummings noted an article in the newspapers on the difference of opinion that the Water Authority is having with DeSoto County on the water contract; stated the Board authorized him to get Charlotte County’s money back or approve the contract has it was originally submitted; he assumed that the contract might be revised so long as Charlotte County was to get the money back; at this stage, it seems that the DeSoto County Administrator is deliberately delaying the contract in order to force Southwest Florida Water Management District to issue a permit since DeSoto County was not able to enter into a contract with the Water Authority and there is no other water source; they are taking out contracts to construct a reverse osmosis plant for which they have no consumptive use permit or a permit to withdraw the water for the plant to treat or a brine discharge permit; and the last time he checked, the plan was to discharge the brine into the Prairie Creek Drainage Basin which is the City of Punta Gorda’s water supply. Commissioner Cummings reported, during the last Water Authority meeting, DeSoto County objected to a paragraph in the contract that referenced their cooperation on future permits and pipeline routes and that paragraph has been deleted from the contract; the contract directs DeSoto County to first pay back $440,000 to the Authority of which $335,000 goes to Charlotte County; the contract is structured so that the Authority would not incur any liability without having cash in hand; the contract was approved over the dissenting vote of the DeSoto County Commissioner with the Executive Director and Chairman of the Governing Board of SWFWMD in attendance; and Board guidance was given to invoice DeSoto County for the $440,000 next month if an approved contract is not received back from DeSoto County. Chairman DeBoer advised he read in a leaflet from the Florida League of Cities that the DeSoto County Administrator is a lead candidate for another administrative position so he may be leaving.

RECESS: 12:40 P.M. – 2:00 P.M.

(Commissioner Devos was present for the remainder of the meeting, Assistant County Attorney Anne Bast replaced County Attorney Reneé Francis Lee, Executive Assistant Joann Dillon replaced Executive Assistant Stacy Miller, and Supervisor of
Minutes Caroline W. Lounsbury replaced Deputy Clerk Diane J. Nice for the remainder of the meeting.)

Chairman DeBoer announced that Agenda Items V-4, Z-03-12-52, District IV – Ordinance approving an amendment to the Charlotte County Zoning Atlas from Commercial General and Residential Multi-Family 10 to Commercial Intensive, for property located north of Brighton Avenue, south of Geldes Avenue, west of Collingswood Boulevard, and east of Mascot Street, containing 38.67+ acres more or less; applicant Charlotte County and V-5, Z-03-12-53, District III – Ordinance approving an amendment to the Charlotte County Zoning Atlas from Commercial General and Commercial Intensive to Industrial Light, for property located north of CR 775, south of SR 776 (Oyster Creek development), west of Winchester Boulevard, and east of San Casa Boulevard, containing 54.93+ acres more or less; applicant Charlotte County were removed from the Agenda earlier this morning, and right now we’re going to get a motion from the floor to reset those hearings. Chairman DeBoer requested the Board set these two public hearings for March 23, 2004 at 10:00 A.M. and on April 13, 2004 at 2:00 P.M. for these two items. COMMISSIONER HORTON MOVED FOR APPROVAL TO RESET THESE TWO PUBLIC HEARINGS FOR MARCH 23, 2004 AT 10:00 A.M. AND ON APRIL 13, 2004 AT 2:00 P.M., SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.

IX. PLANNING AND ZONING AGENDA

V. 2:00 P.M. PETITIONS – PLAN AMENDMENT AND REZONINGS

Future Land Use Map Amendments: Ordinances, Text Amendments, Amendments to Chapter 3-9, County Code, Plat and Street Vacations (These are legislative hearings which must meet the “fairly debatable” legal standard.)

Rezonings: Notice of Proposed Change, Substantial Deviation From a Development Order, Transfer Development Rights, Special Exception to Expand Existing Business, and Plats (These are quasi-judicial hearings which require disclosure of “ex-parte” communications and sworn testimony. Findings must meet the “substantial competent evidence” legal standard that the proposal is consistent with adopted policy. Allows cross-examination of witnesses and rebuttal.)
(Attorney Bast administered the oath to prospective witnesses.)
(Chairman DeBoer polled the Board for Ex-Parte Disclosures.
(Chairman DeBoer, Commissioners Horton, D’Aprile, Devos and Cummings stated they would fill out ex-parte communication forms.)

