

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 21, 2004

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex, Room 119, 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 Devos was not present for this portion of the meeting.)** Also in attendance were County Administrator Bruce D. Loucks, Interim County Attorney Brendan Bradley, Finance Director William A. Knoble, Executive Assistant to the Board of County Commissioners Joann Dillon and Deputy Clerk Karen S. Mitchell. The meeting was called to order at **9:01 A.M.**

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

CHANGES TO THE AGENDA

Changes:

SPECIAL

RECOGNITION

The Employee Recognition portion of the Agenda will be postponed to the Board of County Commissioners October 12, 2004 meeting.

(Commissioner Devos was present for this portion of the meeting.) Chairman DeBoer read the list of topics he will discuss under Commissioner Comments. **COMMISSIONER D'APRILE MOVED FOR APPROVAL OF THE CHANGE TO THE AGENDA, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

I. SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING SEPTEMBER 17, 2004 THROUGH SEPTEMBER 23, 2004 AS "CONSTITUTION WEEK" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY

COMMISSIONER HORTON AND DECLARED UNANIMOUS. Mary Wilson accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING OCTOBER 3, 2004 THROUGH OCTOBER 9, 2004 AS "4-H WEEK IN CHARLOTTE COUNTY" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Asher Levine accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING SEPTEMBER 25, 2004 AS "NATIONAL ESTUARIES DAY" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Joe Lee accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING SEPTEMBER, 2004 AS "SARAH BIGGS, ARTS & HUMANITIES COUNCIL ARTIST OF THE MONTH" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Sarah Biggs accepted the proclamation.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

None.

III. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee

- one (1) volunteer for appointment as a Low Income Representative for a two-year term

Gulf Cove Street & Drainage Benefit Unit Advisory Committee

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

IV. REPORTS RECEIVED AND FILED

None.

V. PLANNING & ZONING AGENDA

Item 1 - Manasota and Sandpiper Key Community Plan

Jorge Perez, Planner II, gave a slide presentation which paralleled the material and detailed the following: Chapter 1 - Land Use (architecture and signs); Chapter 2 - Natural Resources/Environment; Chapter 3 - Navigation; Chapter 4 - Fire and Disaster Planning; and Chapter 5 - Water Quality. Rita Murray reviewed her handout titled "Response to Manasota Key Steering Committee Development Plan" and summarized her concerns dealt with buffering and set-backs. BJ Galberaith, Steering Committee Chair, thanked Jorge Perez for his leadership and the committee members for their work for the betterment of the community, and agreed on the need to increase the setbacks so they don't become another Miami Beach. Betty Sue Carroll, Steering Committee Secretary, thanked the Board for their support of the neighborhood plan, said the residents want to keep it as is with no more condominiums as they already have parking problems, growth management was the key, and the plan will preserve the ambiance and growth they can all live with. Milton Ohlman, Ohlman Construction, said he was one of the builders out on the island, his biggest concern was the noise portion of the plan, the 65 decibel maximum was barely above normal conversation which was 60 decibels, and opined this needed to be addressed in a way that was acceptable to the residents but that would also allow noises that go along with construction and building. Bob Carroll read a letter from Betsy McCallum, Steering Committee Vice Co-Chair, who couldn't be here but who was in support of the plan. Mike McClane said he lives there because of what it is but everyone must be careful to preserve it and asked everyone to be considerate of the property owners' desire to preserve their island. Sharon Neuhofer, Charlotte Builders and Contractors Association, Inc. (CBCA) Executive Director, said they love the island for it's unique beauty and charm, Milt Ohlman applied to serve on the steering committee but the response came back that the committee didn't want a developer or builder interest, they were specifically excluded from being represented on the steering committee and said they want to help maintain the island. Ray Mueller said he lived in northwest Port Charlotte, he had to contend with restrictions when he put in his septic so he wondered why that wasn't the case on the island, he was either being penalized or the plan was wrong, asked who was going to pay for the bridges,

where were the sewer provisions and opined larger set-backs were needed. Tommy Brock distributed a handout signed by a number of residents in support of the noise ordinance, asked why Stump Pass wasn't being dredged, said derelict boats were a big problem and cause dangerous situations, the residents support protection of the turtles but they have a right to have lights on during six months out of the year, opined they all need to work together and reiterated the need for enforcement regarding loud music after 10:00 P.M. Ken Jackson congratulated the committee, said he supported the plan with a couple minor exceptions, asked the Board to consider letting people currently on 50 foot lots rebuild by keeping their present set-backs should a disaster strike and suggested this could be done by grandfathering his subdivision. Joe Shifflett said he hadn't seen the plan though he would like a copy since he resides on the island, voiced opposition to not being able to cover roadways with asphalt since there were many deeded easements, opined the committee shouldn't have started when 50% of the residents went back north and agreed they should have allowed a builder on the committee. Wayne Largent, steering committee member, said this process has been ongoing for well over a year, the committee membership was limited to full-time residents and business owners, they do have a developer on the committee, and they have tried to address all the issues to keep the island the jewel it is. Tom Dignam said his father bought beach property in 1945, he was a member of steering committee, as a builder of condominiums downsizing of density hasn't been a deficit and asked the Board to support the plan. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.** **Commissioner D'Aprile** thanked everyone for their efforts and said he supported going forward with the project but he didn't like the loophole of being able to compress four stories into the 35 foot height restriction. **Commissioner Devos** said she has real problems with what's occurring on the island particularly with the development with the four floors, they need stronger restrictions because the developer just bulldozed right through the loopholes, agreed setbacks can create problems because 50' lots were substandard and asked how this will impact the TDU issue. Mr. Perez said each lot was considered a buildable lot and the TDU ordinance that will come before the Board says the barrier islands can't receive density from the mainland. **Commissioner Devos** said she wanted to strengthen things to prevent what's happening out there now and preserve what the island is, she wanted to make

sure the language was strong enough to prevent parking in the easements which was occurring now, opined changing the setback won't help but maybe they should limit the building size, agreed landscaping height should be raised and said she wanted these issues addressed when this comes back. **COMMISSIONER HORTON MOVED APPROVAL TO ACCEPT THE PLAN, SECONDED BY COMMISSIONER D'APRILE.** Chairman DeBoer clarified this motion was accepting guidelines that came from the community on their desired direction, all of these things require a series public hearings, and there's already a noise ordinance that would apply to the concerns heard today but the problem was enforcement. **Commissioner Horton** opined this plan addresses a number of problems he's been hearing for a long time and his only concern was it's not strong enough but it's a good start. **Commissioner Devos** reiterated she agreed that it's not strong enough and noted there were other island projects in the works so some of these things need to come back to them as soon as possible. **Chairman DeBoer** agreed. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

RECESS: 10:42 A.M. - 10:56 A.M.

