

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

NOVEMBER 9, 2004

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Matthew D. DeBoer and Commissioners Adam Cummings, Sara Devos, 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 Assistants to the Board of County Commissioners Diane Gant and Bonnie Stoner, and Deputy Clerk Diane J. Nice. The meeting was called to order at **9:02 A.M.** (**Commissioner D'Aprile was not present for the meeting.**)

The **invocation** was given by **Chairman DeBoer** followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

Additions:

Regular
Business

Agenda Item Y-6, Commission Office, Discuss options for providing office space for Representative Michael Grant on the 5th floor of the Administration Building

Agenda Item Y-7, Budget, Approve the Florida Communities Trust Grant Contract to reimburse the County for pre-acquired costs of the Amberjack II Project

Agenda Item Y-8, Commission Office, Approve the Grove City Planning Committee Report and Direct staff to work with the Grove City Planning Committee on the adoption of a Community Plan

Proclamation Veteran's Day - November 11, 2004

Change:

Administration Agenda Item D-1, Set Executive Session to update the Board on specific issues on the collective bargaining for a successor Agreement between the County and Local 2546 of the Suncoast Professional Firefighters and Paramedics on November 16, 2004 at ~~9:00 A.M.~~ after the Transfer of Density Units (TDU) Ordinance.

Deletion:

Utilities Agenda Item W-1, a. Approve and authorize the Chairman to execute a Cooperative Funding Agreement between the Southwest Florida Water Management District and Charlotte County for construction of a reclaimed water transmission line to interconnect the East Port, West Port, and Rotonda Wastewater Treatment Facility and b. Approve Budget Amendment #05-A01 for CIP projects: East Port Upgrades (c350101) and Rotonda Wastewater Treatment Plant Upgrades (c350102) for \$1,704,000

COMMISSIONER HORTON MOVED FOR APPROVAL OF THE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).

Chairman DeBoer welcomed District 71 Representative Michael Grant and pointed out Representative Grant has experience with County activities having formerly served on the Airport Authority.

Proclamations:

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING NOVEMBER 2004 AS "KATHY L. JOHNSON, ARTS & HUMANITIES COUNCIL ARTIST OF THE MONTH" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0).
Kathy L. Johnson accepted the proclamation and expressed appreciation for the Board's support.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING NOVEMBER 11, 2004 AS "VETERAN'S DAY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0). Chairman DeBoer indicated he would present it on Thursday, November 11, 2004.

I. SPECIAL RECOGNITION

Employee Recognition:

Bruce D. Loucks, County Administrator, and **Commissioner Devos** recognized the following employees for their service with the County: **Five Years** - Timothy P. Bartley, Information Technology Department; Richard D. Berendsen, Public Works Department; Chris J. D'Urso, Utilities Department; Rhiannon L. Mills, Purchasing Department; and James W. Montgomery, Parks, Recreation & Cultural Resources; **Ten Years** - James A. Pontbriand, Environmental & Extension Services; **Fifteen Years** - Frederick H. Grace, Public Works Department; Peter W. Casseday, Public Works; James B. Keller, Parks, Recreation & Cultural Resources; Linda Q. Pierce, Utilities Department; Alisa L. True, Purchasing Department; and Donald A. Finkelstein, Fire/EMS Department; **Twenty Years** - Thomas M. Burns, Community Development Department; and **Twenty-Five Years** - Paul M. Johnson, Public Works Department.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

Bruce Pomeroy congratulated Tom Moore on winning the election to serve on the Board, expressed support of **Agenda Item Y-6, Office Space for Representative Michael Grant on the 5th floor of the Administration Building**, and commented on **Agenda Item L-10, Award Bid #04-478, Access Roads - March and Seamist Waterways, to Better Roads, Inc.** in relation to the atrocious job done by Better Roads on CR 775 and requested the contract include start and completion dates.

Jack Donkel presented a handout and commented in support of **Agenda Item L-10, Award Bid #04-478, Access Roads - March and Seamist Waterways, to Better Roads, Inc.**; pointed out Better Roads completed Wilmington Boulevard and North Access Road connection projects; expressed appreciation to everyone involved in pursuing completion of this long-standing project; and stated

today is a historic day since three South Access Roads will become one long Access Road.

Kelly Pearson advised she and her husband own the Englewood Bait, Tackle, and Marina Store on Beach Road; commented on **Agenda Item Y-2, Review operating options for the proposed purchase of Rocky Creek Marina and boat ramp** by stating the County should not compete against small businesses like the one operated by her husband's family for over 50 years; and stated the County needs more boat ramps.

Grace Amodeo, Chairperson of the Environmental Land Acquisition Advisory Committee, advised the Committee recommends approval of **Agenda Item J-1, Adopt Resolution requesting Florida Forever Program's Acquisition and Restoration Council to rank certain lands known as Charlotte Harbor Estuary, Charlotte Harbor Flatwoods, and Babcock Ranch in the "A Grouping" of projects to receive funding and Agenda Item Y-7, Approve the Florida Communities Trust Grant Contract to reimburse the County for pre-acquired costs of the Amberjack II Project** and she, individually, commented in support of **Agenda Item L-10, Award Bid #04-478, Access Roads - March and Seamist Waterways, to Better Roads, Inc.**

Rex Govorchin, a West County realtor, asked the Board to seriously consider the detrimental economic impacts of down zoning on Manasota Key in relation to **Agenda Item Z-1, 10:00 A.M. Public Hearing on the Interim Development Controls for Manasota and Sandpiper Key.**

Michael Grant, District 71 Representative, requested approval of **Agenda Item Y-6, Discuss options for providing office space on the 5th Floor of the Administration Building** to provide space for the legislator to coordinate with Federal and local government officials and better serve citizens; thanked **Chairman DeBoer** for his service on the Board; and stated he looks forward to **Commissioner Horton** supervising his re-election.

Bill Dryburgh, Parks and Recreation Advisory Board Chairman, commented in support of **Agenda Item Y-1, Review operating options for the proposed purchase of a marina and boat ramp and provide staff with direction** to establish another boat ramp and asked the Board to reconsider the 10-year grandfather clause

since it will have a significant impact on some of the businesses under **Agenda Item EE-2, 2:00 P.M. Public Hearing on the proposed Sign Ordinance.**

III. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee

- one (1) Low Income representative for a two-year term (appointment on the agenda)
- one (1) Building Industry representative

Gulf Cove Street & Drainage Benefit Unit Advisory Committee

- three (3) representatives who reside in Gulf Cove for three-year terms (volunteers were voted on the last meeting)

IV. REPORTS RECEIVED AND FILED

Community Redevelopment Agency Advisory Committee Minutes for June 24, July 22, and September 16, 2004

V. CONSENT AGENDA

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

CLERK OF THE CIRCUIT COURT

A. Finance Division

Agenda Item A-1, Adoption of Clerk's Finance Memoranda

Memorandum #1 Status of Contingency Reserves - FY 03/04

Memorandum #1A Status of Contingency Reserves - FY 04/05

Memorandum #2 Total Disbursements for the period October 20, 2004 through November 3, 2004 in the amount of \$16,802,381.85

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M.	October 5, 2004	Regular BCC Meeting
5:01 P.M.	October 7, 2004	Budget Public Hearing
9:30 A.M.	October 11, 2004	Hurricane Recovery Workshop
9:00 A.M.	October 12, 2004	Regular BCC Meeting
5:01 P.M.	October 21, 2004	Final Budget Public Hearing

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint Marilyn Bever as the Low Income representative for a two-year term and reappoint Earlene Oliver as the Member-At-Large representative for an additional two-year term to the Affordable Housing Advisory Committee.

D. Administration

Agenda Item D-1

Set an Executive Session on November 16, 2004, after the TDU ordinance on the collective bargaining agreement between the County and Local 2546 of the Suncoast Professional Firefighters & Paramedics.

E. County Attorney

No agenda items.

F. Budget Office

Agenda Item F-1

- a. Authorize the Chairman to certify the credentials of Angelyn H. Patteson as the Single Library Administrative Head for the Charlotte-Glades Library System;**

- b. **Approve two grant applications from the Department of State** for the County's participation in the State Aid to Libraries Program (Grant #2004-023) and the Multi-County Library System (Grant #2004-024) for Fiscal Year 2004-2005; and
- c. **Authorize the Chairman to sign Grant #2004-24** (the Multi-County State Aid to Libraries Agreement).

G. Community Development

Agenda Item G-1

- a. **Authorize the budgeting of two new positions, Roofing Inspector and Plans Examiner I**, to assist in additional work demands associated with Hurricane Charley; and
- b. **Approve Budget Amendment #05-A03** in the amount of \$138,132.

H. Economic Development

Agenda Item H-1

Set a Joint Workshop on November 23, 2004, at 2:00 P.M. of the Charlotte County Community Redevelopment Agency and the Charlotte Harbor Advisory Board to discuss the Charlotte Harbor Community Redevelopment Area.

J. Environmental Services

Resolution #2004-231 requesting Florida Forever Program's Acquisition & Restoration Council to rank certain lands known as Charlotte Harbor Estuary, Charlotte Harbor Flatwoods, and Babcock Ranch in the "A Grouping" of programs to receive funding.

