

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

JULY 27, 2004

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Port Charlotte, Florida. The following members were present: Chairman Matthew D. DeBoer and Commissioners Thomas C. D'Aprile, Adam Cummings and Mac V. Horton. **(Commissioner Sara Devos was not present due to family illness.)** Also in attendance were County Administrator Bruce D. Loucks, County Attorney Reneé Francis Lee, Finance Director William A. Knoble, Executive Assistant to the Board of County Commissioners Jenine Thornley and Deputy Clerk Karen S. Mitchell. The meeting was called to order at **9:02 A.M.**

The **invocation** was given by Reverend Huggins, New Testament Church of God, Port Charlotte, Florida, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

Additions:

PROCLAMATION Health Center Week, August 8-14, 2004

**REGULAR
BUSINESS**

Agenda Item Y-7, Budget Office - Request approval to borrow an additional \$6.3 million for Murdock Village land acquisitions

Agenda Item Y-8, Human Services - Consider approval of the SHIP-funded mortgage with Time Out Respite Care, Inc., a Florida non-profit organization, in the amount of \$38,000 for needed roof repairs

PRESENTATION

AGENDA

Agenda Item AA-2, 10:00 A.M. - Presentation and discussion of the Peace River/Manasota Regional Water Supply Authority's proposed 2004-2005 FY Budget by Patrick Lehman, Executive Director. Approval by the Charlotte County Board of County Commissioners is prior to the Authority's Board Meeting on August 4, 2004, when they are scheduled to vote on the proposed budget adjustments.

Deletions:

REGULAR

BUSINESS

Agenda Item Y-2, Board of County Commissioners - Select, by ballot, a new member to the Barrier Islands Advisory Committee

Agenda Item Y-3, Board of County Commissioners - Select, by ballot, a new member to the Gulf Cove Street & Drainage Benefit Unit Advisory Committee

Change:

PUBLIC

HEARING

Wording changed to: Agenda Item Z-1, Security Alarm Code - Consider an Ordinance amending provisions dealing with the registration and application of warnings and fines for parcels having multiple structures and/or multiple alarm systems and to remove the "sunset" provision of the code

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

SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING AUGUST 1, 2004 THROUGH AUGUST 7, 2004 AS "CHARLOTTE COUNTY FIREFIGHTER APPRECIATION WEEK" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0). Cheryl Kunkle, Muscular Dystrophy Association representative, accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING AUGUST 8, 2004 THROUGH AUGUST 14, 2004 AS "HEALTH CENTER WEEK" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0). Bob Johns, Family Health Centers of Florida, accepted the proclamation.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Mike Cripps recalled at the June 22, 2004 meeting the Board approved grandfathering in the boats that have been trespassing at the Village of Holiday Lake, said that action was like rewarding the illegal behavior which the residents feel isn't right, asked if the grandfathering applied only to the existing boats or would it apply if a grandfathered boat was replaced, opined the restrictions shouldn't apply and asked the Board to remove them.

Mel Staudmyer spoke in support of **Agenda Item G-4, P-02-02-3 Final Plat for Charlotte County Park of Commerce, Letter of Credit and Developer's Agreement**, said the agreement would give the County a huge increase in the tax base, commented on additional benefits, said the two miles of road will serve all of Charlotte County without costing the County until the roads were completed, the increased jobs were in place and they looked forward to working in partnership with the Airport Authority and the County.

Grace Amodeo addressed **Agenda Item Y-5, Discussion and direction on environmentally sensitive lands acquisition ballot referendum** and said that Environmental Lands Acquisition Advisory Committee (ELAAC) was asking the Board to give everyone involved time to work on the referendum just as they did on the penny sales tax.

II. COMMITTEE VACANCIES

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

Englewood Area Planning Advisory Board

- Three (3) volunteers representing Charlotte County Membership - new members serve 2-year terms; reappointed members were 4-year terms

Gulf Cove Street & Drainage Benefit Unit Advisory Committee

- One (1) volunteer who must be a resident of Gulf Cove for a 3-year term - appointment on agenda

III. REPORTS RECEIVED AND FILED

None.

IV. CONSENT AGENDA

COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE FOLLOWING ITEMS SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).

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 July 7, 2004 through July 20, 2004 in the amount of \$9,646,769.55

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M., June 22, 2004	Regular BCC Meeting
10:00 A.M., July 6, 2004	Executive Session
1:00 P.M., July 6, 2004	Transfer of Density Units Public Workshop

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint Kenneth Fahrback to the Alligator Creek Waterway Advisory Board due to the resignation of Richard MacDonald. Effective date of term is July, 2004 to April, 2006.