(Commissioner Devos and Finance Director William A. Knoble were not present for this portion of the meeting.)

Item 2 - PA-04-06-32-LS, District IV

Thomas A. Cookingham, Planning Services Manager, reviewed the following changes to the proposed text amendments: Page 1, Policy 2.10.1 - delete the word ~~following~~ in the ninth line, change ~~fifteen (15)~~ to twenty-four (24) in the fourth line of the first bullet, and delete the entire second bullet; Page 3 table - under column 1 Land Use Area, change the fifth line from ~~Civic Uses~~ to Civic Institutional Uses and under column 4 Density DU/Acre, change the second line from ~~12-15~~ to 12-24. Mr. Cookingham explained this petition requests amendments to the Future Land Use Element (FLUE) and the Future Land Use Map (FLUM) to create a new land use classification for the Murdock Village Community Redevelopment Area (CRA), and the existing land use classifications segregate particular land uses found in the Murdock Village CRA and do not allow for a mixed-use community that implement the Board's vision. Mr. Cookingham said the proposed Murdock Village Mixed-Use Redevelopment District (MVMURD) and attendant policies would allow development

of a community that was based on mixed uses following the basic "Smart Growth" principals. Mr. Cookingham reported both staff and the Planning and Zoning (P&Z) Board recommend transmittal of the petition to the Department of Community Affairs (DCA). Neale Montgomery, Esq. with the Pavese law firm, spoke on behalf of Lennar US Home in support of the transmittal of the amendments and the changes proposed by Mr. Cookingham, and said between now and the time this comes back for adoption they want to review the percentages as well as clarify some of the terminology. **COMMISSIONER D'APRILE MOVED TO CLOSE, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0). COMMISSIONER D'APRILE MOVED APPROVAL TO TRANSMIT PETITION PA-04-06-32-LS WITH THE AMENDMENTS AS STATED BY MR. COOKINGHAM TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR AN OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0).**

Item 3 - Z-03-12-54, District II

(Deputy Clerk Karen S. Mitchell administered the oath to prospective witnesses.)

Jorge Perez, Planner II, explained this was a rezoning request from Mobile Home Subdivision (MHS) to Residential Multi-family (RMF-5) on a 0.39+ acre parcel located on 5100 Deltona Drive in the Riviera Lagoon Subdivision, approval of this rezoning would merge the subject parcel to the Sunset Point area which was an area all zoned RMF-5, and the buildable portion of the site was immediately south of the seafood retail establishment and immediately across the street from the mobile home area. Mr. Perez said the Sunset Point Subdivision remains vacant, reviewed the surrounding land uses and zoning classifications, the history of the origins of the Riviera Lagoon Subdivision in 1961, and said in the 1980's there was a rezoning to RMF-5 with little or no opposition which specifically excluded the subject parcel. Mr. Perez clarified approval of the petition would make this parcel part of the RMF-5 community even though the part of the lot where you could actually build a dwelling unit physically belongs to the mobile home areas. Mr. Perez said staff recommended denial and the P&Z Board recommended approval. **(Commissioner Devos was present for this portion of the meeting.) (The Board was polled for ex-parte disclosures and all acknowledged receipt of a communication from Mr. Howard.)** Michael P. Haymans, Esq. with the law firm of Farr, Farr,

Emerich, Sifrit, Hackett and Carr, P.A., spoke on behalf of the petitioner, explained the lot has temporary water and the sewer connection which will become permanent in the future, initially the request was Mobile Home Conventional but at the request of the P&Z Board the petition was amended to RMF-5 so it would be just an extension of the existing zoning in the Sunset Point Subdivision which this parcel would be part of, the rezoning doesn't increase density since it will have only one house on it with sewer and it would also serve as a buffer to the commercial area. Angela Davis voiced opposition, said Riviera Lagoon area put the residents under extreme strain, they stand firm against rezoning, asked the Board to reject this petition and said it was unclear what was going on the property. **Chairman DeBoer** interrupted Ms. Davis to explain this was a quasi-judicial procedure requiring evidence or the Board can't consider it when they make their ruling. (**Finance Director William A. Knoble was present for this portion of the meeting.**) Beatrice Smith agreed the property in question has never been platted for inclusion in the Riviera Lagoon Subdivision, it was also not a part of the new deed restricted development Sunset Point zoned for conventional housing, said this parcel was directly behind their community and the only portion suitable for construction was in direct line with the Fontana Drive properties which define the southern boundary of their community making it geographically situated within their subdivision. Mrs. Smith explained the southern point of the subject property ends at Tract D in Sunset Point's property descriptions, Tract D was that portion of Deltona Drive listed as a private road and opined this was close to spot zoning. **Chairman DeBoer** advised Mrs. Smith her five minutes has expired. Sally Tappy spoke in opposition by continuing to read the remainder of Mrs. Smith prepared speech and asked the Board to please deny this petition. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.** Attorney Haymans responded the multi-family designation was in name only because there will be only one unit, the public roadway went to Fontana Drive until he obtained the quit claim deed from Ms. Chapman to bring that segment from Fontana Drive down to Deltona Drive in order to provide the public access to the subdivision. Attorney Haymans said they've met the criteria for the rezoning to allow a site built home rather than forcing a mobile development on this piece of property. **Commissioner Horton** asked if they could approve this but restrict to one unit. Mr. Perez said no because if a survey shows 0.4 acres versus 0.39 acres then two

units would be allowable. **Commissioner Horton** asked if all the destroyed mobile home units can be built back as before. Mr. Perez said yes. **Commissioner Horton** asked if the lot size was large enough for a stick built home. Mr. Perez said yes. **COMMISSIONER DEVOS MOVED APPROVAL TO ENACT ORDINANCE #2004-057 FOR PETITION #Z-03-12-54, SECONDED BY COMMISSIONER HORTON.** **Commissioner Horton** said it appears approval could result in more rezoning requests in this locality which he felt was a good idea and he supports approval. **Commissioner Cummings** said there were legitimate arguments on both sides but it would be contrary to the Comprehensive Plan (Comp Plan) as regards protecting neighborhoods by expanding the potential for improperly infrastructured sites, opined this lot has less impact being on the fringe and said he supported staff report but couldn't support changing the zoning. **CALL ON THE MOTION: CHAIRMAN DeBOER AND COMMISSIONERS DEVOS AND HORTON VOTED "YES" AND COMMISSIONERS CUMMINGS AND D'APRILE VOTED "NO." MOTION CARRIED: (3:2).**

RECESS: 12:00 P.M. - 12:24 P.M.

