

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

NOVEMBER 23, 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 Sara Devos and Commissioners Thomas G. Moore, Adam Cummings, Thomas C. D'Aprile, and Matthew D. DeBoer. Also in attendance were County Administrator Bruce D. Loucks, Interim County Attorney Brendan Bradley, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board of County Commissioners Bonnie Stoner and Jenine Thornley, and Deputy Clerk Diane J. Nice. The meeting was called to order at **9:00 A.M.**

Chairman Devos led the audience in the Pledge of Allegiance to the Flag followed by the **invocation** given by **Commissioner DeBoer**.

CHANGES TO THE AGENDA

Additions:

**Regular
Business**

Agenda Item Y-1, Commission Office, Approval of Surety Bonds for Commissioners Sara J. Devos, Thomas C. D'Aprile, and Thomas G. Moore

Agenda Y-2, Community Development, Based on the Planning & Zoning Staff Reported dated October 6, 2004 and the evidence presented at the November 8, 2004 hearing on the petition, approve with conditions a resolution amending Resolution 89-141, as amended, NOPC-04-10-42, Victoria Estates Development of Regional Impact (DRI)

Agenda Item Y-3, Community Development, Set a Public Workshop on Monday, December 13, 2004 at 10:00 A.M. to discuss TDU issues

Agenda Item Y-4, Commission Office, Attorney
Selection Process

Commissioner

Comments Committee Assignments

COMMISSIONER DeBOER MOVED FOR APPROVAL OF THE CHANGES TO THE
AGENDA, SECONDED BY COMMISSIONER D'APRILE AND DECLARED
UNANIMOUS.

Chairman Devos requested the Committee Assignments be tallied
for later in the meeting.

I. SPECIAL RECOGNITION

Chairman Devos presented Commissioner DeBoer with a plaque for
his outstanding service and leadership as Chairman.
Commissioner DeBoer thanked the public and Board Members for
their support.

Proclamations:

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING
DECEMBER 4, 2004 AS "CHARLOTTE COUNTY CHAMBER OF COMMERCE
CHRISTMAS PARADE DAY" ON MOTION BY COMMISSIONER DeBOER AND
SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. Kathy
Maher accepted the proclamation on behalf of the Charlotte
County Chamber of Commerce Board of Directors and the Christmas
Parade Committee and invited everyone to the Parade next
Saturday, at 12:00 Noon, in Punta Gorda for a little Christmas
spirit.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING
NOVEMBER 26 THROUGH DECEMBER 24, 2004 AS "SHOP CHARLOTTE MONTH"
ON MOTION BY COMMISSIONER CUMMINGS AND SECONDED BY COMMISSIONER
DeBOER AND DECLARED UNANIMOUS. Julie Mathis accepted the
proclamation and thanked Board Members for their support of the
business community throughout the hurricane recovery period and
Shop Charlotte first.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING
NOVEMBER 23, 2004 AS "ANA M. ROMILLO DAY" ON MOTION BY
COMMISSIONER CUMMINGS AND SECONDED BY COMMISSIONER DeBOER AND
DECLARED UNANIMOUS. Ana M. Romillo, volunteer Executive

Director of the Charlotte County Homeless Coalition, Inc., accepted the proclamation; thanked the Board for their support of homeless programs; advised she has brought in more than \$170,000 from October and November; and Tom Pierce, Director for the Office of Homeless in Tallahassee advised that an additional \$82,500 has been allocated to the County. **Chairman Devos** stated she was honored to attend the Annual Rotary Banquet where Ms. Romillo was presented the "Service Above Self" award, where she read the proclamation, and thanked Ms. Romillo for retiring to Charlotte County.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING DECEMBER 7, 2004 AS "PEARL HARBOR REMEMBRANCE DAY" FOR THE 63RD ANNIVERSARY OF THE ATTACK, ON MOTION BY COMMISSIONER DeBOER AND SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. Randy Spence, on behalf of Veterans of Foreign Wars Post 10476 as past Commander and Chaplin, accepted the proclamation in remembrance of members of the Armed Forces for their past and present sacrifices.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING DECEMBER 11, 2004 AS "EL JOBEAN COMMUNITY CHRISTMAS PARADE AND FESTIVITIES DAY" ON MOTION BY COMMISSIONER CUMMINGS AND SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. John Marshall, President of the El Jobean Community League, accepted the proclamation on behalf of its Board of Directors and members and invited everyone to attend the Parade while Randy Spence distributed candy filled mugs to Board Members.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

Daniel Fletcher suggested the collection process be changed regarding **Agenda Item F-2, Approve the purge of \$779,044.55 of unpaid EMS Medical Transport Accounts for April 1, 2004 to September 30, 2003** and to make it more convenient to use electronic forms of payment and automatic transfers and also suggested people who are struggling to meet Charlotte County Utilities sewer fees be allowed to pay them as an assessment on tax bills over 20 years.