D. Administration

Agenda Item D-1

Set an Executive Session on August 2, 2004 at 2:00 P.M. to discuss collective bargaining status for a successor Agreement with IAFF Local 2546, Suncoast Professional Firefighters & Paramedics.

E. County Attorney

Agenda Item E-1

Air on Channel 20 on August 26 and 27 the League of Women Voters of Charlotte County primary candidates' forum. Subsequent airings to be determined by available scheduling with the County administrator or his designee.

F. Budget Office

Agenda Item F-1

Resolution #2004-154 authorizing the Charlotte County Sheriff to utilize \$85,000 from the Drug Abuse Trust Fund (#1017) to assist in funding a three-pronged approach to substance abuse prevention.

Agenda Item F-2

Budget Amendment #04-A43 in the amount of \$42,218 in the EMS budget to allocate funds received from the State for the EMS Matching Grant.

G. Community Development

Agenda Item G-1

Resolution #2004-155 for DRC-PD-80-4DDD Partial Final Detail Plan permitting Richard Shafner to develop the Lock & Key Mini-Warehouse Expansion in the Sandhill DRI.

Agenda Item G-2

Resolution #2004-156 for DRC-PD-80-4BBB Partial Final Detail Plan permitting S & J Leasing, Inc. to develop Sandhill Commons in the Sandhill DRI.

Agenda Item G-3

Set a Public Hearing on August 24, 2004 at 10:00 A.M., or as soon thereafter as may be heard, to consider an ordinance amending Section 3-2-173(c), Charlotte County Code, to [1] to delete the requirement that owners of buildings elevated more than six (6) feet above grade, and [2] grant written permission to the building official to perform future inspections to verify compliance with the Flood Damage Prevention Code.

Agenda Item G-4

P-02-02-3, Final Plat for Charlotte County Park of Commerce located adjacent to Charlotte County Airport in Commission District 2 consisting of 92.27 acres; **Letter of Credit** in the amount of \$2,280,890.76; and **Agreement #2004-041** Developer's Agreement.

H. Economic Development

No items.

J. Environmental Services

No items.

L. General Services

Agenda Item L-1

Contract #01-345, Construction Testing & Geotechnical Services which is a piggyback off Sarasota County's contract with Ardaman & Associates, Inc., Driggers Engineering Services, Inc., Dufresne-Henry Consulting Engineers and PSI, Inc. for the period from date of renewal through June 19, 2005; and **approve** renewal of an additional one-year term at the same prices, terms and conditions by mutual consent.

Agenda Item L-3

Bid #04-329, Burnt Store Raw Water Delivery Line to E.T. McKenzie of Florida, Inc. for the amount of \$169,207.50.

Agenda Item L-4

Waiver of Bid Procedures, File #04-413, Purchase of Refurbished 2.2 Meter Winkle Press (Sludge Dewatering Belt Press) from Johnson Environmental Services, Humble, Texas for a total cost of \$180,000.

M. Human Resources

No items.

N. Human Services

Agenda Item N-1

Extend Agreement #2001-032 to June 30, 2006 to allow the Housing Corporation of Charlotte County to continue construction and rehab of homes for low income families and individuals.

P. Information Technology

No items.

Q. Parks, Recreation & Cultural Resources

Agenda Item Q-1

Grant #2004-015 for a Public Library Construction grant from the Florida Department of State, Division of Library Services, in the amount of \$500,000 for the Mid County Regional Library, and **Budget Amendment #04-A44** in the amount of \$500,000 to amend the budget for the Mid County Regional Library Project.

R. Public Safety

No items.

S. Public Works

Agenda Item S-2

Set a Public Hearing on August 10, 2004 at 10:00 A.M. or as soon thereafter as it may be heard to consider an ordinance amending the purpose of the Northwest Port Charlotte Street and Drainage Unit to permit funds derived from the Unit to be used for beautification and landscaping of the rights-of-way within the boundaries of the Unit.

T. Real Estate Services

Agenda Item T-1

Resolution #2004-157 authorizing the Chairman to execute a County Deed releasing a ten (10) foot wide utility and drainage easements located along the lot line separating the remainder of Lots 2 and 11, and on Lots 3 through 10, Block 2256, Port Charlotte Subdivision, Section 20, to enable use of all these lots as a single building site for construction of a commercial center to Mark Ascutto.

Agenda Item T-2

Resolution #2004-158 authorizing the Chairman to execute a County Deed releasing a portion of a six (6) foot wide utility and drainage easement located in Lot 31, Rotonda West Oakland Hills to Dieterich and Company LLC.