(Finance Director William A. Knoble was not present for this portion of the meeting.)

Item 4 - Z-04-03-08, District III

(Deputy Clerk Karen S. Mitchell administered the oath to prospective witnesses.)

Jie Shao, Planner II, explained this was a rezoning request from Commercial General (CG) to Commercial Intensive (CI) for 2.07+ acres, this was a vacant parcel located on Haitian Road in the Rotonda Shores area of the Cape Haze peninsula, the FLUM classification of the property was Commercial Center which would be consistent with either zoning district and the purpose of the rezoning was to allow for outdoor storage to serve the deed restricted lots within Rotonda. Ms. Shao reviewed the surrounding land uses and zoning classifications, explained the subject site was inside the special Flood Hazard Area, and outside storage could negatively impact environmental lands by the introduction of pollutants into the wetland area and the West Branch Coral Creek which flows directly into the Gasparilla Sound-Charlotte Harbor Aquatic Preserve. Ms. Shao advised both staff and the P&Z Board recommend denial. **(The Board was polled**

for ex-parte disclosures and there were none.) Bill Coy spoke on behalf of the applicant, said the petition was the result of public demand for boat storage, a large number of condominiums were being build in the area, all 1,200 Rotonda lots were connected to the Rotonda River, he didn't feel there was any potential for contamination, CCU plans to expand right next to this property, and there were no problems with the Department of Environmental Protection (DEP). **(Commissioner Devos was not present for this portion of the meeting.)** John Brandenberger, applicant, said this will be a family oriented enterprise, the housing area was deed restricted so no trailers or boats were allowed, the demand was continually growing for this type of service, noted there were letters of support in the material, the community was already very diverse and ensured the buffering will be complete. Charles Agles said he owned the U-Store of Rotonda which was within 800 feet of the proposed site, he facility has never been full from an outdoor storage aspect, the has 42 open spaces now, opined they were currently serving the needs of the community, said All American Storage was also in the area and had spoken in opposition to this proposal at the P&Z Board meeting, opined it wasn't in the interest of the community to convert forest areas, agreed regarding potential environmental problems as well as adverse visual impacts to the area residents and said he also serves as Rotonda Shores Community Association Treasurer so this was also of personal interest to him. **(Executive Assistant Jenine Thornley replaced Joann Dillon for the remainder of the meeting.)** Frank Wagner, Rotonda Shore Conservation Association, said they were against CI use there, let them store their boats on their own property not in our association area, it was close to the Charlotte Harbor estuary, spills happened and asked the Board not to approve this. Walter Shacklett, American Trust Realty Partners President, said they were developers of the alleged condominium project which in fact was 100% sold out, the average selling price was \$249,000, this will be an upscale community of town homes with 4-car garages so he questioned the need, additionally there were five storage facilities already in the area, he had offered to buy the property but was turned down, he then requested they be given some architectural oversight on the buffering but that also fell on deaf ears and opined there were some hidden plans no one was aware of. **COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).** Mr. Brandenberger said his comments about the growing need dealt with the growth in the

Rotonda area only, the architectural buffering referred to by Mr. Shacklett never came by his desk and he would be willing to work with them on that project. **Commissioner Horton** asked what buffering was required between these CI and residential areas. Barbara Jeffries, Planner II, responded none because the distance between the two was greater than 25 feet. **Commissioner Horton** said they have no control because this wasn't a Planned Development (PD) and he has a problem with no buffering to protect the residents. **Chairman DeBoer** asked why a PD was refused. Mr. Brandenberger said it wasn't refused but a rezoning was a shorter and less expensive process. **Chairman DeBoer** asked the difference between CG and CI. Ms. Shao said CI allows outside storage. **Chairman DeBoer** said the things listed as being concerns to protect the environment seem a stretch as reasons for the Board to reject a zoning request. Ms. Shao said there would be visual impact to the residential across the street from the outside storage. **Chairman DeBoer** read from the staff report, said he wasn't certain the reasons given were accurate, a PD would have been perfect to make this a commercial center and he was finding a lot of conflict here. **Commissioner Cummings** said staff objections seemed to focus on the environmental impact differences between CI and CG, opined there was a substantive difference between the potential uses, visual and noise impacts were also big issues, and said he felt the issue was location. **COMMISSIONER CUMMINGS MOVED FOR DENIAL OF PETITION #Z-04-03-08, SECONDED BY COMMISSIONER HORTON.** **Chairman DeBoer** asked what the Commissioner felt were substantive differences. **Commissioner Cummings** clarified based on staff report and possible uses under CI regarding use of heavy equipment versus cars. **Commissioner D'Aprile** said he felt pollution control was up to the individual who operates the site, there was not enough evidence presented for him to make a decision, he felt it should be approved based on the ability of the applicant to work with the people in the surrounding area and opined this could be beneficial to this community. **CALL ON THE MOTION: CHAIRMAN DeBOER AND COMMISSIONERS CUMMINGS AND HORTON VOTED "YES" AND COMMISSIONER D'APRILE VOTED "NO." MOTION CARRIED: (3:1).**

Item 5 - PA-04-06-33, District I

Barbara Jeffries, Planner II, stated her comments would apply to Petition PA-04-06-33 and the companion rezoning Petition Z-04-06-34. Ms. Jeffries explained this petition was for a small

scale plan amendment from Low Density Residential to Commercial Corridor and a rezoning from RSF-3.5 to Commercial Center, the site contained 0.71 acres located at the intersection of Duncan Road (US 17) and Pine Grove Circle, and the purpose of the petition was to create a single zoning district for a lot that currently has two zoning designations - CG and residential, and to provide an appropriate FLUM designation. Ms. Jeffries reviewed surrounding land uses and zoning, explained the goal of the applicant who was not present today was to open an Italian restaurant, and both staff and the P&Z Board recommend approval of the plan amendment and the rezoning. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY CHAIRMAN DeBOER AND DECLARED UNANIMOUS (4:0). COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2004-058, SECONDED BY CHAIRMAN DeBOER.** Commissioner Horton said his understanding was no buffering would be required between this site and the residential next to it. Ms. Jeffries concurred but clarified the landscaping code would require something such as plantings depending on the distance but there would be no wall. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