K. Facilities Construction and Maintenance

No agenda items.

L. General Services

Agenda Item L-1

File #05-019, Uniform/Miscellaneous Rental Services - Charlotte County employees, to G&K Services of Ft. Myers, FL (Consortium Bid through City of Punta Gorda Contract #R04102/UNIFORMS0405) at the proposed pricing and 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

Work Assignment GO, Contract #00-08, Engineer of Record, for Charlotte County Utilities (CCU), with Dufresne-Henry, Inc. to provide a concept evaluation and corridor study for a proposed water line to connect the east section of CCU water service area in the vicinity of Deep Creek with a water main constructed by the Peace River Manasota Regional Water Service Authority (PR/MRWSA) on US 17 near the DeSoto County line for the total amount of \$99,160.

Agenda Item L-3

Bid #04-456, Taxi Cab Services, to four (4) firms: Mary's Taxi, Inc.; Astor & Company, Inc.; AAA All Service; and Grant Medical Transportation, Inc. at unit prices for the term December 1, 2004 through September 30, 2005 and authorize the County Administrator to approve options to renew for two (2) additional one-year terms at the same prices, terms, and conditions by mutual consent.

Agenda Item L-4

Bid #04-457, Wheelchair Coach Services, to two (2) firms: Astor & Company, Inc. and Grant Medical Transportation, Inc. at the unit prices for the term December 1, 2004 through September 30, 2005 and authorize the County Administrator to approve options to renew for two (2) additional one-year terms at the same prices, terms, and conditions by mutual consent.

Agenda Item L-5

Bid #04-412, Water/Wastewater Chemicals, to various firms for the term from the date of award through September 30, 2005 and authorize the County Administrator to approve options to renew for two (2) additional one-year terms at the same prices, terms, and conditions by mutual consent.

Agenda Item L-6

Deletion of Property Inventory Items for October 2004.

Agenda Item L-7

Bid #04-471, Removal and Transportation of Wastewater & Residuals, to American Water Services Residuals Management, Inc. of Ft. Myers, FL, and Synagro Southeast, Inc. of Vero Beach, FL, for amounts listed on the bid from the date of award through September 30, 2005 and authorize the County Administrator to approve renewal options up to two (2) additional one-year terms at the same prices, terms, and conditions by mutual consent.

Agenda Item L-8

Bid #04-470, Sod - Supply, Deliver and/or Install and Hydro Seeding, to Boran Ranch and Sod Farm, Inc. of Arcadia, FL, for the period from the date of award through September 30, 2005 at the submitted prices and authorize the County Administrator to approve renewal options up to two (2) additional one-year terms at the same prices, terms, and conditions by mutual consent.

Agenda Item L-9

Piggyback File #05-038, Heavy Equipment, onto Florida Sheriff's Association, Florida Association of Counties Contract # 04-12-0823 with Nortrax Equipment Co., for three pieces of heavy equipment for a total of \$343,161.15.

Agenda Item L-10

Bid #04-478, Access Roads - March and Seamist Waterways, to the lowest responsive, responsible bidder, Better Roads, Inc. of Naples, FL, for the total amount of \$329,137.83.

M. Human Resources

No agenda items.

N. Human Services

Agenda Item N-1

Grant #2004-025 between the State of Florida Commission for the Transportation Disadvantaged Medicaid Non-Emergency Transportation (NET) Program and Charlotte County (Human Services Sunshine Ride) for monthly lump-sum payments of \$39,615 to reimburse the County for additional office staff administering the program, trips delivered in County buses, payments to taxi and wheelchair services, and bus passes for passengers to travel to neighboring counties from December 1, 2004 through November 30, 2005 with three possible renewals.

P. Information Technology

No agenda items.

Q. Parks, Recreation & Cultural Resources

No agenda items.

R. Public Safety

No agenda items.

S. Public Works

Agenda Item S-2

Agreement #2004-052 for the Local Agency Natural Disaster Emergency Contract #H1088 with the State of Florida Department of Transportation (FDOT) for repairs and debris removal along Federal-aid highways due to damage from Hurricane Charley and authorize the Chairman to sign the Contract and other documents relative to the project. **Chairman DeBoer** stated the contract allows Charlotte County to clean up State roads without indemnification for damages incurred by the County and provides for reimbursement from the Federal Highway Administration but

all other costs are being shifted to the local government and taxpayers. **Chairman DeBoer** advised this issue will be turned over to Representative Grant.

T. Real Estate Services

Agenda Item T-1

Resolution #2004-232 and County Deed releasing a portion of a twenty-five (25) foot wide canal maintenance easement, a portion of a ten (10) foot wide utility and drainage easement, and a portion of a six (6) foot wide utility and drainage easement, all located in Lot 102, Block 3302, Port Charlotte Subdivision, Section Forty-Four (44), in Charlotte County, to Donald Lee Ham and Pamela Jean Esko Ham to allow encroachments for a portion of a pool, deck, cage, and roof overhang that are part of the overall construction of a single-family residence located at 4271 Beachview Court.

Agenda Item T-2

Resolution #2004-233 and County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 11, Block 1864, Port Charlotte Subdivision, Section Fifty-Four (54), in Charlotte County, to Lawrence Van Sickler and Joan Van Sickler to enable the use of a portion of the easement as part of the proposed overall building footprint to include a pool, deck, and cage at 13330 Gorman Avenue.

V. Tourism Development

No agenda items.

ITEM FOR DISCUSSION

S. Public Works

Agenda Item S-1, Resolution requesting the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to issue an upland easement between Florida Department of Environmental Protection (FDEP) Monuments R-19 and R-20 needed for construction of Stump Pass State Park Innovative Stabilization Project

Commissioner Horton recalled funds have been allocated for the project, he has had dialogue with FDEP Secretary and staff of the Governor and Legislators, a modified approach to the channel alignment has been developed that should be acceptable to FDEP, commended staff for all of their efforts in resolving this matter, and requested the status of the 8-year Plan for the Stump Pass Maintenance and Beach Renourishment. Thomas O'Kane, Public Works Director, explained the next maintenance activity is scheduled for 2006. **Commissioner Horton** reported the maintenance may be moved forward to 2005. Mr. O'Kane agreed on the possibility and recalled the last dredge was performed in 2002 so at least two years into the 8-year Plan. **Commissioner Horton** expressed concern about what would occur at the end of the 8-year Plan i.e. implement another program or pursue Legislative action to establish a Stump Pass Inlet Management District and incorporate Charlotte County and South Sarasota County to Manasota Beach Road through a special act of the Legislature. **Commissioner Horton** offered assistance in pursuing the alternative as a long-range program. **COMMISSIONER HORTON MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-234 REQUESTING THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA TO APPROVE EASEMENTS NEEDED FOR CONSTRUCTION OF STUMP PASS STATE PARK INNOVATIVE STABILIZATION PROJECT, SECONDED BY CHAIRMAN DeBOER.** **Chairman DeBoer** recalled the County was approached by the Consultant and FDEP to apply for a grant for the purpose of installing the system and it has taken over a year to get to this point; the last dredge of Stump Pass was based on the 1980 alignment (a more northerly alignment) and the Division of Parks has opposed the maintenance dredge to that alignment; a compromised alignment has been offered that is located just south of the 1980 alignment; the County is waiting on the outcome in order to maintain Stump Pass; and pointed out this item will be placed on Representative Grant's desk. **Commissioner Devos** commented on the need to conduct a maintenance dredge of the Spring Lake channel in order to expand the boat ramps and requested an opportunity to discuss this issue with Dan Quick and look at all water bodies in the County that need to be dredged as a result of the hurricanes. Mr. O'Kane stated information has been provided to FEMA on canal cleaning and expressed understanding that some funding made be available for dredging activities as part of the long-term recovery plan. **Chairman DeBoer and Commissioner Cummings**

commented on conversations with FDEP officials about not being allowed to dredge since that area is designated as the Charlotte Harbor Aquatic Preserve even though dredging would prevent seabed scarring. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

VI. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Administration, Discussion/prioritization of Legislative Concerns for the 2005 Legislative Session