Agenda Item T-3

Resolution #2004-159 authorizing the Chairman to execute a County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 24, Block 2394, Port Charlotte Subdivision, Section 24, in Charlotte County, FL to Gregory K. and Nancy A. Miller.

Agenda Item T-4

Resolution #2004-160 authorizing the Chairman to execute a County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 13, Block 4662, Port Charlotte Subdivision, Section 79, in Charlotte County, FL to George J. and Carol L. Musco.

Agenda Item T-5

Resolution #2004-161 authorizing the Chairman to execute a County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 25, Block 3167, Port Charlotte Subdivision, Section 51, in Charlotte County, FL to Richard P. and Louise Turney.

Agenda Item T-6

Resolution #2004-162 authorizing the Chairman to execute a County Deed releasing a ten (10) foot wide utility and drainage easement located in Lot 16, Block 1468, Port Charlotte Subdivision, Section 34, in Charlotte County, FL to William K. Wickman and Donna K. Lewis.

V. Tourism Development

No items.

W. Utilities

No items.

ITEM FOR DISCUSSION

L. General Service

Agenda Item L-2, Approve renewal of Contract #03-390, Tourism Advertising & Promotion with Kelly Swofford Roy, Coral Gables, FL for the not-to-exceed amount of \$400,000 for the period October 1, 2004 up to and including September 30, 2005

Chairman DeBoer said what he's going to do falls in line with what he'd done in past years, the Tourist Development Fund was running a deficit in that it's using it's reserves because it's spending more money than it takes in each year, opined if they were to cut back any place this would be it and said if the Board wishes to move this go ahead but the Chair would be voting against it. **COMMISSIONER CUMMINGS MOVED APPROVAL OF AGENDA ITEM L-2, SECONDED BY COMMISSIONER HORTON. CALL ON THE MOTION: COMMISSIONERS CUMMINGS, D'APRILE AND HORTON VOTED "YES" AND CHAIRMAN DeBOER VOTED "NO." MOTION CARRIED: (3:1).**

V. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Board of County Commissioners - Discussion and direction on Voluntary Special Assessments

Chairman DeBoer explained one part deals with the shift in juvenile justice costs and the other part deals with a constitutional amendment for the extra homestead exemption but that was struck down by the Supreme Court. **Commissioner Cummings** said since Sarasota and Lee Counties support this he will be a good neighbor and support it but opined it could come back to haunt us. **COMMISSIONER CUMMINGS MOVED APPROVAL TO SUPPORT THE DEPARTMENT OF JUVENILE JUSTICE COST SHIFT TO FUND THE LAWSUIT AGAINST THE STATE FOR THAT SHIFT IN COST OF \$1,068, SECONDED BY COMMISSIONER HORTON.** **Chairman DeBoer** said he agreed with being a good neighbor, commented on the letter received from Senator Lisa Carlton and said it was very difficult to believe what was in that letter. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

Agenda Item Y-4, Community Development - Airport Park
Development Agreement

Michael Konefal, Community Development Director, stated the proposed agreement was between four parties - Charlotte County, Charlotte County Airport Authority (CCAA), Southwest Land Developers, Inc. (SLD), and Florida Lakes, Inc. Mr. Konefal explained as part of this agreement a new east/west collector road would be constructed south of the airport connecting at Piper Road and going easterly toward the Ranchettes. Mr. Konefal said the roadway length would be about 2 miles or 10,862 linear feet, 4,091 feet of the proposed roadway was currently located on airport property and the CCAA would be donating land for the purpose of that roadway which was to stimulate economic development. Mr. Konefal advised the two issues before the Board were the request for transportation impact fee credits ranging from \$500,000 to \$800,000; the water and sewer reimbursement would range from \$200,000 to \$300,000; and clarified the water and sewer was only within the 4,091 feet of the roadway and would be constructed in conjunction with the City of Punta Gorda's water district. **Commissioner Horton** said he felt issues with the realignment could be worked out and asked if the impact fee credits applied to only the portion outside their development which he felt would be a benefit to the County. Mr. Konefal clarified they were asking for credit for the whole thing. **Commissioner Horton** opined they need to resolve the issue of impact fee credits for the portion not benefiting everyone and asked if the same thing applied to the sewer. Mr. Konefal said in the case of the sewer it only goes up to the development so most of it is outside the development. **Commissioner Horton** asked would the credits be at today's prices if the Board decides to allow impact fee credits on the part of the road that was outside the development. Mr. Konefal said the cost would be at today's dollars. **Commissioner Cummings** asked if these credits applied only to this specific property. Mr. Konefal said no but the Board could specify that in their motion. **Commissioner Cummings** asked if this road was in the Capital Improvements Program (CIP). Mr. Konefal said it wasn't in the 5-year CIP but it has been discussed. **Commissioner Cummings** noted the road doesn't go all the way to Challenger Boulevard but it appears the alignment could allow for an extension of that corridor further north at a later date. Mr. Konefal agreed it could go northerly but there could be compatibility and right-of-