Item 6 - Z-04-06-34, District I

(The Board was polled for ex-parte disclosures and there were none.) Ms. Jeffries stated her comments from the previous hearing applied to this petition. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER CUMMINGS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0). COMMISSIONER CUMMINGS MOVED APPROVAL TO ENACT ORDINANCE #2004-059, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0).**

Item 7 - Z-04-06-37, District IV

Ms. Jeffries explained this petition requested a rezoning from Residential Multi-Family (RMF-10) to CG for three adjacent vacant 10,000 sq. ft. lots or 0.69 acres located north of US 41, south of Tanglewood Avenue, east of Warrington Boulevard and west of Vendango Street. Ms. Jeffries reviewed surrounding land uses and zoning, advised the purpose of this petition was to create a larger commercial property by combining the lots proposed for rezoning with five 7,500 sq. ft. contiguous lots owned by the petitioner, no road nor utility concurrency issues exist and the proposed change was appropriate with the surrounding area. Ms. Jeffries stated both staff and the P&Z Board recommend approval. **(Deputy Clark Karen S. Mitchell administered the oath to prospective witnesses.) (The Board was polled for ex-parte disclosures and there were none.)** Allen Steinfeld said he was part owner of the commercial land and they felt what they were planning to do would improve the area greatly. **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 asked if residential multi-family zoning was consistent with Commercial Corridor FLUM. Ms. Jeffries said yes. **COMMISSIONER CUMMINGS MOVED APPROVAL TO ENACT ORDINANCE #2004-060, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0).**

Item 8 - Z-04-06-35, District II

Ms. Shao explained this was a rezoning request from CG to CI for 6.63+ vacant acres, the site was located northeast of Taylor Road, south of Airport Road and west of I-75, and the purpose of the rezoning was to allow contracting businesses or other commercial intensive uses with the Charlotte Commercial Center. Ms. Shao reviewed the surrounding land uses and zoning, advised the proposed rezoning would add more commercial uses to those currently allowed by the existing commercial zoning increasing the value of the property and the possibility of their development, and the impacts of intensive uses in this location would be minimal. Ms. Shao stated both staff and the P&Z Board recommend approval. **(The Board was polled for ex-parte disclosures and there were none.)** Ms. Shao advised the Mr. Cartwright was not present due to attending a funeral and had asked her to request Board approval. **THERE BEING NO ONE WISHING**

TO SPEAK FOR OR AGAINST, COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). COMMISSIONER CUMMINGS MOVED APPROVAL TO ENACT ORDINANCE #2004-061, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).

Item 9 - Z-04-06-36, District II

Ms. Shao explained this was a rezoning request from Industrial Light (IL) to Industrial General (IG) for 5.37+ vacant acres, the site was located south of Acline Road, west of Taylor Road and northeast of Tamiami Trail in the Punta Gorda area. Ms. Shao reviewed the surrounding land uses and zoning, reported the proposed development site was located in the South County Planning District within the infill portion of the Urban Service Areas. Ms. Shao stated both staff and the P&Z Board recommend approval. **(The Board was polled for ex-parte disclosures and there were none.)** **(Deputy Clerk Karen S. Mitchell administered the oath to prospective witness.)** Geri L. Waksler, Esq. with the law firm of Moore and Waksler, P.A., spoke on behalf of the applicant, explained only the southern portion of the property was being rezoned leaving the remainder as IL and requested approval. **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 #2004-062, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).**

Item 10 - PP-04-06-11, District I

(The Board was polled for ex-parte disclosures and there were none.) **(Deputy Clerk Karen S. Mitchell administered the oath to prospective witness.)** Chris Moore, Land Development Supervisor, explained HLA Holdings, LLP has applied for a Preliminary Plat for Heritage Lake Park Residential Subdivision, the site contained 91.72 acres, there would be 44 single family lots for a density of 2.08 units per acre with a minimum lot size of 0.15+ acres, water and sewer would be provided by CCU and roads would be built to County standards. Mr. Moore stated both staff and the P&Z Board recommend approval with the following three conditions:

1. PRM's (Permanent Reference Monuments) must be set before Final Plat is accepted.
2. Add note to state if PCP (Permanent Control Points) and lot corners will be set prior to final acceptance or will be bonded.
3. Change name of Environmental Director to Mr. James Burkhart.

Mr. Moore advised the petitioners were not present but he had been told they had no objections. (**Finance Director William A. Knoble was present for the remainder of the meeting.**) **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY CHAIRMAN DeBOER AND DECLARED UNANIMOUS (4:0). COMMISSIONER CUMMINGS MOVED APPROVAL OF PETITION PP-04-06-11 FOR HERITAGE LAKE PARK, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).**

Item 11 - PP-04-06-13, District II

Mr. Moore explained KB Homes Fort Myers, LLC has applied for Preliminary Plat for Creekside Phase II Residential Subdivision, the site contained 13.76 acres for a density of 1.81 units per acre, the minimum lot size for this development was 0.14+ acres, water and sewer would be provided by Punta Gorda Utilities and roads would be built to County standards. Mr. Moore stated both staff and the P&Z Board recommend approval with the following four conditions:

1. Add note to state if PCP (Permanent Control Points) and lot corners will be set prior to final acceptance or will be bonded.
2. State if lot lines extending from roadway are radial or non-radial.
3. Provide (2) bench marks.
4. Revise legal description per County Surveyor comments.

(The Board was polled for ex-parte disclosures and there were none.) Geris L. Waksler, Esq. with the law firm of Moore and Waksler, P.A., spoke on behalf of KB Homes who approves the conditions. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER D'APRILE MOVED APPROVAL OF PETITION PP-04-06-13 FOR**

CREEKSIDE PHASE II RESIDENTIAL SUBDIVISION, SECONDED BY
COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).

RECESS: 1:51 P.M. - 1:59 P.M.