V. CONSENT AGENDA

COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE FOLLOWING ITEMS
SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.

CLERK OF THE CIRCUIT COURT

A. Finance Division

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

Memorandum #1 Status of Contingency Reserves - FY 03/04
Memorandum #1A Status of Contingency Reserves - FY 04/05
Memorandum #2 Total Disbursements for the period November 4
through 16, 2004 in the amount of \$17,932,616.92

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M. October 26, 2004 Regular BCC Meeting

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

No items.

D. Administration

No items.

E. County Attorney

No items.

F. Budget Office

Agenda Item F-1

- a. Budget Amendments totaling \$873,793
 - #04-A49 for \$41,596, Legal Aid Fund
 - #04-A50 for \$21,510, Project Management - General Fund

#04-A51 for \$50,387, Public Guardianship Fund
#04-A52 for \$8,000, Law Library Fund
#04-A53 for \$752,300, Fleet Maintenance Fund

b. Budget Transfers totaling \$1,310,765

#04-057 for \$765,756, Emergency Medical Services
#04-058 for \$10,609, Community Development Services
#04-063 for \$272,800, BCC Controlled - Facilities and
Parks
#04-064 for \$27,000, Commission Office
#04-064 for \$44,000, Training Office
#04-065 for \$4,600, Special Grants - Community
Services Block Grant
#04-066 for \$22,000, Human Services - Medicaid Waiver
#04-067 for \$153,000, Court Administration
#04-068 for \$11,000, Survey and Mapping

Agenda Item F-2

Purge \$779,044.55 of unpaid EMS Medical Transport Accounts for April 1, 2002 to September 30, 2003.

G. Community Development

Agenda Item G-1

Agreement #2004-053 between Kingsgate Associates II, Ltd., a Florida Limited Partnership by Post Fall Management Associates, LLC, a New York Limited Liability Company, WRI Associates, and the County approving Final Plat for Kings Gate Phase 4, Petition PP-02-06-5, and Performance Bond No. SU 5007908 for \$13,970 for construction costs. **Commissioner DeBoer** pointed out the plat for approval is for substandard lots and development on 40' to 50' lots with 5' setbacks for 30' wide buildings and 38' in the air.

Agenda Item G-2

Set a Public Workshop on Tuesday, December 7, 2004 at 2:00 P.M. to discuss Definition and Determination of Residential Density, Definition of Substandard Lots, and Cluster Housing Developments.

H. Economic Development

No items.

J. Environmental Services

No items.

K. Facilities Construction and Maintenance

Agenda Item K-1

Resolution #2004-237 and Agreement #2004-054 for the lease of office space located at the Charlotte County South County Annex, 410 Taylor Street, Punta Gorda, Florida, between Charlotte County and Representative Paige V. Kreegel, M.D. to commence on December 1, 2004 at \$300 per month through November 30, 2006 unless renewed upon written agreement and resolution of the Board.

L. General Services

Agenda Item L-1

Change Order #12 to Contract #03-484, North County Paving Program, with Ajax, Inc. of Nokomis, Florida, for \$839,033.60 for a revised total contract amount of \$6,479,838.94.

Agenda Item L-2

Bid #04-453, Water/Wastewater Expansion - South Gulf Cove Phase 5, to Rockdale Pipeline, Inc. of Tampa, Florida, for the total amount of \$1,274,773.50.

Agenda Item L-3

Bid #04-442, Quesada Sidewalks Construction, to the lowest responsive, responsible bidder, General Contracting, Inc. of Placida, Florida, for the total amount of \$1,146,465.13.