way (ROW) issues and clarified it would not be able to connect to Challenger due to the clear zone at the end of the airport. **Commissioner Cummings** asked the potential for grant funding because he felt this was a project they should help get moving. Mr. Konefal responded he didn't know but it was possible. Thomas F. O'Kane, Jr., P.E., Public Works Director, said there was a grant for Challenger Boulevard and he was unaware of any monies for this project but he would have Bob Hebert check. **Commissioner D'Aprile** asked how other properties that will benefit from this road will be charged the impact fees. Mr. Konefal said this formula doesn't address reimbursement from other developers. **(Discussion ensued on the potential for grant funding.)** **Commissioner Horton** said they have \$10 million for Piper road and asked how much road can be built. Mr. O'Kane said it was slightly less than half the engineer's estimate, after the state finishes review of the selected alignment Johnson Engineering will begin the design, they will build as much of the proposed 4-laning as possible and his best guess would be 4-lanes on Piper Road from Jones Loop Road to near the existing racetrack. **Commissioner Horton** asked the anticipated time line. Mr. O'Kane responded about one year for design and permitting with construction starting in the fall of 2005 and lasting about 2 years. **Commissioner Horton** said the other benefiting properties won't be receiving impact fee credits and when they come forward they will have to pay road impact fees just like usual. Mr. O'Kane concurred. **Commissioner Cummings** said transportation impact fees create incentive, a grant requires job creation, opined this wasn't an urgent matter so there was time to pursue grant dollars which was a way for developers to do projects at less cost to County and reiterated it would create more incentive to get good project at the front end. **Commissioner D'Aprile** agreed there was time for this particular project but said they'd been hesitating on this whole airport overlay for a long time and if there was a way to get the developer to guarantee that this was going to happen in the near future then he would agree but he had doubts about further delays. **Chairman DeBoer** said regarding the water and sewer he didn't have a problem putting in that first link but they need to work with the City of Punta Gorda to come to agreement on an interlocal that allows them to recapture some of those costs through hook-up fees. **Chairman DeBoer** asked if it was necessary to have a 150' ROW if the future intent was to have a north/south connector from Jones Loop Road to CR 74 for this linkage coming off Piper Road. Mr. O'Kane said for Piper Road

120' was the maximum being proposed for the finished 4-lane road but there was no need for a 4-lane along the east side of the property. **Chairman DeBoer** said 4-lanes and 150' ROW was too much and he couldn't support impact fee credits for that. **Chairman DeBoer** said because of the economic development benefit if they can get the first linkage of road from Piper Road up to SLD's property line down to what they would normally do and quantify that in dollars, then he felt they could work on something he could accept regarding impact fee credits. Mr. O'Kane agreed. **Chairman DeBoer** said he felt they shouldn't be doing impact fee credits for interior roadways that run through the developments and it was acceptable to concurrently work on trying to get a grant but he knows the developer needs to have this in a more timely fashion than grant cycles allow. Mr. O'Kane agreed there wasn't much chance of grant funding. **Commissioner Horton** recalled the reason the Board did this commerce park was to encourage economic growth in a commercial development area, said he supported allowing impact fees at today's price on the part of the road that will benefit everyone but not on the part of the road inside the development, regarding the sewer and water the County shouldn't pick up all the cost and the Chair's suggestion for an interlocal with the City might be the solution. **Chairman DeBoer** said he wasn't hearing a true consensus for approval today and suggested it be sent back to staff for them to work out based on a policy the Board can adopt. **Commissioner Horton** agreed they need to establish a policy on how to handle infrastructure within this development not just for these people but for everybody else as well. **COMMISSIONER HORTON MOVED APPROVAL TO SEND THIS BACK TO STAFF AND BRING IT BACK CONCURRENTLY WITH A POLICY THAT EQUITABLY ADDRESSES ALL INFRASTRUCTURE IMPROVEMENTS IN THE AIRPORT COMMERCE PARK, SECONDED BY CHAIRMAN DeBOER.** **Commissioner Cummings** said he was willing to pursue information on grant funding. **Chairman DeBoer** said they can put that as part of the motion direction. **Commissioner Cummings** said okay. **Commissioner Horton** said he wants this back quickly so marketing has something to work with. **Chairman DeBoer** agreed this was to be back at their next Board meeting. **Commissioner D'Aprile** said he agreed this should be expedited but he wanted all the questions answered to his satisfaction because he wants to see the economic development go forward. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

RECESS: 10:02 A.M. - 10:11 A.M.