Kelly Shoemaker, Assistant County Administrator, proffered the list of Legislative Priorities; page one is the recommended agenda based upon current events, staff input, and discussions with Southwest Florida Legislative Consortium members; suggested the items on pages two through four be provided to the lobbyists for monitoring; advised the City of North Port has designated the four-laning of Toledo Blade Boulevard as a high priority and requested the County add the project to its legislative priorities; the topic of water is listed for monitoring but not on the recommended agenda list since the Southwest Florida Regional Planning Council (RPC) is developing a consolidated list of water issues; and offered to answer questions. **Chairman DeBoer** reported Ms. Shoemaker has provided additional information regarding the platted lands legislation as a result of questions yesterday morning; recalled the legislation is very one-sided, fair compensation to owners of platted lands should be added, and after a review, he will provide recommendations; and requested an explanation of Item #9, Tourist Development Tax: Support legislation ensuring that equitable tax treatment exists for internet resellers. Ms. Shoemaker advised the topic was provided by the Florida Association of Counties (FAC) and the Tourism Department and offered to obtain more information. **Chairman DeBoer** requested additional information on Health and Human Services including Support a Comprehensive Older Adult Mental Health and Substance Abuse Services Act, Support Care Management Regulation Legislation, and Oppose Medicaid 1115 Super Waiver. Ms. Shoemaker indicated backup information from FAC will be provided. **Chairman DeBoer** suggested setting a workshop to develop an overall strategy and focus on more local issues including a general plan on water issues. **Chairman DeBoer** expressed support, in opposition to FAC's position, to

the legislative creation of a statewide water commission which redefines the water supply relationship among the state, water management districts, and local governments in order to establish a cooperative effort comprised of local agencies; expressed his intention to draft a proposal to establish a statewide commission; opined more information is needed; and a workshop should be scheduled. **Commissioner Cummings** stated the water management districts could be redesigned to encompass water supply sources and growth management; suggested reconfiguring the RPCs and water management districts based upon a council of government format with elected officials, gubernatorial appointees, and state agencies with some of the water management districts in lieu of a statewide commission; and the water market is coming back and that could be the single worst thing that could happen to governance regarding water supplies in the state i.e. it could put the state right into Western Water Law which is a proven to be failed system. **Commissioner Cummings** stated he is working on a proposal regarding phosphate issues; explained he has the impression that even though FEMA will be involved significantly in the long-term recovery plan, funding may be accessible from Federal and State funding sources; questioned the need to develop the long-term plan and focus legislative efforts on accomplishing local recovery projects while participating on water and phosphate issues. Ms. Shoemaker indicated she will consult with the lobbyists to ascertain recommendations. **Commissioner Horton** recalled water management districts primarily worked as permitting agencies whereas now they are evaluating water source options; stated it is difficult for local officials to impact the agencies since no local elected official can be a part of any of the governing boards; commented on the need to address concerns through legislative efforts; and suggested a cooperative effort be established between the Federal agencies, State Legislature, State agencies, and local governments to address water concerns and find alternate water sources now. **Commissioner Devos** agreed with **Chairman DeBoer** about setting a workshop as soon as possible; requested the sponsor of Item #2, the Platted Lands Legislation; suggested County waterways and canals be included in Item #4 for Environmental Permitting/Mitigation; Item #7, County Health Departments should be a high priority since Charlotte County's Health Department is at the top of the list for funding for a new building; and requested additional information on Item #9, Tourist Development

Tax and equitable tax treatments for internet resellers. Ms. Shoemaker explained the Legislature's Special Session will probably be scheduled for the first or second week of December to deal with recovery efforts and the local legislative delegation will meet shortly thereafter. **Chairman DeBoer** requested the timing to receive proposals for the Special Session. Ms. Shoemaker indicated the lobbyists will provide it as soon as it is available and requested a Board Member serve as liaison on State and Federal issues with the lobbyists. **Chairman DeBoer** acknowledged the need to approach Federal and State Legislatures on recovery projects and a decision on the liaison should be made soon. Ms. Shoemaker advised a workshop will be scheduled. **Commissioner Cummings** expressed an interest in participating in the lobbying effort at the National level because he wants to make sure that resources are available for the Babcock Ranch acquisition as part of his efforts with the Coalition and volunteered to serve as liaison. **Chairman DeBoer** volunteered to serve as liaison since he has been spending a lot of time on working on recovery projects with various agencies; he will be meeting early tomorrow morning with the agency, he will be going to the Community Meeting at the Cultural Center tomorrow evening; and suggested **Commissioner Cummings** start attending meetings if he is going to volunteer.

RECESS: 10:05 A.M. - 10:10 A.M.

VII. PUBLIC HEARING AGENDA

Z. 10:00 A.M. Public Hearing

Agenda Item Z-1, Interim Development Controls for Manasota and Sandpiper Key (Proof of Publication was in order.)

Jorge Perez, Planner III, explained this is the first of two public hearings on the interim development controls; the second public hearing is scheduled for November 23, 2004 at a time to be determined; recent projects proposed are inconsistent with development standards proposed in the Manasota and Sandpiper Key Community Plan; the proposed ordinance will place a hold on development to allow incorporation of the Community Plan as part of the County Code; the interim development controls will hold development permits while allowing general maintenance procedures to existing structures and properties; exceptions may

be made for projects that are currently going through the development review process and meet guidelines set out in the Comprehensive Plan and Community Plan; the ordinance expiration is set for 180 days or it may be repealed as soon as the Plan provisions are made a part of the Code and implemented; and the ordinance specifically designates criteria for exceptions, a list of allowable permits during the interim control period, and contains a clause regarding repeal for a period shorter than 180 days. **Chairman DeBoer** announced public hearing procedures. B.J. Galberaith, Manasota/Sandpiper Key Advisory Committee Chairman, reported the Committee supports the ordinance in order to stop non-conforming uses and development from sneaking into the Island before enactment of the Plan. David Lipstein, a Manasota Key resident, stated the Plan is deficient in many aspects although many of the elements protect the environment and natural beauty of the community; it was hoped that a balanced Plan would reflect the interests and concerns of all home and property owners on the Key; stated the Plan appears to be anti-growth and biased towards single family usage and a Plan that will codify second class citizen status for about one-half of the property owners within the Charlotte County portion of the Key; condominium and multi-family family zoned property owners would be adversely affected; questioned if condominiums rendered non-conforming by changes in density and zoning enacted over the years would be reconstructed if damaged 50%; the Plan indicates "no" and the Committee recommended that all structures and uses that suffer damage exceeding 50% of the replacement value will be replaced with land uses fully compatible with zoning and Future Land Use Map (FLUM) classifications which may be applicable at the time the damage occurred and an exception may be made for condominium developments that pre-date Section 3-9-10 and may rebuild the number of units legally existing at the time of the disaster, provided redevelopment follows all applicable development standards including setbacks, buffer zones, and parking requirements which may be applicable at the time the disaster occurs; and based upon the present guidelines, this is a land grab of vast proportions and it is a taking with no compensation to condominium and multi-family owners and the Plan puts the existence of condominiums in jeopardy. Milo Macko appeared with his wife, stated they are 13-year residents on Manasota Key and also appeared on behalf of El Galeon By the Sea Board of Directors, a 20-unit complex; explained the monstrosity, Bare Foot Beach, blocks his view of the South End

of the Island; referenced a newspaper article about The Palms, a new development of four stories which exceeds the three story height limit he was aware of; and this type of development has destroyed that side of the Island. Bob Carroll, a 9-year Manasota Key resident appeared on behalf of Bear Circle Association comprised of 20 homes on the northern part of the Island; disagreed with Mr. Lipstein stating the Committee did an excellent job on the Plan which allows condominiums within reason; if a hold is not put on development, the flood gates will be opened to allow development under the old requirements and negate the Plan provisions; and stated if developers want to proceed with construction, they should do so under the proposed standards. Marianne Murdock, a Beachcomber Lane resident on Manasota Key, expressed understanding that a five-story building is to be constructed next to her home that will block her view of the beach and sunsets and commented in support of any delay that will allow further consideration of building such a large structure on a small lot. Joanne O'Brien, appeared on behalf of the 48-unit La Coquina Condominiums on Manasota Key, expressed the belief that the height restriction was three stories; a monstrosity is being built by Page Development that will block the sunlight from her pool area; and if she had known that a developer might built a structure more than three stories, she would have purchased a unit on Siesta Key. Stanley Parker, a 10-year resident on Manasota Key and the South Manasota Key Association Vice President, requested what facets have been considered and the impacts to the community, the results of the considerations, and where this documentation might be reviewed. Paul Eno, appeared on behalf of the La Coquina Condominium Board of Directors, stated the complex is two stories and Gulf Breeze is being constructed next door comprised of a parking level and three stories of housing, a pool, elevator, and a top level; proffered photographs of the rebar next to the complex and scaffolding nailed into the retaining wall of the complex's pool area; this means the pool will be blocked from the sunlight at least during the winter months; and commented in support of putting a hold on such development until further consideration. Mike McClain, a 6-year full time resident on Manasota Key, a member of the Manasota Key Sandpiper Key Advisory Board, and Pelican Shores Association President where he resides, advised unit owners support the Plan the Advisory Committee drafted, it seems that developers are taking precedence over property owners, and encouraged the Board to consider what the people

want. Judy Miller, a resident of the 18-unit complex of Oak Water Cove Condominiums, expressed appreciation for the Board's unanimous support of the South Manasota Key and Sandpiper Key Community Plan and requested for the Board's support to insure that the Plan has an opportunity to become a reality and preserve and protect the Key; she is aware of 8 applications for building permits currently on file for approval prior to adoption of the Plan that will undermine the Plan; and encouraged the Board to adopt the interim development controls. Barbara Parsons, a resident who built 18 years ago directly across from Bare Foot Beach, expressed understanding that development was limited to three stories and now there is a five-story building that is blocking her view of the beach, questioned approval of 12 permits for condominiums, requested the Board to restrict heights, and pointed out future potential water problems with this amount of growth. Carole Kennett, a North Beach Road resident, thanked the Board for its support and the Advisory Committee for all of their efforts in drafting the Plan, stated a hold on development should be implemented to enable adoption of the Plan to protect investments, resources, green spaces, and the beauty of the area. Robert H. Berntsson, of the McKinley, Ittersagen, Gunderson & Berntsson law firm, appeared on behalf of Page Development Companies that have developed five projects on the Key, three of which have building permits and are under construction, one which is a Planned Development that has received Board approval in concept, and Venetian Sands applied for preliminary Development Review Committee (DRC) approval in July and preliminary DRC approval was received in September; these projects are years in the making and to change the rules in the middle of the process retroactively is unfair to anyone doing business in Charlotte County; requested an exception be added to the ordinance for projects that have applied for DRC approval by a certain date i.e. September 21, 2004; he spoke at the Planning & Zoning Board meeting and he was assured by staff and the Legal Department that no changes in permitting would take effect until the public hearing process started on the Plan; implementation of the Plan will be costly to the County; the Burt Harris Act will ensure property owner's their value and some acknowledgment must be made by the County; opined this is the Airport Overlay Park Ordinance with a name change and the Economic Impact Statement clearly relates to the Airport Overlay Park since it mentions an industrial area; the Board should be fully informed of the

