

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 7, 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. Also in attendance were County Administrator Bruce D. Loucks, Interim County Attorney Brendan Bradley, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board of County Commissioners Diane Gant, and Deputy Clerk Diane J. Nice. (**Commissioner Devos was not present for the meeting.**) The meeting was called to order at **9:00 A.M.**

The **invocation** was given by Pastor Fennis Huggins, New Testament Church of God, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

Change:

Budget Office: Agenda Item F-2, Set a Public Hearing to allow the public to comment on uses of the Local Law Enforcement Block Grant Funds for Tuesday, September 21, 2004, at 10:00 A.M. or shortly thereafter.

Additional Information:

Regular Agenda: Agenda Item Y-1, Administration, Resolution from the County Attorney's Office.

Chairman DeBoer requested addition of **Agenda Item Y-2, Discussion and Motion on Closing Cooper, Allen, and Education Streets, Use of County rights-of-way, and a Property Agreement with the School Board** for placement of portables for Punta Gorda Middle and Charlotte High Schools.

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

Proclamations:

None.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

None.

II. COMMITTEE VACANCY

Charlotte County is seeking a volunteer to serve on the following committee:

Gulf Cove Street and Drainage Benefit Unit Advisory Committee

- one (1) volunteer and resident of Gulf Cove for a three-year term

III. REPORTS RECEIVED AND FILED

None.

IV. CONSENT AGENDA

COMMISSIONER HORTON 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

No items.

B. Minutes Division

Agenda Item B-1, Approval of Minutes

July 14, 2004	5:01 P.M.	MSBU Public Hearings
July 15, 2004	5:01 P.M.	MSBU Public Hearings
July 16, 2004	10:00 A.M.	County-wide Dredging/West County Paving Workshop

July 16, 2004 1:00 P.M. Budget Workshop
July 27, 2004 9:00 A.M. BCC Regular Meeting

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint Steven Frumkes, Jerome (Jerry) Marchetti, and Martin Blaustein to fill vacancies on the Buena Vista, Grassy Point ELF Water Unit Committee.

Agenda Item C-2

Reappoint Charles Lindberg, representing the Businessman position, and Kathy Damewood, representing the realtor position, for three-year terms to the Code Enforcement Board.

D. Administration

No items.

E. County Attorney

No items.

F. Budget Office

Agenda Item F-1

Cancel Public Hearings for the 2004/2005 Budget scheduled for Thursday, September 9 and 23, 2004 and reschedule for Thursday, October 7 and 21, 2004 at 5:01 P.M. in the Murdock Administration Center, Room 119.

Agenda Item F-2

Set a Public Hearing on Tuesday, September 21, 2004 at 10:00 A.M., or shortly thereafter, to allow public comment on uses of Local Law Enforcement Block Grant Funds.

G. Community Development

Agenda Item G-1

Set a Public Hearing on Tuesday, September 21, 2004 at 9:00 A.M., or shortly thereafter, to consider transmittal of Petition PA-04-05-32-LS to the Department of Community Affairs for an Objections, Recommendations, and Comments Report.

Agenda Item G-2

Set a Public Hearing on Tuesday, September 28, 2004 at 10:00 A.M., or shortly thereafter, to consider adoption of the Transfer of Density Units Ordinance.

H. Economic Development

No items.

J. Environmental Services

Agenda Item J-1

(a) Direct staff to secure permits, approvals, and services necessary for creation and installation of signs delineating a slow speed zone on the inter-coastal waterway by the Palm Island Ferry crossing; and (b) Approve Budget Transfer #04-050 to align necessary funds from Contingency Reserves within the Boater Improvement Fund to the proper expense account line.

K. Facilities Construction and Maintenance

No items.

L. General Services

Agenda Item L-1

(a) Split "per item" award of Bid #04-394, Sand, Rock and Rock Screening, to Coral Rock, Inc. and B.A. Roberts, Inc. at the unit prices indicated for an initial contract term of October 1, 2004 through September 30, 2005 and (b) Authorize the County Administrator to approve renewal options for up to two (2)

additional one-year terms at the same prices, terms, and conditions by mutual consent.