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1, Security Alarm Code - Consider an Ordinance amending provisions dealing with the registration and application of warnings and fines for parcels having multiple structures and/or multiple alarm systems and to remove the "sunset" provision of the code (Proof of Publication was in order.)

Brendan Bradley, Deputy County Attorney, explained the proposed ordinance corrects a problem experienced by users with multiple alarm systems at a single site such as the School Board, the new ordinance would allow for a single registration of multiple alarm systems at a single site and the proposed ordinance also removes the sunset date of November 1, 2004 and allows the code to continue. **Commissioner Cummings** asked if the new ordinance created a loophole where an alarm company could say it was only one system and multiple homeowners wouldn't have to do anything thereby undermining the process. Attorney Bradley responded the definition of alarm user would prevent that situation from occurring. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). COMMISSIONER CUMMINGS MOVED APPROVAL TO ENACT ORDINANCE #2004-051, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).**

VII. PRESENTATION AGENDA

AA. 10:00 A.M.

Agenda Item AA-1, 10:00 A.M. - Presentation by Charter Review Commission of Ballot Language by Michael McKinley, Chairman of the Charter Review Committee

Andy Dodd, Charter Review Commission Vice Chair, thanked the Board for allowing them to serve their community and acknowledged the members who were in the audience. **Chairman DeBoer** said the County's charter says the Board shall place

amendments on the general ballot by resolution. Reneé Francis Lee, County Attorney, explained these will be placed in the proper form and may be subject to a public hearing but they will go on the ballot. **COMMISSIONER HORTON MOVED APPROVAL TO DIRECT THE COUNTY ATTORNEY TO BRING A RESOLUTION BACK OFFICIALLY PLACING THE AMENDMENTS ON THE BALLOT, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).** Chairman DeBoer referred to his memorandum to the Charter Review Commission dated May 14, 2004 which covers his comments, said he still feels the same way as he stated in the memorandum and he will be speaking against the amendments because he didn't see the justification for them.

Agenda Item AA-2, 10:00 A.M. - Presentation and discussion of approval of the Peace River/Manasota Regional Water Supply Authority's proposed 2004-2005 FY Budget by Patrick Lehman, Executive Director. Approval by the Charlotte County Board of County Commissioners is prior to the Authority's Board Meeting on August 4, 2004, when they are scheduled to vote on the proposed budget adjustments.

Patrick Lehman, Peace River/Manasota Regional Water Supply Authority (PR/MRWSA) Executive Director, gave a brief summary of the proposed 2004-2005 FY budget. **(Discussion ensued regarding the increased assessment due to protecting the watershed from the impacts of mining, legal fee assessments based on facility allocations, facility use cost, and a request for the Water Authority look at retirement benefit costs and public outreach costs.)** **COMMISSIONER HORTON MOVED APPROVAL OF THE WATER AUTHORITY'S PROPOSED BUDGET, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).** Mr. Lehman thanked Attorney Lee on behalf of the Water Authority for all the years they'd worked together.

V. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-5, Board of County Commissioners - Discussion and direction of environmentally sensitive lands acquisition ballot referendum

Commissioner Cummings recalled they had voted to have an informational campaign on the environmental lands referendum,