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

VIII. PUBLIC HEARING AGENDA

Z. 10:00 A.M. PUBLIC HEARINGS

Agenda Item Z-1, Utility Water, Sewer and Reuse Rates - Consider a resolution setting forth new utility water, sewer and reuse rates, fees and charges effective with bills rendered October 1, 2004 for all CCU customers

David G. Schlobohm, Utilities Director, explained the proposed resolution covered the new utility rates effective for all CCU customers October 1, 2004; there was a one cent error in Exhibit B, District 1, Deep Creek Service Area and distributed a revised page 8 showing the corrected amount of \$36.09 versus \$36.08. **Chairman DeBoer** asked if there was a comparison of the old and new rates. Mr. Schlobohm said it was on page 2 of the goldenrod. **Chairman DeBoer** asked how much money was in the rate stabilization fund. Teresa Kesner, Utilities Financial Manager, responded next fiscal year's 04/05 budget leaves the fund at just over \$1 million and it started this year at just over \$3 million. **Chairman DeBoer** said due to problems from Hurricane Charley many people weren't using their water and sewer service but still paying the base facility cost to maintain the supply capacity and he wanted something set up to give those people a reasonable period where no payment was required. Mr. Schlobohm said a letter was going out this week giving the customers a choice of having the meter removed and not paying the base fee. **Chairman DeBoer** responded his understanding was the charge to put the meter back in was \$330 which wasn't giving people a break. Mr. Schlobohm agreed and said they were still looking into this. **Chairman DeBoer** said the Board has the legislative ability to give him a little more authority than what he already has and suggested expanding the hardship fund to include those people impacted by Hurricane Charley. Mr. Schlobohm stated they have certain limitations based on their tariffs and bond covenants, and they would be happy to be as lenient as possible

based on whatever assistance they can get from the Board. **Chairman DeBoer** asked for clarification regarding use of the bond covenants or tariffs and if that would apply to the money they got from the early bond refinancing. Ms. Kesner said they would have to review what the bond documents would allow. **Commissioner D'Aprile** asked the number of homes unable to use their water and sewer services. Ms. Kesner said they estimated about one-third of the 11,000 homes surveyed and a complete survey should be done by the end of the month. **Commissioner D'Aprile** said Ms. Kesner should check with the Building Department because he thought they already had that information and asked why remove the water meter when it could just be disconnected. Ms. Kesner said part of the reasoning has to do with tampering. Mr. Schlobohm added early damage estimates were \$12 million to \$13 million and the estimated impact to next year's revenues was in the \$5 million to \$7 million range. Bruce D. Loucks, County Administrator, recalled regarding the bonds there was a 20% coverage ratio meaning the amount of revenues collected each year exceed operating expenses by 20% so there was a lot of flexibility within that range. **Chairman DeBoer** said if the Board decides to do something like this he felt people would realize payment will eventually come due but during this particular time any burden they can keep from adding to folks certainly would be appreciated. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).** **Chairman DeBoer** asked if the Board was interested in some kind of policy where they give some kind of relief to folks in the situation where they were not using the water and were going to rebuild their house. **(Board consensus for staff to bring something back in the form of a policy retroactive to the August 13, 2004 event.) COMMISSIONER HORTON MOVED APPROVAL TO ADOPT RESOLUTION #2004-193 FOR THE REQUESTED RATE INCREASES, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).**

Agenda Item Z-2, Budget - Use of the Local Law Enforcement Block Grant Funds

Robert Hebert, Grants/Management Analyst, explained the County applied for and received this year's allocation through the Local Law Enforcement Block Grant (LLEBG) Program, as a requirement for funds drawdown the local government unit was required to allow the public to present comment regarding the

use of the \$20,267 which was intended to be allocated to the City of Punta Gorda Police Department for youth related programs and there was a match coming out of the City of Punta Gorda's own budget of \$2,252. **Chairman DeBoer** recalled in previous years some of this went to the Clerk of the Court. Mr. Hebert concurred and said they were all being transitioned over to the Byrne Grant. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (3:0). COMMISSIONER D'APRILE MOVED APPROVAL OF GRANT #2004-019, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (3:0).**

VI. CONSENT AGENDA

(Commissioner Cummings was present for the remainder of the meeting.) **COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0). (Commissioner Devos was present for the remainder of the meeting.)**

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 August 4, 2004 through September 9, 2004 in the amount of \$17,221,407.34

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M., August 10, 2004 Regular BCC Meeting

8:00 A.M., August 12, 2004 BCC Emergency Meeting Hurricane Charley

9:00 A.M., August 20, 2004 BCC Emergency Meeting Hurricane Charley

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

No agenda items.

D. Administration

No agenda items.

E. County Attorney

No agenda items.

F. Budget Office

Agenda Item F-1

Appropriate \$57,120 for Crossing Guard expenditures from traffic fines from October 1, 2003 through June 30, 2004; **appropriate \$84,500** in fees and fines received by the Sheriff's Office for the False Alarm program; and **Budget Transfer #04-053 in the amount of \$100,000** from the Sheriff's contingency reserves to defray the costs of overtime associated with Hurricane Charley and pay for unanticipated inmate medical costs.

G. Community Development

Agenda Item G-1

Set a Public Hearing on Tuesday, October 5, 2004 at 9:00 A.M. or shortly thereafter to consider land use and zoning items resulting from the cancellation of the September 14, 2004 meeting.

Agenda Item G-2

Set a Public Hearing on Tuesday, October 5, 2004 at 9:00 A.M. or shortly thereafter to consider an ordinance that amends Ordinance #2004-040 which established Heritage Lake Park Community Development District.

H. Economic Development

Agenda Item H-1

Agreement #2004-046, Project #2004-5, for the Economic Incentive Development Program's match for Qualified Target Industry Tax Refund Program in the amount of \$12,800 and County incentives equal to \$60,700 for total incentives of \$73,500.

J. Environmental Services

No agenda items.

K. Facilities Construction and Maintenance

No agenda items.

L. General Services

Agenda Item L-1

File #04-320, Modular Offices for Public Works, a "Piggyback" off the Lee County School District contract #5999, to Williams Scotsman, Inc. of Ft. Myers, FL for a total cost of \$156,583 for a lease period of 36 months from date of delivery.