Agenda Item L-2

Change Order #4 to Contract #04-127, Burnt Store WWTP Expansion, with Wharton-Smith, Inc., for \$279,696.68 and a revised total of \$1,593,301.85.

Agenda Item L-3

Award Bid #04-385, Chain Link Security Fencing - various locations, to Commercial Fence Contractor, Inc. of Orlando, Florida, for \$298,394.17.

Agenda Item L-4

(a) Renew piggyback File #03-553, Electric Read Water Meters, from Badger Meter, Inc. of Milwaukee, Wisconsin, for the period October 1, 2004 through September 30, 2005 at the same prices, terms, and conditions and (b) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year terms at the same prices, terms, and conditions by mutual consent.

Agenda Item L-5

Amendment #2 for Contract #01-284, Engineering Services Mid-County Mini Transfer and Recycling Center, with HDR Engineering, Inc. of Tampa, Florida, for \$32,400 for a revised total contract amount of \$284,068.75 and a contract extension of sixty (60) calendar days to a total of 210 calendar days for the construction phase with Budget Transfer #04-51 for \$70,000.

Agenda Item L-6

Award Bid #04-330, Mid-County Mini Transfer and Recycling Center, to the lowest, responsible bidder, Lodge Construction, Inc. of Ft. Myers, Florida, for a total of \$1,771.444 with Budget Transfer #04-52 and CIP Amendment #04-A46 for \$783,000.

Agenda Item L-7

Award Bid #04-407, Placida Fishing Pier Renovation, to the lowest responsive, responsible bidder, Bayshore Construction, Inc. for a total cost of \$79,547.

Agenda Item L-8

Change Order #7 to Contract #03-295, South County Regional Park - Construction Manager, with Mathews/Taylor, LLC, for \$194,793 and a revised total amount of \$8,600,451.63.

M. Human Resources

No items.

N. Human Services

No items.

P. Information Technology

No items.

Q. Parks, Recreation, and Cultural Resources

No items.

R. Public Safety

No items.

S. Public Works

Agenda Item S-1

Resolution #2004-182 authorizing acceptance of Easement #40346 for submerged land in Section 33, Township 41 South, Range 20 East, in Bocilla Pass, for replacing and maintaining the Michael Kosinski and Anne Merry Bridges that supersedes the easement described in Florida Department of Environmental Protection Record #4316-98, dated March 17, 1993.

T. Real Estate Services

Agenda Item T-1

Resolution #2004-183 and County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 81, Block 1864, Port Charlotte Subdivision, Section Fifty-Four (54) to Gordon S. Bates and Virginia M. Bates to add a pool, deck, and cage to the existing single family residence at 5134 Latham Terrace, Gulf Cove.

Agenda Item T-2

Resolution #2004-184 and County Deed releasing portions of two twenty (20) foot wide canal maintenance easements located in Lots 9 and 10, Block 572, Port Charlotte Subdivision, Section Thirty-One (31) to Vincent Cataudella and Francesca Cataudella for overall development of a single family residence on two lots that includes a pool, deck, and cage at 3079 and 3087 Cabaret Street, Greater Port Charlotte.

Agenda Item T-3

Resolution #2004-185 and County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement and a portion of a ten (10) foot wide drainage easement, both located in Lot 28, Block 308, Port Charlotte Subdivision, Section Twenty-One (21) to Gary S. Deck and Susan J. Doherty for construction of a single family residence, shrubs, pool, deck, and cage at 2462 Auburn Boulevard, Greater Port Charlotte.

Agenda Item T-4

Resolution #2004-186 and County Deed releasing portions of two ten (10) foot wide utility and drainage easements located in Lots 9 and 10, Block 2430, Port Charlotte Subdivision, Section Thirty-Two (32) to Stephen G. Gilligan and Leah J. Gilligan for construction of a single family residence on two lots located at 144 and 152 Bamboo Drive, Northwest Charlotte.