consequences prior to making a decision; stated Island residents do not completely understand implications of the Ordinance since non-conforming units will not be allowed to be rebuilt and unit owners need to decide now who will be leaving; and reiterated his request to provide an exemption for projects that have applied for and had a valid application for the DRC prior to September 21, 2004. Vernon Kennett, a resident at 5040 North Beach Road, Banyan Bluff, expressed uncertainty about using scare tactics that some people will not be allowed to rebuild; requested the Board to give serious consideration to prohibiting home owners from rebuilding during the next 180 days; it is sad and wrong that home owners cannot see out of their homes any longer because of progress; it boils down to being money greedy; and commented on the need to preserve and protect the Island. Pat Mustove, a Key resident who has been a Steering Committee member for the last year and one-half and a current Manasota Sandpiper Key Advisory Committee member, referenced an article in the Charlotte Sun wherein Mr. Page expressed concern that the feelings of a few would prevent what the majority of Key residents want i.e. upgrading the Key; opined Mr. Page has not spoken to the residents if he believes that; restated the remark that Mr. Page is concerned the feelings of the majority would prevent the few (out of town developers) who look at the bottom line with no respect for what property owners want; the Advisory Committee did not request stoppage of development, just control over multi-family; numerous public meetings were held with a good turn out of residents but no developers attended; tourists come to the Island because of the quaint, small town atmosphere; and urged the Board to pass the interim development controls because it is what homeowners and business owners want. Jack Landis advised he first came to Manasota Key in 1939 when it was a virtual Garden of Eden; about 30 years ago, the upper portion of the Key obtained a State resolution that restricted building; he is appalled that the local community has been invaded by carpet baggers from the north who have pushed building limits far beyond current restrictions. Barry Dasher, a 13-year Key resident, stated the 180-day delay would provide developers another opportunity to make changes, the people who will live beside these developments will live there forever, and pointed out if these developments are built and a hurricane moves through the area, they will not be able to rebuild. Janet E. Potts, one of the 14 residents at Sandpiper Cove Condominiums, advised the residents realize they probably cannot rebuild as it

exists today; requested the Board adopt the interim development controls in order to retain the existing small town atmosphere of the Island. Barbara Whitefall, an Oak Water resident on Manasota Key, stated she and her husband fell in love with the place because it was not like Long Boat Key, now there is a high rise that you see when you come over the bridge, and requested the Board protect the Island. Bonnie Littrell, a 13-year Manasota Key resident, stated she moved to the Island because it was the most gorgeous place in the World; she is a former Manasota Key Association member and president of her homeowners association; the Committee has put a lot of effort into drafting the Plan; and asked the Board to do what the people want and adopt the interim development controls. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0).** Commissioner Devos stated the height limitation is not working on the Key; the Plan does allow for growth that will protect the character of the Island; stated the Board has allowed mobile home parks to rebuild as they were so owners would not lose their homestead exemptions; suggested the same be allowed for Island homeowners; expressed embarrassment that she voted in favor of one of the Page Development petitions based on the presentation made at the public hearing with the understanding that the height limitation would prevail; and this provides an opportunity for her to stop such development. **Commissioner Cummings** commented in favor of adopting the interim development controls has evidenced by his support of the Plan; there is a difference between enrichment and being fair, Florida has lost sight of that, and communities have been put at a disadvantage; Mom and Pop land owners do not get the best compensation even though Legislators are told that Florida is the most generous state with regard to private property compensation; the Legislators say they will protect the rights of the property owners, not enough is being done, and race further ahead of the rest of the Country; growth needs controls; commented on obtaining some of the Federal Hazard Mitigation monies to purchase these units prior to more development to reduce development on the Island; and suggested including Hazard Mitigation in the Community Plan and the Hurricane Recovery Plan. **Commissioner Horton** opined progress is a mixed blessing; recalled the battle in the 1970's to expand the Water District by a 1 million tank for growth and in order to prevent high rises on West County beaches, sewers were prohibited and restrictions were made on available water; stated

he has a problem with interpretations regarding the highest and best use; he believes in growth within reason; stated this Board has tried to keep growth within reason whereas developers are trying to circumvent the desires of the Board and residents; and opined height restrictions, setbacks, and down zoning need to be addressed now for the future preservation of the Key. **Chairman DeBoer** pointed out the Comprehensive Plan directs the Board to control and manage future growth especially on barrier islands but there is no mechanism to quantify the quality of life; stated he has spoken with FEMA representatives about the policy where a structure has to be funded through FEMA three times for reconstruction before they buy it; he mentioned to the representatives that the County would like to buy density now on the barrier islands possibly using FEMA, Federal, and State funds; expressed offense to attorneys appearing before the Board and editorializing on a different project, the Airport Park Overlay, when the same attorney held up the implementation of that Overlay for over a year by suing the County, the firm is threatening to sue the County again, and then they go out in public saying what a failure it was; acknowledged the County gets sued some times when the right thing is done; and he is looking forward to the second public hearing in order to implement the interim development controls and the subsequent adoption of the Community Plan. **Chairman DeBoer** advised the second public hearing has been set on Tuesday, November 23, 2004 at 10:00 A.M.

RECESS: 11:18 A.M. - 11:23 A.M.

Agenda Item Y-2, Parks, Recreation & Cultural Resources, Review operating options for the proposed purchase of a marina and boat ramp and provide staff with direction

Laura Kleiss Hoeft, Parks, Recreation & Cultural Resources Director, explained as a result of the Board's authorization on September 14, 2004 to proceed with the acquisition of Rocky Creek Marina, staff has 60 days to perform due diligence to investigate concerns and to develop plans for the seller to remedy defects that may be discovered, the Board also requested staff evaluate operating options for the marina and boat ramp. Mrs. Kleiss Hoeft highlighted the options:

1. Take all existing amenities at that location, demolish all structures and develop a boat ramp and parking lot.
2. Enter a public/private partnership agreement as County managed and concessionaire.
3. Enter a public/private partnership agreement as concessionaire management.
4. Purchase the property as is and enter into a long-term lease agreement.

Mrs. Kleiss Hoeft reported Options 2 and 3 will provide revenues for the long-term Capital Improvement Programs; reviewed the Operating Estimates for Annual Net Operating Income: \$52,621 for Option 1, \$81,603 for Option 2, \$50,151 for Option 3, and \$75,000 for Option 4; each of the options were estimated conservatively and have the potential for additional revenues; and pointed out pros and cons of each Option are in the packet. **Chairman DeBoer** stated he does not believe that the County should provide a public service when that service is already being offered by the private sector; it is wrong for government to be in competition in this area and government is not equipped to operate such a facility; pointed out the County overhead, supervisory or operational overhead from Departments, or amounts distributed through Central Services, that would further reduce potential revenues, have been included in the operating estimates; suggested a revision of the Zoning Code and policy to designate sites for these types of services without putting them into a general zoning category; and there is no reason for the County to buy the marina and provide services for a fee when the private sector is already providing these services for a fee. **Commissioner Cummings** pointed out the Board has been trying to preserve public access to the water, suggested updating the Blue Belt Plan and implementing it, commented in support of acquiring and preserving this access and allowing the private sector to provide the services, and implementation of the Blue Belt Plan would reduce the need for these types of future acquisitions. **Commissioner Devos** agreed with **Commissioner Cummings**. **Commissioner Horton** stated the County needs more boat ramps and parking, government should not be in competition with local businesses, commented in support of acquiring the marina and boat ramps and dealing with the storage and marina services at another time, and reminded the Board that the 13 acres by Cape Haze that the County did not purchase recently sold for over \$8

million and the developer intends to construct 133 condominium units, 60 feet high right along Placida Road. **Commissioner Cummings** pointed out the space for a concessionaire to sell bait and gasoline might be utilized for more parking, storage, or access. **Chairman DeBoer** requested a motion since it appears it will be a 3:1 vote. **Chairman DeBoer** stated the County is not supposed to regulate costs and subsidize with taxes; the estimated revenues are not accurate since depreciation and recapitalization of the asset were not included as required under Gazby 34, or costs attributed to pollution problems from fuel tanks and insurance. Mrs. Kleiss Hoeft indicated staff has ascertained the marina is in compliance since the fuel tanks have been replaced as part of the due diligence process. **COMMISSIONER HORTON MOVED FOR APPROVAL TO PURCHASE THE PROPERTY AND APPLY OPTION 1 TO THE REUSE OF THE PROPERTY, SECONDED BY COMMISSIONER DEVOS. CALL ON THE MOTION: MOTION CARRIED: 3:1 WITH CHAIRMAN DeBOER OPPOSING THE MOTION.**