Agenda Item L-2

Bid #04-417, Volume Reduction Services-Vegetative & Woods Wastes to Consolidated Resource Recovery, Inc. of Sarasota, FL; and **authorize** the County Administrator to approve renewal options of to two additional one-year terms at the same prices, terms and conditions, by mutual consent; the contract period will be effective October 1, 2004 through and including September 30, 2005.

M. Human Resources

No agenda items.

N. Human Services

No agenda items.

P. Information Technology

No agenda items.

Q. Parks, Recreation & Cultural Resources

No agenda items.

R. Public Safety

No agenda items.

T. Real Estate Services

Agenda Item T-1

Resolution #2004-195 authorizing the Chairman to execute a County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 11 and 12, Block 1817, Port Charlotte Subdivision, Section 53, in Charlotte County, FL to Lawrence A. and Patricia A. Bedard.

Agenda Item T-2

Resolution #2004-196 authorizing the Chairman to execute a County Deed releasing eight ten (10) foot wide utility and drainage easements located in Lots 5, 6, 13 and 14, Block 1166, Port Charlotte Subdivision, Section 30, in Charlotte County, FL to Paul J. Bresky and Janet Burke-Bresky.

Agenda Item T-3

Resolution #2004-197 authorizing the Chairman to accept a permanent twenty (20) foot wide utility and drainage easement located in Lots 5, 6, 13 and 14, Block 1166, Port Charlotte Subdivision, Section 30, in Charlotte County, FL to Paul J. Bresky and Janet Burke-Bresky.

Agenda Item T-4

Resolution #2004-198 authorizing the Chairman to execute a County Deed releasing portions of four six (6) foot wide utility and drainage easements located in Lots 13, 14 and 15, Block

1701, Port Charlotte Subdivision, Section 54, in Charlotte County, FL to Gary and Denene Eagleton.

Agenda Item T-5

Resolution #2004-199 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 216, Port Charlotte Subdivision, Section 8, in Charlotte County, FL to William and Maureen Foss.

Agenda Item T-6

Resolution #2004-200 authorizing the Chairman to execute a County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 15 and 16, Block 1779, Port Charlotte Subdivision, Section 53, in Charlotte County, FL to Louise LaCaresse.

Agenda Item T-7

Resolution #2004-201 authorizing the Chairman to execute a County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 9, Block 4402, Port Charlotte Subdivision, Section 78, in Charlotte County, FL to Joseph and Anne C. Muller.

Agenda Item T-8

Resolution #2004-202 authorizing the Chairman to execute a County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 13 and 14, Block 3705, Port Charlotte Subdivision, Section 63, in Charlotte County, FL to Robert A. Richardson.

Agenda Item T-9

Resolution #2004-203 approving the execution of a Real Property Lease and all other documents associated with the lease for 12,400 sq. ft. of office space to be utilized by the Sheriff's Department for Administrative offices.

V. Tourism Development

No agenda items.

W. Utilities

No agenda items.

ITEMS FOR DISCUSSION

F. Budget

Agenda Item F-2, a) Approve a resolution authorizing a \$6,300,000 credit facility issued by Bank of America to refinance the \$10,000,000 and \$15,000,000 loans already incurred for Murdock Village, with the entire unpaid principal balance of \$31,300,000 due and payable on October 13, 2005; and b) Approve Budget Amendment #04-A28 in the amount of \$6,300,000

Chairman DeBoer said the difficulty with this was they were getting so far ahead of themselves in the funding and so far behind in the process of consummating an agreement with a developer, they keep going to the commercial paper loans but they keep adding to them, they're due and payable October 13, 2005 at which time they will probably still have no revenue source and he needs to know what the plan is. Mr. Loucks explained this was for phase IV, they were in negotiations to finalize the interim agreement with Lennar, the Comp Plan amendment will be brought back to the Board for final approval in January, 2005, at that point they would be in a position to dispose of the property and then they can start with the revenue stream coming in. **Chairman DeBoer** asked how much of the property can be transferred once they have a consummated agreement in January, 2005. Mr. Loucks responded the 30 day advertisement will start in January so in February, 2005 they will be able to dispose of all the property they had acquired at that time and he didn't remember exactly how much acreage that was. **Chairman DeBoer** summarized they won't know until the end of February what the price was going to be, what their revenues were going to be and the phases of the take down of the property. Mr. Loucks clarified in January they want to have approved the development agreement, the Comp Plan and the redevelopment plan. **Chairman DeBoer** said the end of the 30 day period wasn't until February so then Kitson & Company who was

still interested could come in with a proposal. Mr. Loucks said yes but in January when they advertise for the 30 days they would be including the development agreement as part of the proposal process so if there were any other bidders that's what they would be comparing and funding against. **Chairman DeBoer** asked when the Board would get to see the redevelopment plan. Mr. Loucks said within the next four to five weeks and it will be approved in January, 2005 because it has to be consistent with the Comp Plan. **Commissioner Horton** said he was also interested in looking at other ideas or avenues instead of doing more of what they've already done. **Chairman DeBoer** said the schedules have become so disjointed making the financing so far out in front of a consummated agreement he's having trouble seeing when they would be able to roll the debt into long-term financing so they can start paying the debt off through contributions from the developer as well as from the tax increment financing or whatever methodology they choose, he wants a schedule back in front of this Board and he wants the schedule adhered to so they don't have further delays. **Commissioner D'Aprile** agreed, said he was getting nervous because the money wasn't forthcoming and they need to address this quickly. **Chairman DeBoer** said he feels they're still in the driver's seat but they haven't exercised their powers, reiterated they could be their own developer, he wants to see a schedule and he wants to move forward. **COMMISSIONER DEVOS MOVED APPROVAL OF RESOLUTION #2004-192, SECONDED BY COMMISSIONER CUMMINGS. CALL ON THE MOTION: CHAIRMAN DeBOER AND COMMISSIONERS CUMMINGS, D'APRILE AND DEVOS VOTED "YES" AND COMMISSIONER HORTON VOTED "NO." MOTION CARRIED: (4:1).**

S. Public Works

Agenda Item S-1, Approve and authorize the Chairman to sign the resolution supporting Charlotte County Erosion Control Project, Phase 1 and provide matching funds for annual monitoring of the completed erosion control project (Stump Maintenance Dredging)