Agenda Item L-4

File #05-050 for the purchase of various replacement vehicles for Maintenance and Operations: one (1) Grapple Truck (with Peterson TL3 Loader) at the unit cost of \$82,650; one (1) Pothole Patcher at the unit cost of \$90,998.50; and eight (8) Deump Trucks at the unit cost of \$89,188.73 each equaling \$713,509.84 to Maudlin International Trucks, Inc. of Orlando, Florida, for a total purchase price of \$887,158.34 (piggyback off Florida Sheriff's Association 2004-05 Contract for Vehicles and Equipment, Florida Association of Counties Contract #04-12-0823).

Agenda Item L-5

Bid #05-001, Aerial Adulticide Services (Primary Services - Option One) to the lowest responsive, responsible bidder, Vector Disease Control, Inc. of Sanford, Florida, at the cost of \$.60 per acre; **Bid #05-001, Aerial Adulticide Services (Back-up Services - Option One)** to the second lowest responsive, responsible bidder, Clarke Environmental Mosquito Management of Kissimmee, Florida, at the cost of \$.67 per acre for the period of January 1, 2005 through and including December 31, 2005; and authorize the County Administrator to approve renewal options for up to two additional one-year terms at the same prices, terms, and conditions by mutual consent.

Agenda Item L-6

Change Order #2 to Contract #04-115, South Port Access Road, with Better Roads, Inc. in the amount of \$20,729.97 for a revised total of \$113,785.72.

M. Human Resources

No items.

N. Human Services

Agenda Item N-1

Agreement #2004-055 between Charlotte County and Presbyterian Villas of Port Charlotte, Inc. for participation in the Local

Housing Assistance Program using State Housing Initiatives Partnership Program (SHIP) funds, not to exceed \$52,000, to replace roofs in return for guaranteeing that the property continue to be occupied only by income eligible and/or special needs persons for at least fifteen (15) years

Agenda Item N-2

Annual SHIP Report and Regulatory Certifications for fiscal years that began July 1, 2002, July 1, 2002, and July 1, 2003; the report for Fiscal Year 2001/02 is a close out report and reports for the other Fiscal Years are not final and subject to revision; the reports indicate that Charlotte County has satisfied the core SHIP requirements that 65% of the funds received be used to further home ownership, 75% of the funds be used for construction of rehabilitation, at least 30% of all funds be used for very low income households, and at least 30% be used for low income households.

P. Information Technology

No items.

Q. Parks, Recreation & Cultural Resources

No items.

R. Public Safety

No items.

S. Public Works

Agenda Item S-1

Fifth Amendment to Agreement #2001-079 (#00CON000144) between The Southwest Florida Water Management District (SWFWMD)/Peace River Basin Board and Charlotte County for The Greater Port Charlotte Flood Protection and Stormwater Management Plan Implementation (K280) to increase project funding, extend the Agreement to December 31, 2009, and reconcile construction scheduling with estimated costs.

T. Real Estate Services

Agenda Item T-1

Resolution #2004-238 authorizing release by County Deed of a portion of a ten (10) foot wide utility and drainage easement located in Lot 2, Block 1478, Port Charlotte Subdivision, Section Thirty-Four (34) to Patricia L. Cole, formerly known as Patricia L. Schwartz for construction of a proposed garage, concrete slab, and driveway.

Agenda Item T-2

Resolution #2004-239 authorizing release by County Deed of eight ten (10) foot wide utility and drainage easements located in Lots 1, 2, 25, and 26, Block 1612, Port Charlotte Subdivision, Section Twelve (12) to Ivan Kiselev and Lubov Kiselev for construction of a single-family residence even though one six of the eight easements are to encroached upon by the structure.

Agenda Item T-3

Resolution #2004-240 authorizing release by County Deed of a portion of a twenty (20) foot wide canal maintenance easement located in Lot 9, Block 4664, Port Charlotte Subdivision, Section Seventy-Nine (79) to Joseph P. O'Connor and Helen M. O'Connor for a pool, deck, and cage as part of the proposed overall building footprint.

Agenda Item T-4

Resolution #2004-241 authorizing release by County Deed of a portion of a platted twenty-five (25) foot wide canal maintenance easement, a portion of a recorded twenty (20) foot wide canal maintenance easement pursuant to Official Record Book 1591, Page 1746 through 1752 of the Public Records of Charlotte County, and a portion of a ten (10) foot wide utility and drainage easement, all located in Lot 80, Block 3291, Port Charlotte Subdivision, Section Forty-Four (44) to Gordon W. Caras for construction of a single-family residence including a pool, deck, and cage.