Agenda Item Y-3, Facilities, Request discussion and direction from the Board for hardening facilities for repairs to facilities damaged in the hurricane season of 2004 and for future facilities currently outlined in the County five-year CIP Plan

Michael J. Sheridan, Facilities, Construction and Maintenance Director, introduced FEMA Public Assistance Coordinator Chris Walsh and FEMA Mitigation Coordinator Desi Kwan; the County has not had a policy to harden facilities; asked for direction on making repairs and hardening of facilities damaged as a result of the hurricanes and hardening of projects in the Capital Improvements Program that deal with life, health, and safety issues. **Commissioner Cummings** stated the facilities need to be safe in the worst conditions and expressed support for hardening the facilities. **Commissioners Horton and Devos** agreed. **Commissioner Devos** requested an explanation regarding Fire Station 7 that is in close proximity to the City of Punta Gorda. Mr. Sheridan stated the intent is to relocate the Station. **Chairman DeBoer** indicated his desire to consolidate the Emergency Operations Center (EOC), Fire Station Headquarters, and Sheriff's Office in a compound with the Jail. Mr. Sheridan reported staff has received prior direction on looking at a Public Safety Complex at the Jail; the spread sheet was compiled based upon current funding and work approved for the EOC; and

to use the money for the Public Safety Complex. **Chairman DeBoer** suggested holding up on the Auditorium. Mr. Sheridan agreed. **Chairman DeBoer** stated that all public facilities, as they are rebuilt, should be hardened for possible use as shelters. **Commissioner Devos** recalled a discussion on parking to protect County vehicles. Mr. Sheridan explained the entire facility would be hardened including hurricane hardened door systems in the truck bay areas; Fire Station 1 is currently under contract for the construction phase and the contract regarding Fire Station 8 for a future station includes an option to harden the door systems; door systems of existing stations that have been damaged and require reconstruction are being hardened; and the FEMA Mitigation Coordinator has submitted a proposal to change out existing door systems that were not impacted in some of the stations. **Commissioner Devos** suggested a future discussion on hardening all emergency facilities and other County facilities with costs and funding sources. **Board consensus to harden facilities.**

All Commissioners, except **Commissioner Horton**, donned red suspenders and **Chairman DeBoer** requested a motion to add a Proclamation for "Mac Horton Day" after coming down from the dais. **COMMISSIONER DEVOS MOVED FOR APPROVAL TO ADD THE PROCLAMATION, SECONDED BY COMMISSIONER CUMMINGS. CALL ON THE MOTION: MOTION CARRIED: 3:1 WITH COMMISSIONER HORTON OPPOSING THE MOTION.** A clown and a group of family and friends came in the Chambers, down the center isle, and recognized **Commissioner Horton**. **Commissioner Horton** showed off his red, white, and blue suspenders. The clown expressed appreciation to **Commissioner Horton** for everything he has done for the community, wished him the best in all of his future endeavors including Supervisor of Elections, and invited everyone to a bar-be-que out back. **Chairman DeBoer** stated it has been a great pleasure working with Mac Horton, he has become like a big brother, working with Mac Horton has helped him become a more successful Commissioner, and congratulated him on being elected to serve as Supervisor of Elections. **Chairman DeBoer** read the proclamation. **THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING NOVEMBER 9, 2004 AS "MAC HORTON DAY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).** **Chairman DeBoer** presented a plaque to **Commissioner Horton** in recognition of outstanding community service as Charlotte County Commissioner from November 1996 through 2004. **Commissioner**

Horton stated he has mixed emotions and recalled eight years he told Chairman DeBoer that significant changes have occurred since he and Commissioner Cummings were elected; Commissioner Horton asked Chairman DeBoer to stay on the Board long enough to meet his commitment and Chairman DeBoer and Commissioner Cummings have stayed; and the things done over the last 8 to 10 years are the most important accomplishments ever by a Board that citizens can be proud of.

RECESS: 12:00 P.M. - 2:05 P.M.

VI. REGULAR AGENDA

(Executive Assistant Stacey Miller replaced Diane Gant Assistant and Supervisor of Minutes Caroline W. Lounsbury replaced Deputy Clerk Diane J. Nice for the remainder of the meeting.)

Y. Regular Business

Agenda Item Y-4 (a) and (b), Approve change of design for Proposal #04-038 Design/Build Fire Station(s) for hardening of the structures to Miami-Dade standards for hurricane hardened facilities; and Amend the previously approved authorization for the Chairman to sign the design phase portion of the design/build contract from \$50,000.00 to \$55,000.00

COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF AGENDA ITEMS Y-4 (A) AND Y-4 (B), SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).

Agenda Item Y-5, Approve Change Order #1 to Contract #03-189, Design/Build Fire Station #1 with Wright Construction of Fort Myers, FL for an amount not-to-exceed \$5,000 for a revised design fee of \$105,000

COMMISSIONER DEVOS MOVED FOR APPROVAL OF AGENDA ITEM Y-5, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).

Agenda Item Y-6, Discuss options for providing office space for Representative Michael Grant

COMMISSIONER DEVOS MOVED FOR APPROVAL OF AGENDA ITEM Y-6, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).

Agenda Item Y-7, Approve the Florida Communities Trust Grant Contract to reimburse the County for pre-acquired costs of the Amberjack II Project

COMMISSIONER DEVOS MOVED FOR APPROVAL OF GRANT #2004-026, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).

Agenda Item Y-8, Approve the Grove City Planning Committee Report and direct staff to work with the Grove City Planning Committee on the adoption of a Community Plan

COMMISSIONER DEVOS MOVED FOR APPROVAL OF AGENDA ITEM Y-8, SECONDED BY COMMISSIONER HORTON. COMMISSIONER DEVOS AMENDED THE MOTION TO INCLUDE JORGE PEREZ TO BE ASSIGNED TO THIS PARTICULAR PROJECT. CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).

(Executive Assistant Bonnie Stoner was present for this portion of the meeting and Assistant County Attorney Louis Whitefield replaced Interim County Attorney Brendan Bradley for the remainder of the meeting.)

X. PETITIONS AGENDA

EE-1. 2:00 P.M. AMENDMENT (Public Hearing)

Agenda Item EE-1, An ordinance of the Board of County Commissioners of Charlotte County, Florida, creating a "U.S. 41 Zoning Overlay District;" providing for a short title; providing for boundaries for intent; providing for applicability; providing for permitted, conditional and prohibited uses; providing for site and development plan approval; providing for development standards; providing for parking regulations; providing for commercial design standards; providing for the regulation of dumpsters, deliveries, landscape buffers, screening and signs; providing for conflict with other ordinances; providing for inclusion in the County Code; providing for severability; and providing an effective date. (Proof of publication was in order.)

Mike Konefal, Community Development Director explained the purpose of the U.S. 41 Zoning District Overlay is to establish an area where special attention will be given to new development and redevelopment activities. Mr. Konefal stated adoption of

the ordinance will provide for: flexible development standards; reduced on-site parking where applicable; expansion of commercial uses to adjoining residential lots; protection of adjacent residential areas by increased buffering, reduced height requirements and limited commercial uses; and limitation on the expansion of intensive commercial and light industrial uses. Mr. Konefal stated on October 20, 2004, the Board held the first public hearing on the proposed ordinance and as a result of public comments; there have been some minor revisions that are reflected in this ordinance. Mr. Konefal stated that the County does not plan on amending the Future Land Use Map or rezoning the rear residential lots to commercial uses as this time; however, the land use amendments and/or rezonings of those lots by property owners will be considered and County amendments are possible in the future. Phillip "Taylor" voiced opposition to the proposed ordinance. Susan Kovacs voiced opposition to the proposed ordinance. Carolyn Drybaugh stated she would love to have the "Key West" look for US 41, but after experiencing the devastation of Hurricane Charley she doesn't think business owners will be able to afford making these changes. Kathleen Smith voiced opposition to the proposed ordinance. Darlene Ward commented on properties that don't have frontage on US 41 and questioned how these properties will be addressed. Sherman "inaudible" recommended taking out of this ordinance the five year clause in the 50% rule. Gabrielle Van Bryce stated she is a builder and designer from New York and New Jersey and is fascinated with this project, but suggested reconsideration be given to lowering the speed limit on this corridor; signage/addresses need to be clarified so potential buyers can find the business and stated she has many ideas for this project and would like to help with the planning. Linda "Sole" stated the Board needs to make sure that this ordinance works for everyone in the area. Geri Waksler commented on the 50% lot coverage requirement and explained the ratio of 4800 vs. 2400 floor area and requested the ratio be of a higher percentage. Todd Katz commended staff for this ordinance, stated the time is right, but there are some restrictions in the sign ordinance that are too restrictive. Richard Wharfield stated he hasn't heard anything mentioned about marquee signs. Dick Ford stated this overlay district is not really a new concept and it has been discussed since 1988. Mr. Ford stated he isn't quite sure if this ordinance is ready now for adoption, but encouraged the Board to continue working on it as it will be good for the