said he wanted to make sure the voters were informed, staff has requested clarification of that direction and suggested using the last sales tax wording as a framework. **Commissioner D'Aprile** agreed it was important for the public to be informed on this issue and said it was important to approve this today to give the voters time to understand the referendum so they can make an informed choice. **COMMISSIONER D'APRILE MOVED TO ALLOW THE COUNTY TO PUT A PROGRAM TOGETHER THE SAME AS THE ONE PERCENT SALES TAX TO ALERT THE PEOPLE OF THE PROS AND CONS OF THIS PARTICULAR REFERENDUM, SECONDED BY COMMISSIONER CUMMINGS.** **Commissioner Horton** said he was supportive of the motion but his only concern was the public must be sold on what the money was going to be spent on or it will fail. **Chairman DeBoer** recalled when they approved the sales tax issue they also approved a set amount of dollars to be expended which they haven't done on this one, said he shares the concern about the position we take of informing voters and not taking a position on this one, part of the problem was the Board didn't want to go out and say specifically what lands they were going to buy, when the sales tax issue was before the Board he voted against the \$40,000 and he will be consistent and vote against this one too. **CALL ON THE MOTION: COMMISSIONERS CUMMINGS, D'APRILE AND HORTON VOTED "YES" AND CHAIRMAN DeBOER VOTED "NO." MOTION CARRIED: (3:1).** **Commissioner D'Aprile** said he had a problem with the amount of money going toward this program but opined a \$20,000 to \$25,000 limit would probably be very beneficial. **Commissioner Cummings** recalled the sales tax marketing plan cost \$28,000. **Joyce Ross**, Communication and Marketing Manager, clarified the \$40,000 spent on sales tax includes \$17,000 for a survey, the informational campaign alone ran \$26,000 and there hasn't been a request for a survey this time. **Commissioner Cummings** opined less than \$30,000 would be comparable to what was done previously, said the County should be presenting the straightforward facts but they shouldn't be trying to influence people to vote yes on this issue, it should be made clear all land acquisitions were voluntary and eminent domain wouldn't be used, he felt it was in the Board's interest to maintain control of the campaign and opined a very nice video could be put together for very little cost to be run on CCTV-20. **COMMISSIONER HORTON MOVED APPROVAL TO CAP THE EXPENDITURES AT \$25,000, SECONDED BY COMMISSIONER CUMMINGS. CALL ON THE MOTION: COMMISSIONERS CUMMINGS, D'APRILE AND HORTON VOTED "YES" AND CHAIRMAN DeBOER VOTED "NO." MOTION CARRIED: (3:1).**

Agenda Item Y-6, Administration - Update on Murdock Village

Bruce D. Loucks, County Administrator, recalled at the workshop last week the Board asked staff to bring back several items: the first item was Agenda Item Y-7 which is the additional borrowing to continue with the land acquisition; the second item was the updated time frame and schedule for the process from this point forward which would be covered momentarily; and the third item will be brought back to the Board on August 10, 2004 and will address some of the planning issues and considerations discussed last week. Debrah Forester, Redevelopment Manager, referred to the Tentative Murdock Village Time Frame report and briefly reviewed the three main categories - Planning, Land Acquisition and Developer Initiatives. Ms. Forester reported she would be preparing a more detailed time frame with specific dates for each necessary meeting and event to ensure the shortest time frame was possible and achievable. Ms. Forester stated the planning timeline was critical to achieve the ultimate goal of entering into a redevelopment agreement and being able to dispose of property to begin recapturing the expenditures that have been allocated to the land acquisition activity. Ms. Forester advised that based on the current distribution of land uses within the redevelopment area a Comprehensive Plan (Comp Plan) amendment was needed to allow for the type of development envisioned; the amendment to create the Murdock Village Mixed Use Development District will be brought to the Board on August 24, 2004; and once the Comp Plan was amended the redevelopment plan can be adopted. Ms. Forester clarified they were targeting March, 2005 for the adoption of the Comp Plan amendment and then the redevelopment plan can be done that day or shortly afterwards. Ms. Forester advised staff was continuing to coordinate with Lennar on the conceptual plan and the development of an interim agreement; Lennar will be back to the Board on either August 10, 2004 or August 17, 2004 to go over the questions raised at the July 20, 2004 workshop. Ms. Forester said they were targeting April or May of 2005 for the redevelopment agreement to be signed at which time they would be able to start recapturing some of the revenue back to the County. **Commissioner Cummings** said he had a fair amount of frustration with the plan proposed by Lennar, there was one element he wanted to emphasize which was the most important to him - Lennar's plan was missing the connectivity of interior roads which was part of Wilson Miller's concept plan, and this