Agenda Item T-5

Resolution #2004-242 authorizing release by County Deed of the exchange of the County's interest in Lot 10, Block 1107, Port Charlotte Subdivision, Section Twenty-Two (22) for Lot 9, Block 2746, Port Charlotte Subdivision, Section Thirty-One (31) owned by Paterna C. Belleza as a part of Tippecanoe Scrub Environmental Park II Area.

V. Tourism Development

No items.

W. Utilities

Agenda Item W-1

Agreement #2004-056 as Consent Order in OGC File No. 03-0534-08-DW, State of Florida Department of Environmental Protection vs. Charlotte County regarding operation of the Rotonda Wastewater Treatment Plant.

VI. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Commission Office, Approval of Surety bonds for Commissioners Sara J. Devos, Tom D'Aprile, and Tom Moore

COMMISSIONER DeBOER MOVED FOR APPROVAL OF SURETY BONDS FOR COMMISSIONERS SARA J. DEVOS, TOM D'APRILE, AND TOM MOORE, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Agenda Item Y-2, Community Development, Approve a Resolution amending Resolution 89-141, as amended, NOPC-04-10-41, Victoria Estates Development of Regional Impact (DRI), with conditions, based on the Planning and Zoning Division Report dated October 6, 2004 and the evidence and testimony presented at the November 8, 2004 hearing

Michael Konefal, Community Development Director, stated this is an extension of the DRI build out date. **Commissioner Cummings** referenced the Tern Bay DRI extension on Burnt Store Road based

on vested development rights and questioned if the Board has an obligation to extend DRIs. Mr. Konefal expressed the belief that there is no obligation, previous DRIs were planned on a 20 year basis, now five years is more realistic in the current market, an extension of five years or less is no problem, and suggested a DRI be reopened for negotiation if the requested extension is over five year or ten years. Mr. Konefal explained the extension of the Tern Bay DRI was based on the County's gain for environmental features and the extension of the Victoria Estates DRI allows for various development within the DRI as opposed to the Tern Bay DRI. **Commissioner DeBoer** pointed out the extension was requested because the absorption rate of the market is not what was anticipated; the lots are small with five foot setbacks; commented on the difficulty of projecting the market for 20 years; an extension of five years is more realistic because the product they have does not address the current market. Mr. Konefal stated the substandard platted lots issue will be addressed at a workshop on December 7, 2004 especially in relation to new zoning and Comprehensive Plan developments versus a full DRI. Brendan Bradley, Interim County Attorney, clarified the extension is for two years and five months, the balance of a five-year extension. **Commissioner DeBoer** stated a transition is taking place from mobile homes to site built homes. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-243 AMENDING RESOLUTION 89-141, AS AMENDED, TO EXTEND THE VICTORIA ESTATES DRI (NOPC-04-10-41) BUILD OUT DATE BY TWO YEARS AND FIVE MONTHS BASED ON THE PLANNING AND ZONING DIVISION REPORT DATED OCTOBER 6, 2004 AND THE EVIDENCE AND TESTIMONY PRESENTED AT THE NOVEMBER 8, 2004 HEARING ON THE PETITION, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

Agenda Item Y-3, Community Development, Set a Public Workshop Hearing on Monday, December 13, 2004 at 10:00 A.M. to discuss Transfer of Density Units (TDU) issues

COMMISSIONER DeBoer MOVED FOR APPROVAL TO SET A PUBLIC WORKSHOP. Mr. Konefal corrected the agenda from Public Workshop to Final Public Hearing on the TDU ordinance on December 13, 2004 including the unit price equivalent for vacant lots. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO SET THE FINAL PUBLIC HEARING ON THE TDU ORDINANCE AND THE UNIT PRIVATE EQUIVALENT FOR**

VACANT LOTS, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.

RECESS: 9:36 A.M. - 9:45 A.M.