Agenda Items V-1, Z-03-11-40, District I and V-2, TDR-03-11-04
(Proof of Publication was in Order.)

Chairman DeBoer stated that these two agenda items might be approved in one motion.

Jorge Perez, Planner II stated the applicant is requesting a rezoning from Residential Multi-Family (RMF-5 and Agriculture Estates (AE) to Planned Development (PD) on a 125.30+ site inside the Urban Service Area. Mr. Perez stated the applicant wishes to add approximately 45 dwelling units to the 305 units currently allowed on the property and the increase in residential density in the AE portion of the site requires a rezoning to PD and a Transfer of Development Rights (TD) application. Mr. Perez stated the approval of this rezoning would allow for the development of the property as a residential gated community. Mr. Perez stated that the Community Development Department recommends approval with conditions as they appear in the ordinance; and the Planning and Zoning Board, at its February 9, 2004 hearing, recommended approval of the petition with the deletion of condition “o” and the following additional conditions: P. La Verne Street shall not be used for construction-related traffic or to access the project site and Q. Berms shall be designed and constructed according to all applicable SWFWMD rules and regulations. Berms shall be designed and constructed in a manner that does not divert water flow to neighboring properties. Neale Montgomery, Attorney for the Applicant, spoke on their behalf. Attorney Montgomery commented on the concerns raised from the residents in the area regarding additional traffic, the traffic staff with the County and our traffic consultants have assured the applicant it wouldn’t create any additional traffic. Attorney Montgomery stated the applicant would provide vegetation along their roads so it would buffer the view off the road from their condominiums, so it wouldn’t create a nuisance for them. Attorney Montgomery stated she has this language available to be included in the proposed ordinance. Attorney Montgomery
commented on the issue of a sign at Harborview and Oakview and the applicant has discussed this with the residents of Tala Lakes regarding sharing the sign. Attorney Montgomery stated she has the language available regarding the sign condition to be included in the proposed ordinance. Attorney Montgomery stated she requests the Board to approve the recommendations of the Planning and Zoning Board with the addition of the two recommendations presented by the applicant. Jim Rebbeor, a representative of Tala Lakes stated he is in favor of the proposed project, but voiced concern with what is being printed in the newspaper about this project. Mr. Rebbeor stated the County should provide better information to the public in order for them to support various projects. Eleanor Simile Harasko, a permanent resident of Tala Lakes stated opening the road is not in the best interest of all residents. Carol Lesinkski stated she lives at the end of Hunter Street and questioned how close to her home will the road be for this new development. Ms. Lesinkski stated that La Verne Street has a very dangerous curve. John Harasko stated there are no future plans to connect Westchester and Harborview and requested Oakview Drive remain closed or gated. Mr. Harasko requested the Board give some consideration to the residents now living in this area.

COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D’APRILE AND DECLARED UNANIMOUS. Commissioner D’Aprile stated he has met with some of the residents of Tala Lakes and he has expressed this community will add beautification to the area, the developer will be installing more buffering than required by Code, but the problem is that Oakview connects from Harborview which feeds into Westchester and homeowners on the west side will be using it as short cut and since the road belongs to the developer, the people using it will be the people that are living there. Commissioner D’Aprile suggested placing a gate would be a bonus to the people who have lived there many years. Commissioner D’Aprile stated he is in favor of this project. Wes Millard, Traffic Engineer, stated he has met with the developer of this project, and has looked at the background of the transportation plan. Mr. Millard stated the County is interested in some type of connecting road but a specific location hasn’t been determined. Chairman DeBoer questioned if Westchester is opened at each end. Mr. Millard responded affirmatively. Commissioner Devos stated she supports this project, but cannot without a doubt state that people won’t be using this road as a short cut. Commissioner Devos stated it
would be great to have an access from Harborview as well as Westchester. Commissioner Devos suggested the possibility of Oakview Circle to stop prior to Westchester, or perhaps a road in the center of the property or crossover where residents already living there would be satisfied. Commissioner Devos stated that it is her vision when the time comes that we’ll be looking at opening up Oakview and doing a connector on Harborview. Commissioner D’Aprile stated he is in favor of the rezoning, but reiterated installing a gate. Commissioner Cummings stated he supports staff’s recommendations and the need for a connector road. COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE ENACTMENT OF ORDINANCE #2004-010 BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED DECEMBER 24, 2003 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING TO ADOPT RESOLUTION #2004-048 (TDR 03-11-04) AND THE PROPOSED BUFFER AND SIGN CONDITION AS PROPOSED BY THE DEVELOPER, SECONDED BY COMMISSIONER HORTON. Commissioner D’Aprile suggested the residents and the developer get together to develop a cost sharing method for a gate. CALL ON THE MOTION: DECLARED UNANIMOUS.