needs to be addressed as he felt it was critical to the plan. **Chairman DeBoer** said they really need to work on the time schedule, waiting until May or June of 2005 to have a revenue source was too far out, the County continues to mount and hold debt without an ability to make payments broadening the gap between what revenues they get from Lennar for the right to develop and own the property and what the County has invested in the property. **Chairman DeBoer** said the Comp Plan amendment and the redevelopment plan both need to be moved forward, he wants an answer as to what the statutory requirement was for that plan, there were many things in here that trip other actions that need to be shortened and this was being stretched out way beyond what's tolerable. **Commissioner Horton** agreed with the Chair, said this project was started about two years ago so waiting for adoption until May of 2005 means they will have over \$60 million in this project and the developer could walk between now and then. **Commissioner Horton** referred to his handout from Kitson & Partners LLC, said they do these types of developments all the time, the key to him was how far were they going to be in debt before they have someone helping them with this project, reported Kitson said they could have a plan together by this November, the Comp Plan shouldn't take 120 days, opined with Kitson they might be able to start pre-selling by February or March of 2005, he didn't want to invest more money and he won't support more expenditure causing them to go further in debt. **Chairman DeBoer** said going to Plan C means they have to get to the point where they adopt the redevelopment plan and then they have the 30 day window where they could consider something like this because anybody could come back in during that window. **Commissioner D'Aprile** said he had some reservation because developers can promise many things but not come through and if Lennar is really interested they should start developing the west side now so the County can pay off their debt. **Commissioner D'Aprile** agreed there were other developers out there so Plan C wasn't a dead issue by any means, said going into more debt wouldn't be beneficial, if Kitson was that interested they should come forward and if Lennar was truly serious they need to say so because waiting until next year was ridiculous. **Chairman DeBoer** pointed out during the 30 day window Lennar's entire redevelopment plan would be exposed to everyone which was why getting to the point of adopting a redevelopment plan as quickly as possible was so important. **Commissioner Cummings** thanked **Commissioner Horton** for bringing the information forward but

said interest was different than producing documentation, he shares everyone's concerns regarding the debt they're acquiring before establishing a revenue source, they were at the most vulnerable point until they get one large contiguous deplatted parcel, at a minimum they need to keep funding in place to do that and he felt delaying the process will only cause more problems and raise their risk levels.

Agenda Item Y-7, Budget Office - Request approval to borrow an additional \$6.3 million for Murdock Village land acquisitions

Commissioner Horton said he understood this money would get them through November. J. Paul Payette, Real Property Services Manager, clarified it would bring them to the end of the calendar year or December 31, 2004. **Commissioner Horton** said they'd already spent \$30 million plus they need another \$30 million to acquire the rest of the necessary property so they either go into debt for \$30 million or come up with some means of selling what they've already got in order to buy what they need. **Commissioner Horton** said property is sold on contingency all the time, if with the developer they can get all the required things done by November Kitson was willing to give us \$6.5 million which means the County won't need to go into debt, they will have the requested 400 acres by then, opined there's got to be a better way and stated he was opposed to this. **Commissioner D'Aprile** said he was opposed to going into more debt but felt they can't stop now, there were people who want to settle with the County now so they can go on with their lives, he doesn't know who this other developer is but they were dealing with Lennar at the present time, Lennar has shown they're capable of doing this project and doing it well, what they need to do now is convince Lennar to put some money up front now with provisions for protecting their investment and opined that would solve some of the problems being experienced. **Commissioner D'Aprile** said he felt the road problems **Commissioner Cummings** mentioned can be solved and asked what the \$6 million will buy so they can start building. Mr. Payette explained the \$6+ million will allow them to hold close to 500 contiguous acres, i.e., Phases 1 through 4 would be under the County's ownership, and added it's a really nice parcel of land because it surrounds the park. **Commissioner D'Aprile** said contiguous land was very valuable to a developer so they need to concentrate on this and continue negotiations with Lennar and

get this thing done. **Commissioner D'Aprile** said he knew Kitson was a huge company but he wasn't sure he wanted to start all over again with a new company, he feels more comfortable with Lennar at the present time and opined the other company should have come forward before. **Chairman DeBoer** agreed with what **Commissioner Horton** said about not going further into debt in terms of having an offer to get money sooner and **Commissioner D'Aprile** was on the same track but he wanted to repeat this one more time - until they adopt, as the CRA, a redevelopment plan they cannot consummate an agreement that includes the sale of the property, and then there would be the 30 day window during which anyone can come back in. **Commissioner D'Aprile** asked why it hasn't been done yet. Bruce D. Loucks, County Administrator, explained the intent of the process was to use the development plan as presented by the developer as the Comp Plan amendment. **COMMISSIONER D'APRILE MOVED APPROVAL OF THE \$6.3 MILLION DIRECTING STAFF THAT THE RESOURCES SHOULD EXPENDED WITHIN THE PHASES OF ACQUISITION AS OUTLINED BY MR. PAYETTE, SECONDED BY COMMISSIONER CUMMINGS.** **Chairman DeBoer** clarified Mr. Payette has been directed by this Board to go to any willing seller and that's why they're getting the scattered acquisitions, and it appears the Board consensus was to get these things consolidated so they have meaningful parcels they can then transfer to a developer. **Commissioner Horton** stated he'd agreed to the first \$20 million debt which for the most part was after most of it had already been spent, things that were promised haven't happened yet, he didn't have any confidence that these things being promised again will happen now and he will have to vote against going any further into debt. **Commissioner Cummings** reiterated with the land acquired the risk decreased and value increased but agreed there's no proof regarding getting the redevelopment plan put in place. **CALL ON THE MOTION: CHAIRMAN DeBOER AND COMMISSIONERS CUMMINGS AND D'APRILE VOTED "YES" AND COMMISSIONER HORTON VOTED "NO." MOTION CARRIED: (3:1).**