DD. Commissioner Comments

Chairman Devos reviewed Commission Committee assignments and discussion ensued resulting in the following assignments:

Chairman Devos Public Safety Coordinating Council/Alt
Affordable Housing
Children's Services Council
Council on Aging
Juvenile Justice Council & Gang Prev.
Tourist Development Council
Metropolitan Planning Organization
Indigent Health Care Advisory Board
Finance Committee

Commissioner Moore PR/MRWSA (Water Supply Auth.)/Alt
SWFRPC (Regional Planning)
Beaches & Shores Advisory Council/Alt
Marine Advisory Committee/Alt
Airport Overlay Board
SWFL Water Mgmt District (SWUCA)/Alt
West Coast Inland Nav. (WCIND)
Water Alliance with PR/MRWSA/Alt
SWFL Water Mgmt District - Liaison/Alt
Value Adjustment Board

Commissioner Cummings PR/MRWSA (Water Supply Auth.)
SWFRPC (Regional Planning)
Burnt Store Corridor Committee
SWFL Water Mgmt District (SWUCA)
National Estuary Program (NEP)
Water Alliance with PR/MRWSA
SWFL Water Mgmt District - Liaison
Value Adjustment Board

Commissioner D'Aprile Recreation & Parks Advisory Board/Alt
SWFRPC (Regional Planning)/Alt
Beaches & Shores Advisory Council

Charlotte Harbor Environmtal Ctr (CHEC)
Marine Advisory Committee
Tourist Development Council/Alt
Economic Development - Liaison
Value Adjustment Board
US 41 Beautification Committee

Commissioner DeBoer

Public Safety Coordinating Council
Recreation & Parks Advisory Board
Affordable Housing/Alt
ANRAC (Agr/Natural Resources)
Arts & Humanities Council
Murdock Village Community Redevelopment
Agency Advisory Committee
Metropolitan Planning Organization/Alt
West Coast Inland Nav. (WCIND)/Alt
Cooperative Extension Advisory Council
Finance Committee/Alt
Economic Development - Liaison/Alt
Value Adjustment Board/Alt

Agenda Item Y-4, Commission Office, Attorney Selection Process

Chairman Devos advised the applicant ranking provided by Administration reflected Janette Knowlton as number one. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO APPOINT JANETTE S. KNOWLTON AS COUNTY ATTORNEY AND DIRECT THE CHAIRMAN AND ADMINISTRATION TO BRING BACK A CONTRACT IN TWO WEEKS, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

RECESS: 9:55 A.M. - 10:00 A.M.

VII. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1, Planning & Zoning Division, Petition Z-04-04-11-TDR, KB Homes of Ft. Myers, LLC for an Ordinance approving an amendment to the Charlotte County Zoning Atlas from Agricultural Estates and Commercial General to Planned Development (Proof of publication was in order)

Barbara L. Jefferies, Planner II, advised on November 22, 2004 the applicant withdrew the petition for development of Waterford Lake a/k/a Stone Lake and Tuscany Isles.

Agenda Item Z-2, Planning & Zoning Division, Second of Two Public Hearings for an Ordinance establishing Interim Development Controls on Manasota and Sandpiper Key (Proof of Publication was in order)

Jorge Perez, Planner III, explained there have been some misconceptions since the November 9, 2004 public hearing on the ordinance; advised the Manasota and Sandpiper Key Advisory Committee has recommended a study be performed by staff to show the extent of non-conforming densities as part of the Plan implementation and today's action will have no direct effect on non-conforming densities; the Committee is aware that many of the condominiums were constructed prior to existing Codes; expressed the belief that it was not the intent of the Committee to leave anyone who previously had a condominium without a unit; the ordinance establishes a 180-day period during which building permits may not be issued while staff translates the Plan into appropriate ordinances for adoption and enforcement; the ordinance will not automatically accept the changes to residential densities include densities, building heights, yard setbacks, and architectural guidelines; it has been said that the rules are being changed in the middle of the process but the development game never stops; development will stop only when there is no land remaining; the ordinance does establish an exception period for projects advanced under existing rules i.e. projects with final Development Review Committee (DRC) approval by October 26, 2004 will be permitted under existing Codes as well as non-DRC projects that have substantially complete applications as of today will also be permitted under existing Codes; and offered to answer questions. **Commissioner DeBoer** summarized the interim development controls before the Board today are only applicable to new development that may conflict with the Community Plan; it has nothing to do with existing structures; existing structures that are non-conforming are covered under existing Codes and laws; the 50% rule does not have anything to do with the proposed ordinance. Mr. Perez agreed. **Commissioner DeBoer** stated when new development controls are created, people need to make sure there is not a reduction in density for rebuilding of structures that are more