community and merchants in Charlotte County. Don Gasgarth stated he has concerns regarding the ordinance for signs being too restrictive. Ken Robersen stated the sign ordinance needs to be refined and tabled for now. Kevin F. Graham stated this is a bold move for Charlotte County understands the concerns of the residents and commercial property owners regarding properties that haven't been maintained. Cindy "Drawdy" commented on business owners that have 20 to 25 employees and questioned where are they suppose to put their parking. Mrs. Drawdy stated the rationale was to put parking in the back of the establishment. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).** **Commissioner Devos** stated we need to act on a plan for US 41 after what Hurricane Charley did to our area. **Commissioner Devos** stated that some commercial property owners are already expanding because they own property behind them. **Commissioner Devos** questioned as to where the installation of sewers will be. **Commissioner Devos** stated she supports tabling this ordinance so the Board can have a better method working with the business owners and residents. **Commissioner Cummings** stated the issue posed by Mrs. Waksler is of concern to him. Mr. Konefal stated we would need to amend the Comprehensive Plan to accommodate the issue regarding the ratio of floor area. **Commissioner Cummings** stated the drainage issue wouldn't change for the second floor of the building and this is the time now for the best opportunity to be decisive. **Commissioner Cummings** stated the relationship between the commercial property owners and the residential owners have always been unsuccessful. **Commissioner Cummings** stated we need to move forward with this ordinance and that he would vote in favor of it. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE ADOPTION OF ORDINANCE #2004-065, SECONDED BY COMMISSIONER HORTON.** **Commissioner Horton** stated this ordinance is a step in the right direction. **Chairman DeBoer** stated the eventuality of the possibility of potential rezoning properties behind commercial properties needs to be brought back to the Board. Mr. Konefal stated the five year value is part of FEMA rules. **Chairman DeBoer** questioned the comments made about the area looking like "Key West." Mr. Konefal stated this ordinance doesn't have any architectural plan. **Chairman DeBoer** stated he was under the impression that an architectural plan was one of our primary goals. **Chairman DeBoer** stated that it isn't a good idea bringing commercial properties up in front. **Chairman DeBoer** stated the sewers

should be put in on the property line in front of the building. Mr. Konefal stated that right now we're not considering lot coverage increase as they are dictated by the Comprehensive Plan. **Chairman DeBoer** commented on the elimination of parking requirements provided sufficient parking is available. **Chairman DeBoer** stated he would assume that we're talking about reducing parking requirements. Mr. Konefal stated we're reducing parking requirements on private property and relocating that parking to the frontage road which will be designed to have a parking lot. **Chairman DeBoer** commented on development of rear lots where CG and OMI uses are allowed on rear lots, but intensive CG and OMI are not permitted. Mr. Konefal stated that some of the intentions of CG uses, i.e. gas stations would not be allowed in the rear lots. **Chairman DeBoer** questioned as to what is intensive OMI. Mr. Konefal stated it would be for some type of institutional use, i.e. group home, detox center or sanatorium. **Chairman DeBoer** stated he is struggling with the set backs and reduction of lot sizes, would like the floor ratio to be addressed and is torn about voting against this ordinance. **Commissioner Devos** stated she has been a huge proponent for improving US 41 but is also struggling with the reduction of lot size. **Commissioner Devos** questioned as to what happens to businesses that don't have a service road in front of their establishment. Mr. Konefal stated that no additional regulations are placed on those businesses. **Commissioner Devos** stated she was looking for a giant step forward with this ordinance and not a baby step as presented now. **Commissioner Devos** stated this ordinance is nothing like the CRA ordinance and has a hard time supporting it. Mr. Konefal stated we would have to wait one year to change the floor ratio in the Comprehensive Plan. **Chairman DeBoer** questioned if this ordinance is approved today, how quickly the other issues can be brought back to the Board. Mr. Konefal stated we should start with some of the key rezonings and then get those FRA changes as soon as possible which can get into the next Comprehensive Plan cycle. **Chairman DeBoer** stated if he knows for sure that he will get a commitment that these other issues will be brought back expeditiously, knowing the parliamentary process for reconsideration, he would vote in favor of this ordinance because it would give him the power to ask for reconsideration. **Commissioner Horton** stated he will vote in favor of the ordinance. **Commissioner Cummings** commented on the building

layout in Punta Gorda and how quaint the buildings are in the downtown area. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

RECESS: 3:35 P.M. - 3:40 P.M.

EE.2 SIGN ORDINANCE

Agenda Item EE-2, An Ordinance amending Charlotte County Code, Section 3-9-95 governing Class A and Class B signs; providing for definitions; providing for changes to the number, height and size of signs; providing time limits for certain exempt signs; providing for the landscaping of certain signs; providing limitations on the location of vehicles used as signs; providing for severability; and providing an effective date. (Proof of publication was in order.)

Mr. Konefal explained in an effort to enhance the visual appearance of the County's commercial areas, the Board of County Commissioners directed staff to revise the current sign code. Mr. Konefal stated that consequently staff has revised certain areas of Section 3-9-95 of the County Law and Ordinance as it pertains to the definition of sign types; location, number, height and size of signs; sign landscaping; non-conforming signs and limitations on the location of vehicles used as signs. Mr. Konefal stated that prior to adoption by the Board of County Commissioners, the proposed revisions and additions require a public hearing before the Board. Mr. Konefal stated that approval of this ordinance will supplement the efforts of the U.S. 41 Beautification Project and the U.S. 41 Zoning District Overlay. Mr. Konefal briefly outlined suggested changes to the proposed ordinance highlighted in yellow on pages 3, 6, 9, 13, 16 and 17. Mr. Konefal stated that the current ordinance allows for electronic signs and the Board can decide at a later date if electronic signs should be eliminated. Charlie Brown stated the changes for the sign ordinance will have a negative impact on the businesses and our economy. Mr. Brown suggested more work be done on this ordinance before approval. Geri Waksler commented on the Morton hardware store which is family owned and operated for the past 25 years. Mrs. Waksler stated the most important issue when adopting this type of ordinance is that all ordinances must be able work together. Mrs. Waksler suggested reducing the time frame for businesses to install new signs from ten years to a period of five to seven years. Mrs. Waksler

showed the proposed plan for the new Morton hardware store which includes shutters, fencing and more landscaping which now you won't be able to see the sign from US 41. Mrs. Waksler stated in order to advertise the store a sign could be installed on the cupola. Kevin Graham stated that additional answers need to be addressed before this sign ordinance can be adopted. Susie Hackett stated if the signs are too small it will be extremely hard to find the businesses and recommended street numbers be large enough and easy to read. Cindy "Dwarthy" stated the old sign which use to be on top of her establishment no longer exists. Ms. Dwarthy stated her sign had been grandfathered in for approximately 40 years and probably deserved to fall down. Ms. Dwarthy stated she owns land across the access road from their building, questioned if she can't put a sign on her cupola could she place a sign on the access road. Ms. Dwarthy requested guidance from the Board as to what she should do. Don Gasgarth expressed concern with the ten year sunset clause. Joe Waksler stated he owns the non-existing Morton hardware store and is in the process of rebuilding an architectural Florida type building. Mr. Waksler if the ability of placing a sign on his building is taken away then potential customers won't even know where his business is located. Mr. Waksler stated that his business needs to be seen or he'll be out of business. Ken Roberson stated the existing ordinance is fine and we don't need additional stress placed on our businesses now. Darlene Ward a small business owner stated if businesses can't put up larger enough signs to let people know where the establishment is, businesses will start to relocate. Rick "Worchler" suggested the new street signs being installed by the County should have a smaller sign attached to it indicating the address numbers to be found on that particular street. "Tran Peckett" stated his business has been completely devastated and recommended additional workshops be held regarding this ordinance.

COMMISSIONER CUMMINGS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).

Chairman DeBoer stated the intentions of the Board for this sign ordinance has been varied and at this time he doesn't think he'll be able to support it. **Chairman DeBoer** stated the signs that are being installed now by businesses on US 41 are quite attractive. **Chairman DeBoer** stated he has concerns regarding the reduction of 45 mph in this area. **Chairman DeBoer** stated he cannot support this ordinance as written. **Chairman DeBoer** stated he would like to get rid of the trashy signs on US 41 and

Morton's Hardware store will be a wonderful addition to US 41 corridor. **Chairman DeBoer** stated there are some ugly signs in this corridor that could be improved. **Chairman DeBoer** stated that our businesses have suffered enough, doesn't mind the size of the size and doesn't know how to legislate the issue of ugly signs in Charlotte County. **Commissioner Devos** stated the size of the signs isn't disturbing as much as the style of the signs. **COMMISSIONER HORTON RECOMMENDED THAT THIS ORDINANCE BE SENT BACK TO STAFF, HAVE A WORKSHOP AND GO BACK TO THE REPORT DESIGNED BY MR. KAMPERT AND MR. WINTERS WHICH THE CHAMBER OF COMMERCE SUPPORTED AND SEE IF WE CAN INCORPORATE SOME OF THOSE RECOMMENDATIONS INTO THIS ORDINANCE, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).**

EE.3 **PA-04-05-18-LS (Legislative) District II**

Agenda Item EE-3, Pursuant to Section 163.3184(3), Florida Statutes, transmit to the department of Community Affairs a Large Scale Plan Amendment to the future Land Use Map from Agriculture to Low Density Residential for property located north of S. Jones Loop Road, South of Alligator Creek, East of Taylor Road, West of I-75, containing 43.56 acres more or less, in the Punta Gorda area; applicant KB Homes Fort Myers, LLC (Proof of publication was in order.)