Agenda Item V-3, Z-03-12-49

Jorge Perez, Planner II, stated the applicant is requesting a rezoning from Agriculture Estates (AE) to Planned Development (PD) on a 9.83+ acre parcel inside the Urban Service Area. Mr. Perez stated on September 9, 2003, the Future Land Use Map (FLUM) classification of the property was amended to Commercial Center. Mr. Perez stated at that time, the Board of Charlotte County Commissioners expressed concerns about placing Commercial Intensive (CI) uses on the property, and determined a PD could be a feasible alternative. Mr. Perez stated the presently proposed PD contains a 25-30 foot-wide buffer with a berm, defines access/egress points, and limits the uses to boat and RV storage. Mr. Perez stated approval of this rezoning would allow the aforementioned uses on the property until such a time when market conditions in the area support a Commercial General (CG) use of the property. Mr. Perez stated the Community Development Departments recommends approval with conditions as they appear in the ordinance. Mr. Perez stated the Planning and Zoning Board, in its February 9, 2004 hearing, recommended approval with conditions of the application; however, the Board directed staff to re-evaluate the need for public sidewalks on the
subject site as proposed intersection improvements at Taylor and Airport Roads may include sidewalks within the right-of-way (condition “c” of the staff report.) Mr. Perez stated on Page 3, E-3 of the ordinance, should read: "...shall be placed closer than 68 feet from the PD property boundary" instead of "... shall be placed closer than 75 feet from the PD property boundary." Mr. Perez also stated that additional language needs to be added to Section 2-A, Page 2 as follows: “Nothing herein shall preclude the owner of the Property from seeking a major modification to allow the uses on the Property that are currently allowed as permitted principal uses under Section 3-9-42, Code of Laws and Ordinances of Charlotte County, governing commercial general zoned properties.” Mr. Perez stated the sidewalk condition is only for Taylor Road not Airport Road. Attorney Robert H. Berntsson, with the law firm of McKinley, Ittersagen, Gunderson & Berntsson, spoke on behalf of the applicant. Attorney Berntsson stated a sidewalk on Taylor Road would lead no where; would wind up being like a bike path and would be very expensive for his client. Commissioner Cummings questioned as to what policy has been set up for road expansion. Mr. Millard stated sidewalks would be constructed on Taylor Road in the future. Commissioner Cummings stated this is a primary corridor and sidewalks are definitely needed. Attorney Berntsson stated there is no road expansion for Taylor Road only on Airport Road. COMMISSIONER CUMMINGS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE CHANGES TO THE ORDINANCE AS READ INTO THE RECORD, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE ENACTMENT OF ORDINANCE #2004-011, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.

Gary Thompson, Planner II, stated this petition is a request to amend Resolution #88083, as amended, by deleting 7+ acres from the Murdock Increment I Development of Regional Impact. Mr. Thompson stated that in order to remove 7+ acres from the Murdock Increment I Development of Regional Impact (DRI), amended Resolution #88-83 (established types and intensities of and use within the DRI) must be amended. Mr. Thompson stated the proposed 7+ acres deletion is located on the northwest
corner of the intersection of Toledo Blade and Veterans Boulevards. Mr. Thompson stated the parcel to be deleted is classified in the Development Order as “Open space/Waterways (WW)” and is considered a degraded wetland. Mr. Thompson stated the Southwest Florida Water Management District has authorized “off-site” mitigation of the wetlands through the purchase of mitigation credits from the Boran Ranch Mitigation Bank. Mr. Thompson stated that under the DRI requirements, a change or decrease in the area set aside for open space within a Development of Regional Impact of 5% or 20 acres, whichever is less, causes a substantial deviation to occur. Mr. Thompson stated that when looking at the Murdock Center Development as a whole, the removal of the proposed parcel results in a 1.09% decrease in the open space acreage contained in all four increments of the Murdock Development of Regional Impact. Mr. Thompson stated there is a 2.18% decrease in the open space acreage for Increment I of the Murdock Development of Regional Impact. Mr. Thompson stated the removal of the 7+ acres parcel from the Murdock Center Increment Development of Regional Impact does not create a substantial deviation since the decrease in open space is below both the 5% and 20 acres threshold. Mr. Thompson stated the Community Development Department and the Planning and Zoning Board recommends approval of this petition.