than 50% damaged. Mr. Perez concurred. **Commissioner DeBoer** added issue will be addressed in the future. **Chairman Devos** announced public input procedures. Wayne Largent, Vice Chairman of Manasota and Sandpiper Key Advisory Committee and President Elect of the South Manasota Key Association, expressed appreciation for the Board's support and **Commissioner DeBoer's** clarification; reported the Advisory Committee meetings are open to the public every Wednesday at 9:30 A.M., Englewood Beach Villas Club House to work on translating the Community Plan into ordinances; the Community Plan indicates the goal is to maintain and improve existing structures and preserve the characterization of Manasota Key not taking away people's rights; and invited everyone who has concerns to attend the Committee meetings. David Lipstein, a resident and realtor on Manasota Key, expressed concern about diminishing property values as a result of proposed changes to improve environment on the Key; quoted from the Plan that Charlotte County shall not issue building permits for structures which would be placed seaward of the Coastal Construction Line as this Line may be defined by the date of the adoption of the Plan, this would entail everything west of Gulf Boulevard and Beach Road; non-conforming structures and residential zoned areas may be an additional area of concern, structures in existence prior to 1991 are considered non-conforming uses; according to Section 3-9-10 of the Code such uses and structures shall not be enlarged, expanded, intensified, or extended, nor shall they be used as a basis for the addition of other structures; Section 3-9-10 also directs that non-conforming uses must be rebuilt to the current Code of the event that the structure is destroyed by more than 50%; this language will ensure that anyone who wants to remodel will do so without the benefit of County supervision or permitting; the Plan directs show people may rent their properties; and urged the Board to carefully consider the Plan since parts of it disenfranchise 50% of the property owners on the Key. Rex Govorchin, on behalf of Charles Rothmead who is the developer of the largest single tract of privately owned land on the Island, starting on the Gulf side to the Bay side; stated 22.5% of current land values will be diminished if down zoning is done; reported RMF-15 comprises 4%, RMF-12 comprises 5%, RMF-10 comprises 16%, CQ comprises 5%, CG is 1/10 of 1% of the Island, and RMT is 2% for a 32% of the Charlotte portion of the Island; if values are to be diminished, it should be done fairly; referenced a recent article in the Herald Tribune about

Tom Rice and David Mills, his attorney, have a lawsuit at the Federal level regarding development on Siesta Key; most developers are constructing within the 35' limit but developers only building two story structures are expanding on the ground which results in less space between buildings and green space; suggested a special meeting be set regarding development of the 750' along the Gulf for an eight story building instead of 61 units in eight separate buildings with 35' between each building; advised two parking levels would be constructed so automobiles would not be parked on the street on in a lot; the only outbuildings would be for the pool area; 300' of green space on the north and south sides of the building; an eight story building on the western property will not drop a shadow on the neighbors; and requested the Board to consider that the structure may act as a symbol and reunite some of the people in the area. **Chairman Devos** reminded people sometimes have opposing opinions but respect still needs to be shown. Dennis Castor, a Sandpiper Key condominium resident and President of the Association that represents 215 residents that was started in 1981, stated his comments are as a resident and joined by many of the other owners; complimented the Steering Committee for development of the Community Plan; expressed concern for segments of the Plan pertaining to opposition to condominium development and the severe restrictions to replacement in the event of fire or disasters; the 50% rule is biased and unfair to current residents who choose a condominium over a single family residence; especially when a long standing residence is destroyed and an owner may not be able to replace his dwelling; there is a distinct difference in the type of residences i.e. Manasota Key is a sprawling mixture of single family homes, condominiums, and businesses and Sandpiper Key is exclusively condominiums except for two properties current zoned Commercial General; residents on Sandpiper Key want to remain as they are and be protected for replacement in the event of a catastrophe; and assured the Board that they will work constructively with the Steering Committee. Tommy Brock, a resident on Englewood Beach, commended the Committee for all of their efforts relevant to the Plan; requested notification be sent to all home and land owners prior to adoption of the Community Plan; agreed most of the Plan is workable but careful consideration should be given to reconstruction of non-conforming existing structures; and stated protection is needed to maintain the Key. Tom Adams, of Belair Court, Punta Gorda Isles, stated he has spoken with a