Agenda Item T-5

Resolution #2004-187 and County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 159, Block 1176, Port Charlotte Subdivision, Section Forty-Three (43) to Steven R. Marks and Debbie J. Marks to clear title to the property for improvements constructed circa 1981 and prior to the Marks' ownership of 109 S.W. Graham Street, Greater Port Charlotte.

Agenda Item T-6

Resolution #2004-188 and County Deed releasing three ten (10) foot wide utility and drainage easements located in Lots 1, 2, and 17, Block 2434, Port Charlotte Subdivision, Section Twenty-Nine (29) to Southern Elegance Tile, Incorporated, a Florida corporation, to use the three lots as a single building site for a proposed commercial development to be located at 581 and 583 Tamiami Trail (Lots 1 and 2) and 692 Bowman Terrace (Lot 17), Northwest Charlotte.

Agenda Item T-7

Resolution #2004-189 and Agreement for Exchange of Real Property for County owned Lot 20, Block 1578, Port Charlotte Subdivision, Section Fifteen (15), for Lot 32, Block 0575, Punta Gorda Isles Subdivision, Section Twenty (20) owned by Florida Casa Homes and located within a Florida Scrub Jay area.

V. Tourism Development

No items.

W. Utilities

Agenda Item W-1

Set a Public Hearing for September 14, 2004 at 10:00 A.M., or as soon thereafter as possible, to consider adoption of a resolution setting new Utility water, sewer, and reuse rates, fees, and charges effective with bills to be rendered October 1, 2004 for all CCU customers i.e. District 1, CCU Service Area,

the Deep Creek Service Area and District 2, Burnt Store Service Area.

ITEM FOR DISCUSSION

G. Community Development

Agenda Item G-2, Set a Public Hearing on Tuesday, September 28, 2004 at 10:00 A.M., or shortly thereafter, to consider adoption of the Transfer of Density Units Ordinance

Commissioner Cummings requested verification on staff's readiness to present the ordinance. Michael Konefal, Community Development Director, advised staff has been ready for over a month. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO SET A PUBLIC HEARING ON TUESDAY, SEPTEMBER 28, 2004 AT 10:00 A.M., OR SHORTLY THEREAFTER, TO CONSIDER ADOPTION OF THE TRANSFER OF DENSITY UNITS ORDINANCE, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0).**

V. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Administration, Discussion and Resolution regarding the Environmental Sensitive Lands Ballot Issue

Chairman DeBoer opened discussion. Commissioner Cummings stated environmental lands acquisition is important but he has mixed feelings for leaving it on the ballot due to damage caused by recent hurricanes, all resources need to be put into recovery and rebuilding the community, and based upon e-mails, it appears the majority of the group that initiated the issue feels the issue should be removed at this time. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-190 DIRECTING THE SUPERVISOR OF ELECTIONS TO REMOVE FROM THE NOVEMBER 2, 2004 BALLOT THE REFERENDUM QUESTION REGARDING ISSUANCE OF BONDS TO FINANCE THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE LANDS, WATER RESOURCES LANDS, AND PUBLIC OPEN SPACE, SECONDED BY COMMISSIONER HORTON.** Commissioner Horton advised he has had conversations with individuals from the environmental community who believe timing is bad and it should be brought back in the future. Commissioner D'Aprile opined even though it is

important to preserve environmental lands, the issue should be brought back in a year or at a time more beneficial to the community. **Chairman DeBoer** agreed with all comments and advised financial difficulties caused by the hurricanes will impact the tax base next year. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

Agenda Item Y-2, Discussion and Motion on Closing Cooper, Allen, and Education Streets, Use of County Rights-Of-Way, and a Property Agreement with the School Board for placement of portables for Punta Gorda Middle and Charlotte High Schools