Attorney Robert H. Berntsson, with the law firm of McKinley, Ittersagen, Gunderson & Berntsson, spoke on behalf of the applicant and respectfully requested approval of this petition.

COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. COMMISSIONER DEVOS MOVED FOR APPROVAL OF THE ADOPTION OF RESOLUTION #2004-049, SECONDED BY COMMISSIONER D’APRILE AND DECLARED UNANIMOUS.

RECESS: 3:10 P.M. – 3:20 P.M.

Agenda Item V-7, NOPC-03-11-06, District II (Proof of Publication was in Order.)

Gary Thompson, Planner II, stated the purpose of the petition is to amend Resolution #93-244, as amended, to revise the text throughout the Development Order (D.O.) as follows: change the name of the project from Caliente Springs to Tern Bay; change the two, eighteen hole golf courses to three, nine hole golf courses of 215 acres instead of on 182 acres; add language to specify that a maximum 7,500 gross square foot complex will be
built for a tennis clubhouse, fitness center and spa; and add a swimming pool, canoe launch and docks. Mr. Thompson stated the proposed changes will not affect the magnitude or location of the DRI, since no additional development is being added other than the spa and tennis club. Mr. Thompson stated the character of the project will change in that more preservation area for listed Federal and State plants and animals will be set aside within the DRI making less land available for development. Mr. Thompson stated the proposed changes are incrementally insignificant and therefore impact on regional facilities because the project is located in the Urban Service Area. Mr. Thompson stated the permitted capacity for water and sewer appears to exist based on letters from the providers. Mr. Thompson stated on January 15, 2004, the Southwest Florida Regional Planning Council reviewed and adopted the Notice of Proposed Change finding the change is not a substantial deviation. Mr. Thompson stated that staff has no objection to the proposed changes by the applicant and the Planning and Zoning Board also recommended approval of this petition. Attorney Geri L. Waksler, with the law firm of Moore & Waksler, spoke on behalf of the applicant. Attorney Robert H. Berntsson, with the law firm of McKinley, Ittersagen, Gunderson & Berntsson, spoke on behalf of his client, John DiGiacomo and voiced support for approval of this petition. COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D’APRILE AND DECLARED UNANIMOUS. COMMISSIONER DEVOS MOVED FOR APPROVAL OF THE ADOPTION OF RESOLUTION #2004-050, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.

Street/Plat Vacations: (These are legislative hearings which must meet the “fairly debatable” legal standard.)

Agenda Item V-8, SV-03-12-16, District IV (Proof of Publication was in Order.)

Mark Gering, Development Review Manager stated that Rip Shrout, on behalf of Gulf Cove United Methodist Church, has applied to vacate a portion of Orange Avenue, a/k/a Oarsman Avenue, as shown on the plat of McCall Farm Lots as recorded in Plat Book 1, Page 14, Official Records of Charlotte County, Florida, site located in Section 4, Township 41 south, range 21 east, Commission District IV. Mr. Gering stated the applicant has petitioned to vacate the unbuilt right-of-way that lies between
the Church and a small triangular piece of property immediately adjacent to SR 776. Mr. Gering stated that Conway Road to the south is constructed and provides access from SR 776 to the Church and neighboring properties. Mr. Gering stated it would not be desirable to construct this portion of Orange Avenue due to the sharp angle of the intersection with SR 776 and the proximity of Conway Road. Mr. Gering stated approval of this vacation would not affect any other property owners. Mr. Gering stated that Charlotte County Utilities does have a water line, sewer line and lift station in the vicinity of the proposed vacation. Mr. Gering stated staff recommends that SV-03-12-16 be approved with the following condition: “The applicant shall have the Charlotte County Utilities facilities surveyed and an easement dedicated prior to recording of the vacation.” Mr. Gering stated the Planning and Zoning Board heard this petition on February 9, 2004 and recommended approval with the same condition. Randy Moore, Chairman of the Gulf Cove United Methodist Church, stated the Church hopes to build a new sanctuary and respectfully requested Board approval of the vacation. COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. COMMISSIONER DEVOS MOVED FOR APPROVAL OF THE ADOPTION OF RESOLUTION #2004-051, SECONDED BY COMMISSIONER D’APRILE AND DECLARED UNANIMOUS.