representative from Congressman Foley's Office about the permit process. **Chairman Devos** stated citizen input should be relative to the Manasota and Sandpiper Key development controls and suggested he schedule an appointment with any Board Member after the meeting. **Commissioner Cummings** pointed out the Citizen Input at the end of the meeting is on any topic. Paul Eno, President on behalf of the La Coquina Condominium Association, stated as a resident he attended the meeting two weeks ago and heard that some existing developers had flown in under the radar before residents were aware of what was going on; stated there are condominiums under construction that do not meet proposed guidelines; invited everyone to view the portion of Manasota Key south of the public beach to see the impact of existing construction of large developments; suggested a moratorium be placed on projects that have only pilings in the ground and proceed after the new regulations are in effect; Gulf Breeze is being constructed next door comprised of a parking level and three stories of housing, a pool, elevator, and a top level for a total of approximately 71' in height; expressed surprise that Manasota Key has been listed as the "hot spot" for development; and commented in support of the ordinance. Robert Berntsson, McKinley, Ittersagen, Gunderson & Berntsson law firm, stated he has appeared before the Board on this topic previously; suggested the Board consider the full potential liability to adopting the interim development controls even though the Bert Harris Act indicates local governments are not subject to liability but there have not been that many cases; suggested establishing a special taxing district on the Key to pay the cost of Bert Harris and other claims that may arise; pointed out the ordinance directs that a non-conforming structure may not be reconstructed but waiver is possible based upon circumstances; stated the Board approved the Boulder Point Planned Development applied for final DRC approval prior to October 26, 2004, a few conditions kept it from final approval on November 4, 2004, the developer has taken steps to lower towers and fulfill staff requests; Venitian Sands submitted plans to DRC in July but were put on hold for weeks after Charley, it received DRC approval on September 23, 2004 and could apply for final DRC shortly; the ordinance does not allow any relief for these projects that have valid vested rights claims under Florida law; stated at least the Economic Impact Statement should have realistically considered the impacts of the ordinance; and reiterated the projects are long-term in the planning and requested the Board

to do the right thing. Betty Sue Carroll, a resident and Member of the Advisory Committee, stated there seems to be a major discrepancy between the visions of Island residents and out-of-town developers; commented on the need to consider economic consequences of controlled growth i.e. water supply and pressure, water for fire hydrants and protection, drainage, stormwater runoffs and flooding, emergency evacuation, increased traffic and inadequacy of roads, parking, bridge access, the impact of increased recreational aquatic activities from Venice to Stump Pass on environmental degradation due to pollutant runoff and human presence on fisheries and sea turtle populations, and future generations will pay the consequences of the environmental degradation. Geri Waksler, of the Moore & Waksler law firm on behalf of S&H Group, LLC that owns property at 1780 Gulf Boulevard, expressed understanding the Board's desire to impose a moratorium and prevent a rush of applications of approval under old regulations; the ordinance does not any provision for projects that have been long underway before the Plan was made known, unless the project has final DRC approval; development in a coastal area often takes 18 to 24 months, many dollars are expended before final DRC approval i.e. her client's project that went to contract in March 2003, three months of due diligence was used to confirm the high density residential land use and RMF-15 zoning, and to obtain a survey of the land to place five units, the property was closed on June 2003 at a cost of \$770,000, engineers and architects were retained in July 2003, a pre-application was delivered to the County in May 2004, a letter of no objection was received from the County on July 6, 2004 that the project was accepted as consistent with the Comprehensive Plan and references a five-unit condominium with pool, stormwater management system, and under structure parking, site plans were completed in early August 2004, a submission was made on August 10, 2004 to the Florida Department of Environmental Protection for stormwater permitting and coastal construction permits and to the Army Corps of Engineers for a wetland determination letter, the same packet was to have been submitted to the County on August 12, 2004 the offices were closed early due to Hurricane Charley, the application was finally submitted on September 21, 2004, a hearing was held on October 16, 2004 and continued subject to this ordinance; S&H has over \$825,000 and over 18 months invested in this project; it has no ability to request an exception; the moratorium is too wide spread and unfair to a developer that has invested large