Barbara L. Jeffries, Planner II explained the Petitioner is requesting Large-Scale Plan Amendment reconsideration from Agriculture to Low Density Residential. Ms. Jeffries stated the property contains an AE zoning designation; the FLUM and zoning designations combined limit the site to a density of one unit per acre. Ms. Jeffries stated the property is located within the suburban portion of the Urban Service area, adjacent to and north of South Jones Loop Road, west of I-75 and east of Taylor Road. Ms. Jeffries stated the subject site is roughly triangular shaped and Alligator Creek forms the base (the north/northwest property line) of the triangle. Ms. Jeffries stated the existing land use patterns in the area are low density residential and agricultural lands. Ms. Jeffries stated that south of the site are several large lot residential properties; southwest and southeast of the site are mobile home parks. Ms. Jeffries stated north of the site is an abandoned orange grove which was recently approved for a FLUM amendment to Low Density Residential and a rezoning to PD for 280 units of density at 3.2

units per acre. Ms. Jeffries stated that west of the site are three large lots containing a MHC zoning but developed with single-family residences and east of the site are residential uses and a golf course. Ms. Jeffries stated that impacts to the school infrastructure as well as to the roadways is expected, since this plan amendment is for a change in the FLUM from agriculture to low density residential. Ms. Jeffries stated the project may increase of the property values while decreasing others. Ms. Jeffries stated that since this is a relatively rural part of the USAOD, there are large homes on large tracts as well as mobile homes on small lots. Ms. Jeffries stated the actual impact on both the living conditions and the adjacent property values will depend largely on site design that which utilizes much of the natural beauty of the property will be less impacting to nearby neighbors. Ms. Jeffries stated the Community Development Department has some reservations regarding a change in land use for this property, as there is the question as to whether the site can be used as a RZ because of possible listed species issues; the property contains habitat suitable for scrub jays. Ms. Jeffries stated in addition, the protection of the natural beauty of the landscape through the site design process will be a very important factor in the Department's future recommendations. Ms. Jeffries stated the Planning and Zoning Board also recommends that the petition be forwarded to DCA for an ORC. Gerri L. Waksler of Moore and Waksler, representing KB Homes Fort Myers, LLC stated this reconsideration of KB Homes' request to transmit a large scale plan amendment to the Department of Community Affairs. Attorney Waksler stated this amendment would change a 42 ½ acre parcel from agricultural inside the urban service area to low density residential inside the urban service area. Attorney Waksler stated she would like to highlight the additional information which led to the Board's granting of this reconsideration. Attorney Waksler stated this parcel is a block away from Taylor Road, just down from the Taylor Road north Jones Loop Road intersection. Attorney Waksler stated the lands across from the site have industrial land use together with the nearby Airport Commerce Park which would provide numerous employment for residents within the communities of this corridor. Attorney Waksler stated there is an existing commercial land use designation from I75 Jones Loop interchange west to US 41, as well as commercial land north along Taylor Road. Attorney Waksler stated this is one of the few areas in the County where

the future land use map actually provides adequate industrial and commercial lands to support a growing residential community. Attorney Waksler stated this parcel currently has agricultural land use and agricultural zoning. Attorney Waksler stated the requested land use change would create opportunity from one to five units per acre density on the site. Attorney Waksler stated that changing the land use to low density residential will not in and of itself permit any additional density on the property because even with the land use change, the zoning will still limit the site to one unit per acre. Attorney Waksler stated the opportunity for additional density could only be realized by changing the zoning on the site in addition to changing the land use. Attorney Waksler stated that changing the land use alone does not increase the permitted density on this site. Attorney Waksler stated that at the same time the Board considers adopting this land use change, if you choose to transmit it, at the same time you would consider the actual adoption of this land use change, at that time you would also be asked to consider a rezoning from the current agricultural estate zoning to planned development. Attorney Waksler stated the density is limited to 2 ½ units per acre. Attorney Waksler stated if the rezoning was approved, the increased density from one unit per acre to two and a half units per acre would be achieved through a transfer of development rights that would reallocate density from environmentally sensitive scrub jay land to this parcel. Attorney Waksler stated this is truly not an agricultural area. Attorney Waksler stated no animals are bred and no crops are grown around the surrounding parcels. Attorney Waksler stated this is a low density residential area for precisely what KB Homes is requesting. Attorney Waksler stated she respectfully requests that the Board approve transmittal of this plan amendment to the Department of Community Affairs. **Commissioner Horton** stated there are no scrub jays on this property and if the property in question is environmentally sensitive. Ms. Jeffries stated the property does have environmental features but is not zoned environmentally sensitive. **Commissioner Horton** questioned if this property could be developed. Ms. Jeffries responded affirmatively. **Commissioner Horton** questioned where the transfer of development units would be coming from. Attorney Waksler stated that concurrently with our application for PD rezoning, we submitted an application for transfer of development rights, we identified some of the 40 foot wide lots in Harbor Heights which are in the

red zone for scrub jay and that is where the density would be coming from. **Commissioner Horton** stated so we're going to do away with substandard lots in Harbor Heights and take care of the scrub jays all at the same time. Attorney Waksler responded affirmatively. Alan LeBeau questioned the reasoning for changing this land use. Mr. LeBeau stated people moved into this area not to view the backs of homes and no buffers will hide a two story home from view. Mr. LeBeau stated that people living in Harbor Heights will be paying higher taxes. Mr. LeBeau stated that he hopes the Board will vote against this amendment. Jack Hackett stated he lives in Alligator Park and with this development the traffic on Taylor Road will be very dangerous. Barbara Ann Savino stated she is a neighbor east of where this development is planned and the last time this amendment came before the Board she was glad to hear that Commissioner Cummings wanted another study done. Ms. Savino stated she has seen many wild animals, moved into this area to be out of the City, living on ten acres now with animals living next door to her. Ms. Savino stated she just can't see a couple of hundred homes next door to where she lives. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS (4:0).** **Commissioner Devos** questioned how many units would be built on 42 ½ acres. Attorney Waksler stated 108 units or 2 ½ units per acre. **Commissioner Devos** stated she supported this item the last time but will have some serious concerns when this item comes back for PD approval. **Commissioner Horton** stated he was the one to bring this item back for reconsideration and maybe was a bit hasty the first time around. **Commissioner Horton** commented on the lots being proposed so that the TDU's can be transferred and questioned if the majority of those lots are environmental and are they in the red zone for scrub jays. Ms. Jeffries stated she cannot answer this question because she just received the TDU application in and hasn't done a full review of the application. Ms. Jeffries stated that the applicant did state the property was in the red zone but we haven't completed our review of those lots at this time. Attorney Waksler stated that KB Homes purchased a large amount of lots in Harbor Heights and the lots that we've proposed for TDU's are all in the red zone and contain scrub jays. **Commissioner Horton** stated if these lots are environmentally sensitive and within the scrub jay (red zone) can they be build on. Ms. Jeffries stated if you obtain enough of them you can build on them and if you mitigate you can

build on them, but as they sit isolated you cannot build on them. **Commissioner Horton** requested an explanation as to if you obtain enough of those lots you can build on them if you mitigate. Ms. Jeffries stated if you have enough acreage or if you mitigate, even in the red zone you could permit to build, but you need to have a two for one coverage. Ms. Jeffries stated the potential is there to build. **Commissioner Horton** questioned as to what would happen if the applicant never comes back to the Board for a PD, instead decide to sell this piece of property to someone else after they obtained the land use change, then the person who came in that bought this property then would be able to put the maximum amount of homes on this piece of property. Ms. Jeffries stated the potential is there, the actual quantity wouldn't be there until the actual rezoning occurs. **Commissioner Horton** stated he would hate to see us lose agricultural land in Charlotte County. **Commissioner Horton** stated we don't need anymore new units in Charlotte County. **Commissioner Horton** stated after hearing everything, he's come back to the same place he was in the first time. **Commissioner Horton** stated this amendment should be denied. **Commissioner Cummings** questioned if there is any type of tracking system being done for TDU's. Ms. Jeffries stated that Ms. Williams is creating a tracking system. **Commissioner Cummings** stated if we were just increasing growth potential here he would vote against this amendment, but this will be good for all of the community. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL BASED ON THE PLANNING AND ZONING DIVISION STAFF REPORT DATED JULY 7, 2004, AND THE EVIDENCE PRESENTED AT THE NOVEMBER 9, 2004 HEARING ON THIS PETITION, THE TRANSMITTAL OF PETITION PA-04-05-18-LS TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR AN OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT, SECONDED BY COMMISSIONER DEVOS. CALL ON THE MOTION: CHAIRMAN DeBOER AND COMMISSIONER HORTON VOTED "NO" AND COMMISSIONER CUMMINGS AND DEVOS VOTED "YES." MOTION FAILED: (2:2).** **Commissioner Devos** stated she wants to go on the record that we need a south County study. **Chairman DeBoer** stated we also need to define what a substandard lot is. **Commissioner Horton** respectfully requested to be excused from the meeting because he has a meeting to attend.