Chairman DeBoer asked for clarification. Thomas O'Kane, Public Works Director, explained this was related to the annual monitoring of the pass required as part of the state monies put into the project and this was a matching grant of up to \$102,000 from the state. **Chairman DeBoer** summarized the state was going to pitch in \$102,000 so the County can monitor how the sand was migrating back into the pass at least until the point it where

the state originally wanted it instead of where we ended up dredging it at. Mr. O'Kane agreed that sounds about right and reported that now the state was balking a little bit over the tube installation concept which the state brought to the County in the first place and which staff has been working on for over one year. **Chairman DeBoer** said so the state convinced us to apply for the grant for the geo-tubes and then the state rejected that, and in the meantime the state was balking at allowing the County to dredge to the 1980 alignment and since the geo-tubes aren't there that means the sand was going to fill the pass in quicker and get it further south to where the state had more beach and fills in the bird rookery the state wants back. Mr. O'Kane concurred. **Chairman DeBoer** added that the state wants the County to pay part of a grant to monitor everything while it's filling back in and said they know nature was going to fill this back in so what are they monitoring. Mr. O'Kane said the requirement was to monitor the flow of sand back into the pass, the depth of the area where the channel is now established was deeper than what they dredged so instead of 14 feet it was now around 20 feet so there's very fast moving water through the pass and those are the kind of things the County was required to monitor. **Chairman DeBoer** said he had sufficiently taken advantage of the opportunity to make fun of what he considered a completely ridiculous process. **COMMISSIONER HORTON MOVED APPROVAL TO ADOPT RESOLUTION #2004-204, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

VII. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Real Estate Services - Approve resolution that approves an agreement for purchase of real property on the west side of Placida Road (CR 775) along Ainger Creek and authorizes the Chairman to execute the agreement and authorizes the exercise of due diligence and the closing of the acquisition

COMMISSIONER DEVOS MOVED APPROVAL TO ADOPT RESOLUTION #2004-205, SECONDED BY COMMISSIONER D'APRILE. Commissioner Horton said he thought this was a boat ramp. J. Paul Payette, Real Estate Services Manager, responded yes. **Commissioner Horton** said his concern was limited parking and the County's ability to run a business and opined this was as good a deal as they're going to find in West County. **Chairman DeBoer** asked the appraised price

of the property and the business assets. Mr. Payette said \$3 million for the property and \$330,000 for the personal assets. **Chairman DeBoer** asked how much of the physical assets being paid for would be removed and how much will the removal cost. Mr. Payette said probably \$400,000 to \$600,000. **Chairman DeBoer** said he'd like to see a business plan before the Board votes on a final purchase, the balance sheet should show that they're losing the money they're paying for these assets, the cost to take them down, how it will be run and any expected revenues. Laura Kleiss Hoeft, Parks, Recreation & Cultural Resources Director, responded in the 60 days of due diligence they were committed to a thorough review of all areas along with creating a business plan, looking at options and they have done a lot of benchmarking throughout the state of other marinas to ensure they know the niche they serve best in West County. **Chairman DeBoer** said knowing they would be getting that type of information he could support the motion. **Commissioner Horton** said they shouldn't be in the marina business and he can't support this. **Commissioner D'Aprile** agreed with the Chair on the need for a business plan and opined they should be able to make money because this was a jewel they could benefit from. **Commissioner Devos** concurred. Mr. Loucks agreed regarding the Board's caution on getting into a private sector venture, said they were looking at this property as an opportunity with multiple aspects and they have 60 days for final approval. **Commissioner Cummings** said he also felt a business plan was needed, he didn't object to the idea of a municipal marina, he regretted the Board never adopted the Blue Belting plan even if they needed to modify it, opined this was exactly the kind of facility and service they need to ensure continues to be provided in Charlotte County and said he wanted this effort go forward. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-2, Administration - Approval of Volunteer Florida funding

Bruce D. Loucks, County Administrator, explained an opportunity has been made available, staff would be bringing back a number of these during the hurricane recovery efforts, funds were available up to a total of \$4 million, they were looking to allocate those funds to areas hit by hurricanes, they needed to create a committee which has been done through the United Way and requested Board approval and ratification because the funds would be given to the Board to be distributed according to the

committee's recommendations. Robert Hebert, Grants/Management Analyst, reported staff learned of this through the United Way of Sarasota County, the United Way of Charlotte County volunteered to be the designee to set up the committee, structure the committee, and on behalf of the County set the Unmet Needs Committee which was what these funds have to go specifically for. Mr. Hebert said the fund was growing and the first disbursement was just under \$200,000 which would come as soon as the committee meets which was scheduled for Thursday of this week. **Commissioner Devos** said she wanted to expedite the process. Mr. Hebert agreed. **COMMISSIONER DEVOS MOVED APPROVAL OF AGENDA ITEM Y-2, SECONDED BY COMMISSIONER CUMMINGS. Commissioner Devos** asked if the church could qualify for some of this. Mr. Hebert said it might be possible if it fell under an unmet need. **Commissioner Devos** asked him to follow-up with her. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-3, Health Department- Provide direction to staff regarding funding and/or in kind services request from Charlotte County Health Department for site preparation

Dr. Joseph Goggin, Public Health Director, explained they'd lost four of six sites and it will be six months until they're back in their Punta Gorda location so they need to establish a site in Port Charlotte. Bill Connor, Assistant to Dr. Goggin, said they wanted to reaffirm the set-aside of the 14 acres on Loveland Boulevard across from the recreational center for use as a site for the new Charlotte County Public Health Unit and it was his understanding the Governor intends to recommend the Charlotte County Health Department as the number one priority for fixed capital outlay expenditures for the state and for the legislative session upcoming but the new center was probably 24 to 30 months out. Mr. Connor said in the interim the citizens were in great need of a site where they can receive public health services and requested the County provide up to a maximum amount to be set by the County for financial support to help clear, grub, fill and shell a parking lot on a portion of the 14 acres on Loveland Boulevard as well as assistance with utility hook-ups to the water and sewer which were already available. Mr. Connor added the site would house four modular offices paid for by the Health Department. **Chairman DeBoer** suggested Public Works check into being able to use the overfill coming out of the Veterans Boulevard expansion project. Thomas O'Kane, Public Works Director, said the Health Department needed to get a site

engineer, and he would check on the fill material and coordinate with whoever they get as their engineer. **Commissioner Devos** asked the cost. Mr. Connor reported some of the work was already done, the cost on the Sheriff's Department parking lot was \$68,000 which included a lot of demucking which wasn't needed here and opined the cost to be in the range of \$50,000 to \$100,000 for site work. Kimberly A. Corbett, Purchasing Director, concurred with the figures Mr. Connor stated. Mr. Connor advised only a few builders can configure a mobile home for a clinic so they need to get moving. Mr. O'Kane added the state will expedite this using a temporary permit. **Commissioner Devos** reiterated the anticipated cost was \$50,000 to \$100,000. Mr. Connor responded yes. **Chairman DeBoer** said if the Board commits to this the process of ordering buildings and such can be started which he supported. Mrs. Corbett advised as a point of clarification, if the cost does come in over the \$100,000 bid limit and the County was still under a declared state of emergency, she wanted the Board to be aware staff would proceed by approval of the County Administrator as a waiver of bid procedures. **COMMISSIONER DEVOS MOVED APPROVAL OF AGENDA ITEM Y-3, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