Chairman DeBoer introduced Dr. David Gaylor, School Board Superintendent, who has been talking with County Administrator Bruce D. Loucks about the possibility of using Cooper and Allen Streets and Education Avenue for bringing in portables for Charlotte High and Punta Gorda Middle School classes by this winter. Dr. Gaylor reported Charlotte High and Punta Gorda Middle Schools were severely damaged and students are on double sessions at Port Charlotte High and Murdock Middle Schools; advised 4,200 students are attending Port Charlotte High instead of the 2,000 students for which it was built and over 2,000 students are attending Murdock Middle School that was built for 1,000 students; the portables would house the 1,100 students of Punta Gorda Middle and 2,100 students of Charlotte High Schools; the school campuses do not having sufficient space for the 90+ portables for Charlotte High and 65 portables for Punta Gorda Middle Schools; keeping the portables in areas near the campuses will allow access and use of several of the campus buildings and expedite the time for getting students back to Punta Gorda in the next three to four months; hopefully, portables can be installed starting in October along Education Avenue from Carmelita to Henry and Cooper Streets and, if necessary, from Allen Street south to Anne Street through the parking areas to Education Avenue; and use of the streets for Charlotte High portables might be as long as 18 to 24 months. **Commissioner Horton** commended the School Board and commented in support of the request. **COMMISSIONER HORTON MOVED FOR APPROVAL TO ALLOW THE CLOSURE OF COOPER STREET, EDUCATION AVENUE, ALLEN STREET, AND ANY STREET IN PROXIMITY TO CHARLOTTE HIGH AND PUNTA GORDA MIDDLE SCHOOLS, TO AUTHORIZE THE CHAIRMAN TO SIGN AGREEMENT #2004-045 ALLOWING THE USE OF THOSE RIGHTS-OF-WAY AND ANY COUNTY PROPERTY ABUTTING THE SCHOOLS BY THE SCHOOL BOARD FOR PORTABLES,**

CLASSROOMS, AND CLASSROOM SUPPORT FACILITIES, SECONDED BY COMMISSIONER CUMMINGS. Commissioner Cummings requested the School Board coordinate with the County Public Works to minimize traffic impacts of parent pick-up lines and questioned the timeline for East Elementary School. Dr. Gaylor stated East Elementary School students may share the Sally Jones School building and several other schools may stay on double sessions for the remainder of this school year; his intent is to eliminate the double sessions by the start of the August 2005 school year, if not before; and advised 40% of schools are out of commission i.e. 16 of the 20 schools are on double sessions. **Chairman DeBoer** stated use of County property was made a part of the motion to include property off of Education Way, County and School Board staffs can decide the closures, and pointed out the motion authorizes his signature after staff approval which will eliminate the need to bring back the agreement to the Board. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).** **Chairman DeBoer** requested the status of supplies and storage facilities. Mr. Gaylor reported most of the supplies have been distributed to schools; the Stadium space has been very helpful; several dehumidified, air conditioned portable storage units of approximately 3,500 to 4,000 square feet should be delivered in the next two to three weeks for salvaged equipment for use up to a year. **Commissioner Horton** questioned the possibility of Lemon Bay High School and Punta Gorda High School football teams playing a game this year. Dr. Gaylor advised discussions have been held and, if the State and the Florida High School Athletic Association allows, there may be a celebration game.

VII. PRESENTATION AGENDA

AA. 10:00 A.M.

None.

BB. County Administrator

Roger Baltz, Assistant County Administrator, advised the latest Situation Report on Charley has been distributed today.

CC. County Attorney

Brendan Bradley, Interim County Attorney, advised no items. **Chairman DeBoer** related a conversation with Attorney Bradley wherein he indicated Attorney Bradley, as Interim County Attorney, should fill vacancies within that office. **Commissioner Cummings** agreed vacancies should be filled. **Chairman DeBoer** stated Anne Bast's and Jacky Gasper's positions need to be filled. (**Board consensus.**) **Chairman DeBoer** questioned if the update on recruitment for County Attorney will be ready for next week. Mr. Baltz offered to ascertain the date. **Chairman DeBoer** recalled a conversation with Mr. Loucks and Mr. Slaven about a September 14, 2004 update.