EE. 4 **Z-04-04-11-TDR District II**

Agenda Item EE-4, An Ordinance approving an amendment to the Charlotte County Zoning Atlas from Agricultural Estates (AE) and

Commercial General (CG) to Planned Development (PD) for a 104 lot single family residential subdivision, requiring a Transfer of Development Rights, for property located north of Scenic View Drive, east of Taylor Road, south of Technology Boulevard and west of I-75 in Punta Gorda, Florida, containing 50 acres more or less; applicant KB Homes Ft. Myers, LLC (Proof of publication was in order.)

Attorney Waksler representing the applicant respectfully requested a two week continuance. **COMMISSIONER DEVOS MOVED FOR APPROVAL OF A TWO WEEK CONTINUANCE FOR AGENDA ITEM EE-4, AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM AGRICULTURAL ESTATES (AE) AND COMMERCIAL GENERAL (CG) TO PLANNED DEVELOPMENT (PD) FOR A 104 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION, REQUIRING A TRANSFER OF DEVELOPMENT RIGHTS, FOR PROPERTY LOCATED NORTH OF SCENIC VIEW DRIVE, EAST OF TAYLOR ROAD, SOUTH OF TECHNOLOGY BOULEVARD AND WEST OF I-75 IN PUNTA GORDA, FLORIDA, CONTAINING 50 ACRES MORE OR LESS; APPLICANT KB HOMES FT. MYERS, LLC, TO TUESDAY, NOVEMBER 23, 2004 AT 10:00 A.M., SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (3:0).**

EE.5 PV-04-07-15 (Legislative) District II

Agenda Item EE-5, a resolution requesting a plat vacation for a portion of Woodland Acres and Woodland Estates, lying in Section 14, Township 41S, range 23E, located north of Jones Loop, south of Charlotte County Airport property and east of I-75, Punta Gorda area; containing 7.16+ acres, more or less; applicant Florida Lakes, LLC (Proof of publication was in order.)

James W. Dossett, Development Review Division Manager explained that Florida Lakes, LLC has applied to vacate a portion of the Woodland Acres and Woodland Estates plats as recorded in Plat Book 1, Page 58 of the Public Records of Charlotte County, Florida. Mr. Dossett stated the site is located in Section 14, Township 41S, Range 23E, Commission District II and the site is located north of Jones Loop, south of Charlotte County Airport and east of I-75, Punta Gorda area. Mr. Dossett stated the site contains 46.0 acres more or less. Mr. Dossett stated staff recommends that PV-04-07-15 be approved with the following one condition: Easement shall be granted to FPL prior to recording. Mr. Dossett stated the Planning and Zoning Board heard the

petition on October 11, 2004 and recommended approval with the one condition. Attorney Waksler spoke on behalf of the applicant and stated the applicant has accepted the condition. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (3:0). COMMISSIONER DEVOS MOVED FOR APPROVAL OF THE ADOPTION OF RESOLUTION #2004-235 WITH THE ONE CONDITION AS READ INTO THE RECORD, SECONDED BY CHAIRMAN DeBOER AND DECLARED UNANIMOUS (3:0).**

EE.6 SV-04-06-13 (Legislative) District III

Mr. Dossett explained that William Lundquist has applied to vacate a portion of Waterside Drive, as shown on the Record Plat of Grove City as recorded in Plat Book 1, Page 4 of the Public Records of Charlotte County, Florida. Mr. Dossett stated the site is in Section 17, Township 41 south, Range 20 east, Commission District III. Mr. Dossett stated the portion to be vacated is between Lots 12 and 5 and is 30 feet in length and 60 feet wide for a total of 0.04 +/- acres. Mr. Dossett stated staff recommends that PV-04-06-13 be approved with the following three conditions: 1. The applicant's engineer shall provide a letter stating that the vacated property does not currently convey stormwater from offsite prior to recording; 2. The applicant shall construct a hammerhead to allow for traffic turn-around between Lots 13 and 4 for adjacent neighbor traffic and 3. Easements shall be granted to Englewood Water District, and FPL for facilities within this right-of-way prior to recording. Mr. Dossett stated the Planning and Zoning Board heard this petition on October 11, 2004 and recommended approval. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (3:0). COMMISSIONER DEVOS MOVED FOR APPROVAL OF THE ADOPTION OF RESOLUTION #2004-236 WITH THE THREE CONDITIONS AS READ INTO THE RECORD, SECONDED BY CHAIRMAN DeBOER AND DECLARED UNANIMOUS (3:0).**

EE.7 PP-04-08-16 (Quasi-Judicial) District II

Mr. Dossett explained KB Homes Fort Myers, LLC is requesting a Preliminary Plat, PP-04-08-16 approval for Creekside Phase III, consisting of a 107 lot single family subdivision on 19.85 acres

+/- lying in Sections 22 and 27, Township 41 south, range 23 east, Commission District II. Mr. Dossett stated the site is located east of Taylor Road, west of I-75 and between north and south Jones Loop Roads, Punta Gorda. Mr. Dossett stated the Planning and Zoning Board heard the petition on October 11, 2004 and recommended approval with the following two conditions: 1. Provide two benchmarks and 2. Applicant or individual property owners shall maintain open space in natural state in perpetuity. Mr. Dossett stated staff recommends that PP-04-008-16 be approved with the two conditions as well as the three following conditions which were added after the Planning and Zoning Board heard this petition: 1. All conditions outlined in Ordinance #2004-007 apply to this property; 2. Lots 1, Lot 33 to 48 (inclusive) and Lot 51, of Block 5; Lot 14 of Block 2; and Lots 5 to 10 (inclusive) of Block 4 must meet the minimum lot size of 50 feet by 120 feet and 3. Show front and rear setback lines on all lots. Attorney Waksler spoke on behalf of the applicant and agreed with staff's recommendations and the conditions. **Chairman DeBoer** stated he has a problem with 50 x 120 substandard lots. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF PRELIMINARY PLAT PP-04-08-16 FOR CREEKSIDE PHASE III WITH THE CONDITIONS AS READ INTO THE RECORD, SECONDED BY COMMISSIONER DEVOS.** Commissioner Devos questioned how many 50 x 120 lots are there. Mr. Dossett stated there are 107 lots. Mr. Dossett stated there are some lots that are wider. **Chairman DeBoer** questioned if right-of-ways are private or public. Attorney Waksler stated the right-of-ways are public and are designed to public standards. **CALL ON THE MOTION: COMMISSIONERS CUMMINGS AND DEVOS VOTED "YES" AND CHAIRMAN DeBOER VOTED "NO." MOTION CARRIED: (2:1).**

XI. CITIZENS' INPUT - ANY SUBJECT

Attorney Bella Patel with the law firm of Bella Patel spoke with regard to Phases 5 and 6 in Murdock Village and reported that there are willing property owners ready to sell their properties but they have been informed there are no appropriated funds. Attorney Patel respectfully requested funds be allocated for willing homeowners in Phases 5 and 6 in Murdock Village.

BB. County Administrator

Bruce D. Loucks, County Administrator announced a workshop has been scheduled for Monday, November 15, 2004 at 2:00 P.M. in Room 119 to discuss legislative issues. Mr. Loucks announced there will be a FEMA Long Time Recovery Meeting from 1:00 P.M. to 3:00 P.M. and 6:00 P.M. to 8:00 P.M. Mr. Loucks stated the meeting from 1:00 P.M. - to 3:00 P.M. is more of a focus group and the 6:00 P.M. to 8:00 P.M. is for the public at large.

CC. County Attorney

Brendan Bradley, Interim County Attorney, thanked **Commissioner Horton** for eight years of service as a Board of Charlotte County Commissioner.

DD. Commissioners' Comments

Chairman DeBoer stated he will be meeting with Mr. Loucks and Lennar regarding Murdock Village. **Chairman DeBoer** stated he also has met with local developers, specifically Mr. Palmer and his partner. **Chairman DeBoer** stated there was no way that we would've known that the market was going to escalate to such an extreme. **Chairman DeBoer** stated he really isn't quite sure what he will be getting back from developers at this point. **Chairman DeBoer** stated he would be attending the night meeting for Long Term Recovery at the Port Charlotte Cultural Center. **Chairman DeBoer** stated he has received a request from the Fair Association requesting somehow to waive their permitting fees for their new facility. **Chairman DeBoer** questioned as to what is going on with the Regional Library as he hasn't seen much activity going on. Mr. Loucks stated he has met with the construction firm and they are experiencing some financial difficulties at this time and he'll bring back additional information to the Board regarding this issue at the next Board meeting. **Chairman DeBoer** commented on an individual that lost her hairdressing business and questioned if she could use one of her homes on Toledo Blade to temporarily use it for her business. **Chairman DeBoer** questioned if he could have staff look into this situation. **(Board consensus.) Chairman DeBoer** announced this will be his last meeting as Chair for the Board of Charlotte County Commissioners.

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November 9, 2004

MEETING ADJOURNED: 5:30 P.M.

Signature on file in Commission Minutes
Matthew D. DeBoer
Chairman

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

djn/cwl