Preliminary Plats: (These are quasi-judicial hearings which require disclosure of “ex-parte” communications and sworn testimony. Findings must meet the “substantial competent evidence” legal standard that the proposal is consistent with adopted policy. Allows cross-examination of witnesses and rebuttal.)

Agenda Item V-9, PP-03-11-5, District III (Proof of Publication was in order.)

Mark Gering, Development Review Manager, stated CCC, DR, LLC has applied for Preliminary Plat for Coral Creek Club. Mr. Gering stated the site is in Section 12, Township 42 South, Range 20 East, Commission District III. Mr. Gering stated this request is for Preliminary Plat approval for a total of 15 single-family lots and one larger tract (lot 11) to be developed in two village clusters. Mr. Gering stated a plat is required because individual ownership of the cottages is desired. Mr. Gering
stated the total project size is 8.41 acres, with a density of 1.9 units per acre. Mr. Gering stated the Preliminary Plat PP-02-1-1, Coral Creek Cottages was originally approved for this same property on May 14, 2002; PP-02-1-1 contained 25 lots; PP-02-1-1 plat was not constructed and the property has since sold. Mr. Gering stated Special Exception SE-99-28 granted approval of the Golf Course and cottages on July 14, 1999. Mr. Gering stated on March 13, 2002, the BZA confirmed that platting an individual ownership of the cottages was allowed. Mr. Gering stated central water and sewer are provided by Charlotte County Utilities and roads that will remain private will not be constructed to County Standards but have been approved by the County Engineer. Mr. Gering stated that at the time of the P&Z hearing, staff recommended that the developer be required to complete all aspects of the Pioneer Trail agreements, but due to ongoing negotiations, staff no longer feels the Pioneer Trail agreements should be tied to approval of this plat. Mr. Gering stated that the only remaining condition is that the lots be renumbered. Mr. Gering stated staff recommends approval of PP-03-11-5, Coral Creek Club with one condition as follows: “The lot numbering shown does not comply with the County’s Lot-Block-Section-Subdivision naming scheme. The lots shall be renumbered so that there is no duplication of lot numbers. The applicant may utilize either block numbers or distinct lot numbers to distinguish Creekside properties from The Cottages properties. Mr. Gering stated the Planning and Zoning Board heard this petition on February 9, 2004 and recommended approval with the two conditions outlined. Commissioner Horton commented on the Pioneer Trail agreements and questioned if the County is foregoing these agreements. Mr. Gering responded negatively. Anne E. Bast, Assistant County Attorney, stated the applicant desires to coordinate the construction of SR 771 with the County. Commissioner Horton questioned what type of leverage does the County have without the Pioneer Trail agreements. Attorney Bast stated she has a letter from the current owner reiterating his obligations. Commissioner Cummings stated the County’s trigger was there would be no Final Plat until the trails were completed. Attorney Bast stated there is an existing agreement with the current owner. Commissioner Cummings stated in the old agreement there was appoint of time where the County could take enforcement. Attorney Bast stated that according to the Statutes of Limitations, the County still has a couple of years left. Commissioner Cummings stated this
preliminary plat now changes everything. Attorney Bast stated negotiations with the new owners have been very positive. Attorney Geri L. Waksler, with the law firm of Moore & Waksler, spoke on behalf of the applicant. Attorney Waksler stated her client has acknowledged the new agreement, will post a bond, and coordinate with the County for the construction of SR 771.

COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF PP-03-11-5 WITH THE ONE CONDITION AS READ INTO THE RECORD, SECONDED BY COMMISSIONER D’APRILE. CALL ON THE MOTION: CHAIRMAN DeBOER, COMMISSIONERS CUMMINGS, D’APRILE AND DEVOS VOTED “YES” AND COMMISSIONER HORTON VOTED “NO.” MOTION CARRIED: (4:1). Chairman DeBoer requested staff present a report back to the Board as to when in fact the time limit would run out for us to take an action, and what the time proposed is for you to wrap something up in seeing the new agreement wrapped up before we lose our rights.

MEETING ADJOURNED: 3:45 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
djn/cwl