DD. Commissioner Comments

Chairman DeBoer requested comments and suggestions on County needs that he might relate to the Governor and stated the Governor has called him on several occasions regarding the devastation in Charlotte County and needs of residents. **Chairman DeBoer** advised he has started a list i.e. he spoke with Mr. Rice about expediting the six to eight month State and Southwest Florida Water Management District permit processes to assist Fawcett Hospital regarding acquisition and renovations required on the adjacent Sun Bank building; now might be the time to rezone the Sea Horse Marina property to a use compatible with the park since the building was demolished; discussion needs to be held regarding clean up of mobile home parks; and suggested a County-wide sign ordinance be implemented based upon the sign ordinance applicable to the Charlotte Harbor CRA. **Commissioner D'Aprile** concurred with expediting permitting process while being cognizant of safety standards; stated he has spoken with Henry Smith, an entertainment promoter and resident of St. Petersburg, Florida, who has agreed to come to Charlotte County and, in conjunction with Parks, Recreation, and Cultural Resources, promote a concert with large bands at no charge to 10,000 County residents with all proceeds coming back to the County and the amount has been estimated into the millions of dollars; and advised he will consult with Parks, Recreation, and Cultural Resources Director Laura Kleiss-Hoeft and request Mr. Smith to make a presentation to the Board. **Chairman DeBoer** suggested **Commissioner D'Aprile** contact Dennis Moore, Tax Collector's Mail Room, to coordinate efforts since as he has

been working on similar ideas. **Commissioner Horton** estimated 7,000 to 8,000 hot dogs would be needed. **Commissioner D'Aprile** stated a lot of money could be raised for the people of Charlotte County. **Commissioner Horton** agreed with the newspaper article by Eric Ernst on how well Ventura Lakes manufactured homes, that were constructed under the new standards, withstood Charley, stated all replacement units should comply with new building standards, now is the time to consider how to rebuild U.S. 41, implement the Charlotte Harbor CRA sign ordinance County-wide, and establish an Architectural Review Committee in conjunction with the U.S. 41 rebuilding project and include rezoning one block back for parking pods at the rear. **Commissioner Horton** suggested the Governor intervene with the Federal Emergency Management Agency (FEMA), that has indicated it will take 45 to 60 days to bring in portable housing, to allow a West County Group that has compiled a list of 50 acres for temporary housing to proceed to make it available in 15 days. **Commissioner Horton** stated, because the Board addressed drainage issues and Stump Pass renourishment with the help of the State, a lot of potential flooding and water contamination problems have been eliminated; now is the time to pursue State assistance for the maintenance dredge instead of 18 months; and suggested all property west of the Myakka River be established as a Coastal High Hazard Zone. **Chairman DeBoer** requested ideas from Community Development Director Michael Konefal and Chief Building Officer James Evetts after Board input. **Commissioner Cummings** agreed with expediting the permit process, implementing the Charlotte Harbor CRA sign and architectural standards as a basis for the entire U.S. 41 beautification project, and securing economic development grant funding from the State for businesses to bring damaged structures up to Code. **Commissioner Cummings** stated he has heard numerous comments about how insurance claims are being handled unfairly, a number of people have requested County intervention, expressed the belief that a representative of State Treasurer Tom Gallagher's office is present, and it would be beneficial to have a temporary office and make the public and insurance companies aware of local assistance. **Commissioner Cummings** commented on the importance of picking up debris from private rights-of-way in Windmill Village; stated debris put out onto Rio Villa would close the road for months; recalled the cleanup after Hurricane Andrew; opined the County is missing out on cleanup resources by not providing a place for individuals to haul yard waste and debris,