Agenda Item Y-8, Human Services - Consider approval of the SHIP-funded mortgage with Time Out Respite Care, Inc., a Florida non-profit organization, in the amount of \$38,000 for needed roof repairs

COMMISSIONER CUMMINGS MOVED APPROVAL OF AGENDA ITEM Y-8, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).

VIII. CITIZEN INPUT - ANY SUBJECT

Dr. David Phelen, South County Coalition President, said there was a deep layer of concern regarding the old Punta Gorda Courthouse, so many people feel a solution must be found and it needs to move forward in one form or another.

BB. County Administrator

No items.

CC. County Attorney

Reneé Francis Lee, County Attorney, reported the phosphate hearings lasted much longer than expected, the bills were starting to come in, it was anticipated there will be an additional budget request of about \$1 million at the next Board meeting and that should take them through the end of the budget year. **Commissioner Cummings** recalled an additional \$1 million had been built into the budget for the phosphate reserves. Mr. Loucks concurred, explained there was money in reserves for this \$1 million and there was an additional \$2 million in the reserves for next year. Attorney Lee said there have been some questions regarding the role of the Deputy County Attorney in her absence, distributed a copy of the job description, explained it does indicate that the Deputy acts for the County Attorney in her absence and if the Board was in agreement then perhaps they may want to appoint an interim while the search begins for a new County Attorney. **Chairman DeBoer** explained he had asked Attorney Lee to bring this up because they only have one more meeting where Attorney Lee will be present, he assumed they were 45 to 60 days out from having a new County Attorney, usually an increase in salary was applied if a person acts in an interim capacity for an extended period of time, and opined at their next meeting they may need to go ahead and increase the Deputy County Attorney's salary and have him fill in until they hire someone. **Commissioner Cummings** stated he assumed Attorney Bradley would serve as interim, he was comfortable with that as well as the salary increase and encouraged Attorney Lee to make arrangements for a smooth handing over of the watch. **Chairman DeBoer** summarized they would check the procedures to see how this was handled with other County employees. Attorney Lee said she had anticipated this would be her last meeting with the

Board but apparently she will be here for one more meeting and she wanted to thank Administration, the Board, the Constitutional Officers, and the public because it has been a wonderful experience.

DD. Commissioner Comments

Commissioner Horton reported he'd received notification from one of the owners of one of the churches within the Murdock Village who would like to be a willing seller and he would like staff to look into this and give him the details. **Commissioner Horton** announced this Friday starting at 4:00 P.M. there would be a barbeque for Attorney Lee and invited everyone to attend the party which would be held out back under the oak trees. **Commissioner Horton** said he was considering bringing up for reconsideration the property vacation out in Englewood that was approved at the last meeting but after going out and taking a look at it he feels what the Board did was right. **Commissioner Horton** addressed Mr. Cripps' comments about the grandfathering of boats at Holiday Lake and opined they need to go back and look at this one to see if that's what they really want to do because he raised some legitimate questions. **Chairman DeBoer** said it appears the issue on the Holiday Lakes boat docks needs to be brought back. **Chairman DeBoer** said he's trying to monitor campaign signs since he's not in any races, there haven't been any Code Enforcement violations filed against any sitting Commissioner, the overall winner was a candidate that's running for County Commissioner and this was the same candidate that caused all the problems four years ago. **Chairman DeBoer** reported they have some advisory committees where they have appointees that have no term limits or time limits and asked if the Board wanted this brought back for changes. **(Board consensus.)** **Chairman DeBoer** commented on issues discussed at the last meeting of the Public Safety Coordinating Council. **Chairman DeBoer** said he received a letter from Bob Hill out on Gasparilla Island dealing with the Sheriff and wanting to have a Sheriff's substation, Mr. Hill wants to give an easement on his property, he will circulate the letter and asked the other Board members to give him some feedback so he can respond.

MEETING ADJOURNED: 11:30 P.M.

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July 27, 2004

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

/ksm