IX. PRESENTATION AGENDA

No agenda items.

X. CITIZEN INPUT - ANY SUBJECT

Mark "inaudible" said he'd worked in hurricane damage removal for over 15 years in Florida, commented on the buildings marked for demolition and safety concerns, opined there's no enforcement of laws regarding roofers who were working on trusses but not licensed to do so and it would only get worse.

RECESS: 3:17 P.M. - 3:26 P.M.

BB. County Administrator

Mr. Loucks thanked the Board for all their support in the recent loss of his father. Mr. Loucks referred to the Hurricane Recovery Fact Sheet dated September 20, 2004 and said there would be an update for each meeting. **Chairman DeBoer** said there was a tremendous amount of work done before the hurricane that was obscure to the public and asked for a list of all the things that were done that coordinated all resources so he could do a piece for the newspaper. **Commissioner Devos** agreed the people need to know the progress that's being made, what remains to be done and opined they need dedicated paper space to keep the public posted on the County's progress.

CC. County Attorney

Brendan Bradley, Interim County Attorney, recalled a question from the previous Board meeting regarding the Edgewater building in Englewood, said the plans were filed timely, written rejections to the plan were given on September 15, 2004 and pursuant to the agreement the developer has 22 business days to correct the deficiencies in the permit application or thereafter the County can proceed with it's determination of unsafe building. **Commissioner Cummings** recalled the agreement was structured so the developer would only get one round of corrections. Attorney Bradley said the one round spoke of the request for variances and some of the deficiencies were grave. **Chairman DeBoer** opined they were going to need more information regarding the deficiencies and various time frames involved and asked **Commissioner Cummings** to follow-up. Attorney Bradley said the next issue dealt with the Vetter matter, there has been a lawsuit threatened, he'd spoken with outside counsel Attorney Frolich who will respond via a letter outlining the recommended approach and he will be setting up a meeting with each of the Board members. Attorney Bradley noted the County was still under a declared state of emergency regarding Hurricane Charley. Mr. Loucks added in the near future they will need to revisit the state of local emergency for Hurricanes Frances and Ivan. **Chairman DeBoer** agreed they could be lifted.

DD. Commissioner Comments

The Board reviewed and discussed the following list of items presented by **Chairman DeBoer**:

1. Out of State Contractors/Executive Order (i.e., roof permits)
2. Overtime pay for salaried and non-salaried employees due to Hurricane Charley - **COMMISSIONER DEVOS MOVED APPROVAL TO ENSURE ALL EMPLOYEES ARE COMPENSATED PROPERLY AND IN ACCORDANCE WITH WHAT THE NEIGHBORING COMMUNITIES DUE BACK TO THE TIME OF THE DECLARATION OF EMERGENCY, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.** Mr. Loucks said he would bring this back.
3. Debris Cleanup - Alan Holbrook, Maintenance & Operations Manager, distributed and reviewed his status update report.
4. Weekly BCC meetings - **COMMISSIONER HORTON MOVED APPROVAL TO HOLD WEEKLY BOARD MEETINGS UNTIL SUCH TIME AS THE BOARD FINDS THEY ARE NOT NECESSARY, SECONDED BY COMMISSIONER DEVOS.** Commissioner Devos asked when land use hearings would take place. Kelly Shoemaker, Assistant County Administrator, said following the October 5, 2004 land use hearings the normal schedule would resume with October 12, 2004 at 2:00 P.M. **CALL ON THE MOTION: DECLARED UNANIMOUS.**
5. Recovery opportunities: Sun Herald/Witt & Associates, FEMA Recovery Specialist [a) US 41, b) Health Department and c) Auditorium]
6. Restricting pay raises to cost of living adjustments - Board members to individually discuss with Mr. Loucks.
7. Private road cleanup
8. Regulation on US 41 rebuilding/architectural and sign ordinances - **Commissioner Horton** volunteered to handle the US 41 issue.
9. Tax abatement legislation

10. Security for Building Department and for the whole complex
11. Roofing supplies to Charlotte County
12. Follow-up - Chief Finance Office & Insurance Commissioner Tom Gallagher's Office in Charlotte County
13. Resolution for 90% FEMA Reimbursement - **COMMISSIONER DEVOS MOVED APPROVAL TO ADOPT RESOLUTION #2004-192, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.** Commissioner **D'Aprile** volunteered to contact all the affected Counties and get this out.

Commissioner Cummings commented on the Board of Zoning Appeals (BZA) handling of an aerobic treatment operation. **Commissioner Cummings** said the media has done a disservice to County staff and the community and opined the Board's job now was to say thank you to everyone who worked so hard and performed miracles. **Commissioner Horton** agreed and said thankfully in our County we have doers. **Commissioner D'Aprile** said he was proud to be part of such a strong Board and he was also proud of staff. **Commissioner Devos** commented on the need to improve telephone and television/cable restoration because many people were without any means of communication except by cellular telephone which many of the elderly residents don't have and volunteered to spearhead this to ensure the citizens were taken care of. **Chairman DeBoer** said he would work on the Sprint and Comcast issues, he needs comments from everyone because he will also be working on outreach issues, he would be sending out thank you letters to everyone he can and suggested using Channel 20 to get information out to everyone.

MEETING ADJOURNED: 5:13 P.M.

Matthew D. DeBoer
Chairman

Book 62, Page 761
September 21, 2004

ATTEST:

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

By: _____
Deputy Clerk

/ksm