free of charge; suggested State assistance to develop and implement a sustainable resolution of Basin Wide Regulations and meeting Total Maximum Daily Loads while improving stormwater; acknowledged recovery efforts of National, State, and local crews by stating "you all are spectacular." **Chairman DeBoer** related concern was expressed during a telephone conversation with Governor Bush yesterday on reasonable ways to expedite permanent repairs to houses during the remainder of the hurricane season. James Evetts, Chief Building Officer, stated the office is running full service and everything possible has been expedited i.e. Plans Examiners are performing services at the front counter for storm damage repairs and new construction reviews for single family and commercial are being done; permit fees have been reinstated as of today; all volunteers have returned to their jurisdictions i.e. 16 Inspectors from Palm Beach County and 16 Inspectors and the Building Official from Miami Dade; correspondence has been received and discussions have been held with Department of Motor Vehicles (DMV) officials on mobile homes, DCA manufactured homes, and estate built homes; if a HUD sticker is on the home, then the 50% rule of FEMA and the Southern Building Code is not applicable; DMV has complete control over mobile homes; if mobile homes are damaged 80%, they may be rebuilt in kind or how they were originally manufactured; representatives from DCA visited mobile home parks after Charley and determined that structures built in compliance with the Florida Building Code, effective July 13, 1994, stood up to the storm; Florida Building Commission officials have indicated a desire to increase building standards by requiring new construction installing hurricane shutters, hurricane proof glass, using more straps, metal roofs instead of tile roofs; and advised staff is not licensed or qualified to inspect manufactured homes under construction in the factory or to inspect them after they are rebuilt on the site. **Chairman DeBoer** questioned if there are State employees that are trained to fill Building Department positions. Mr. Evetts asked for Building Inspectors and Plans Examiners; advised contractors must be Florida State certified and registered to contract work within Florida; and stated out-of-state contractors cannot be held liable and Florida regulations cannot be enforced on them. Michael Konefal, Community Development Director, commented on the lack of funding for commercial entities along U.S. 41 to bring structures up to Code; suggested a large block grant be allocated to the U.S. 41 Corridor and administered at the local

level with State economic development administrative help and a simplified approval process; and gap coverage or additional funding to help citizens rebuild up to Florida Building Code standards. **Chairman DeBoer** requested Mr. Evetts and Mr. Konefal send e-mails with additional requests. Ann Navan, Budget Director, requested expedition of the 12-1/2% waiver for the State match since the County cannot file the forms until the preliminary damage assessments are known and justification filed with the government and redirection back to the County of a portion of the \$.06 sales tax revenues generated by all of the construction. **Chairman DeBoer** stated he has not received a response back on the 90/10 and requested additional information on the moving thresholds that initiate the 90/10 prior to writing to the Governor. Thomas O'Kane, Public Works Director, suggested someone from the Governor's Office prod FEMA regarding compensation for debris clean up in private subdivisions and mobile home parks. David G. Schlobohm, Utilities Director, commented on relief needed for FDEP and U.S. Army Corp of Engineers permitting since the interconnect with the City of Punta Gorda has been approved; suggested placing generators at as many lift stations as possible and additional back-up and reliability at the wastewater plant; enhancements for instrumentation and communications systems; and reinstating and dedicating abandoned tanks for service to specific facilities including hospitals. Robert Hebert, Grants/Management Analyst, requested a resolution be adopted to expedite the Small Cities Block Grant since the Federal Congress goes back into session today. **Chairman DeBoer** suggested Mr. Hebert contact Mr. Keene of Congressmen Foley's Office on the fifth floor and acknowledged Congressmen Foley's efforts regarding the \$5 million for the Airport. **Commissioner Cummings** stated grant funding should be allocated to Cleveland as well as U.S. 41. **Chairman DeBoer** recalled DCA Secretary, during a meeting last week, indicated millions of dollars are available for technical advice and stated the County does not need more bureaucrats, it needs more funding in a block grant, Inspectors, and Plans Examiners. **Commissioner Horton** expressed concerns about replacement of mobile homes and requested the agency that regulates DMV and what the County can do to restrict reconstruction of mobile homes to certain standards. Brendan Bradley, Interim County Attorney, stated it is a bureaucratic nightmare that entails involvement of the Housing Urban Development (HUD) Program, FEMA, DCA, and DMV; stated, during a

meeting with Mr. Evetts and DMV officials last week, concerns were raised on reconstructing mobile homes to standards that did not withstand Charley and reconsidering affordable housing provisions. **Chairman DeBoer** stated mobile home parks being reconstructed should provide affordable housing for seniors. **Commissioner D'Aprile** stated HUD offers some good programs but mobile homes constructed prior to the last Building Code adoption create dangerous situations. **Chairman DeBoer** stated the weekly meetings will provide more time for Board discussion, in between meetings he will send e-mails to bring up as many options as possible for Board comments at subsequent meetings.

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1, Flood Damage Prevention Code (Proof of Publication was in order)

Mr. Evetts explained the Flood Damage Prevention Code requires owners of buildings elevated more than six feet above grade file a document granting permission for the Building Official to perform inspections to verify that the lower level has not been converted to other than permitted uses; permitted uses include vehicle parking, limited storage, and access to the building; Florida does not allow habitation below the six feet level; if a building is not in compliance, FEMA is notified and sends out orders to the County for inspections; FEMA must be notified of staff inspections; if the structure is found in non-compliance, FEMA cancels flood insurance and, if there is a mortgage, the mortgage is cancelled; advised the proposed ordinance would remove the requirement for recording a grant of permission for future inspections. **Commissioner Horton** questioned the impact on homeowners without mortgages. Mr. Evetts pointed out the likelihood of a future owner having a mortgage at some time. Attorney Bradley advised a Declaration of Covenants, Conditions, and Restrictions is being recorded that incorporates the advance permission language; if the ordinance is enacted, the permission language would be deleted; the notice to future owners would still be of record and identified during a title search. **Commissioner D'Aprile** pointed out the bottom floor would not be covered by insurance and requested clarification if the ordinance will protect future owners. Attorney Bradley

explained the ordinance removes the grant of permission for the Building Official to perform the inspections. **Commissioner D'Aprile** requested the advantage of notifying a homeowner that structures below the six-foot elevation must be removed. Mr. Evetts reported storage spaces must have knock-out walls with flow-through vents to allow for collapse after wave action and pointed out habitable space constructed increases safety hazards in flood situations. Grace Amodeo questioned the applicability of the Flood Prevention Code to garages that have been renovated for additional living space. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0). COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO ENACT ORDINANCE #2004-056, SECONDED BY COMMISSIONER HORTON.** **Commissioner Horton** alerted Board Members that citizens will be calling on this ordinance but it is the right thing to do. **Commissioner D'Aprile** expressed reservations and agreed with **Commissioner Horton**. **Chairman DeBoer** reiterated the ordinance only removes that portion of the Flood Prevention Code that requires permission for the Building Official to make these inspections subsequent to issuance of a certificate of occupancy. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

VIII. CITIZEN INPUT - ANY SUBJECT

Mrs. Amodeo thanked **Commissioner Cummings** for having the courage to pull the referendum from the ballot and **Commissioners Cummings and Horton** for the positive thoughts on what environmental lands acquisition means to the County; commented on the need to educate the public on the importance of environmental lands acquisition so a referendum will not be necessary in the future; and expressed appreciation to Board Members for all of their recent efforts.

Chairman DeBoer advised a list will be compiled of all assistance requests with follow-up agencies and political contacts; he encouraged Board Members to reach out for help; stated weekly status updates will be provided; and suggested this type of discussion at the end of each Board meeting. **Chairman DeBoer** thanked County employees and Board Members for all of their efforts.

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September 7, 2004

MEETING ADJOURNED: 10:50 A.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

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