sums of money and time to create a project that complied with all existing regulations; encouraged modification of the ordinance to take into account projects like the S&H Group. B.J. Galberaith, Manasota/Sandpiper Key Advisory and Steering Committees Chairman, reported the Committee has been above board and published notice about all of the public meetings and the Community Plan over the last 18 months; stated none of the developers represented here today have approached the Committees about development concerns; opined these developers would rape Manasota Key of its natural beauty and create concrete monuments, and have the Board believe that their vision is much more beneficial than residents' visions; and pointed out if developers had not found ways to circumvent prior regulations and ordinance, the Steering and Advisory Committee would never have had to draft a Community Plan. Pat Musto, Steering and Advisory Committees Member, stated the issue today is non-construction during interim development controls; these controls are needed because of the substantial increase in DRC applications since September 21, 2004 when the Plan was approved i.e. eight meetings of the DRC during which 9 Manasota projects were heard whereas only six projects were brought to the DRC in the prior 6-month period; these developers could have adopted a good neighbor policy and worked with the Committees instead of getting in under the wire; and urged passage of the interim development controls to allow time to develop a land use ordinance to preserve the way of life and control growth on Manasota Key. Daniel Fletcher, founder of Empower the Citizen, stated his intent to become involved in County activities and provide good ideas; and applauded the Board's futuristic look into development of the County i.e. focus on the people, waterway system, natural resources including environmental and wildlife. Barbara Parsons, lives across from the "Tower of Terror" and Bear Foot Beach in front of her home, questioned where her rights are when heights and setbacks were changed from three stories, how many of the attorneys and builders are Key residents, she built a small duplex 18 years ago on one and one-half lots with all kinds of restrictions, there have been three small houses taken on which 26 condominiums have been constructed, and another small house has been taken for more condominium development; and stated she cannot afford to live in a high rent district since she is on a fixed income and she will probably have to sell. Joseph Shiftlet, a single family resident on Manasota Key, agreed with people's multi-family

concerns as well as concerns about the Steering Committee's attacks on the residential community in the zoning parts i.e. the 20' setbacks on 50' wide lots will force people to construct multi-storied homes, parking restrictions and parking spaces on residential lots; expressed concern about what will be allowed to be rebuilt based on the 50% rule; and opined a lot of things in the residential code are basically deed restrictions and since people are living in non-platted subdivisions, they are going to the County for enforcement on facades, roof pitches, etc. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.** Chairman Devos requested answers from staff. **Commissioner DeBoer** stated most of the concerns raised are about a work product that is not in front of the Board today. Mr. Perez stated the concerns are valid; the interim development controls will allow time to bring ordinances back to the Board. **Chairman Devos** concluded that a lot of the concerns will be addressed during the interim period. Mr. Perez advised public hearings will be held to discuss changes, probably postcard notifications will be mailed to all residents and property owners, and a full copy of the Plan along with Steering and Advisory Committee minutes are on the County website. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO ENACT ORDINANCE #2004-066, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner D'Aprile** requested an explanation on how developers, who filed applications prior to conception of the Plan, are being treated. Mr. Perez advised the law is very clear that substantially complete applications for building permits require review according to then existing standards and, the difference comes in because of the DRC process, the closest stages to the building application submission is final DRC approval for projects that involve more than five residential units and the Board, on October 26, 2004, made a formal motion to establish the public hearings to adopt the interim control ordinance. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

RECESS: 11:05 A.M. - 11:15 A.M.

III. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee

- one (1) Building Industry volunteer

Grove City Street & Drainage MSBU Committee

- one (1) alternate member for a 2-year term
(**Commissioner Moore** stated the alternate has been moved up to a full member and there is an application in house for an individual to become the alternate)

Construction Industry Licensing Board

- one (1) volunteer representing the Licensed Mechanical Contractor category for a 4-year term

IV. REPORTS RECEIVED AND FILED

Charlotte Harbor Community Redevelopment Agency Advisory Committee Minutes of October 28, 2004

VIII. PRESENTATION AGENDA

None.

XI. CITIZEN INPUT - ANY SUBJECT

Al Cheatum, as a citizen not as a representative of Charlotte Harbor Environmental Center, commented on the long-term recovery plan published in the newspaper by thanking the Board and staff for their contributions to the plan and stating he is still looking over a mountain of trash and debris on his private street; pointed out Ms. McBride from the Federal Emergency Management Agency (FEMA) related it was important to meet the needs of all Floridians after the storms even Dade County residents who received \$20 million to buy televisions and other things when he may be faced to paying \$2,000 to remove debris from a road that has services provided; and requested the Board reinforce its efforts to insure clean up of the entire County.

Nancy Griswold requested an explanation of rumors dealing with the County acquisition of the First Christian Church at 21450 Gilbratar Avenue. **Chairman Devos** questions are not usually answered at this time but someone will be available after the meeting.

BB. County Administrator

Bruce D. Loucks, County Administrator, reported the Governor will hold a Press Conference on the afternoon of November 30, 2004, in the Second Floor Sun Trust Conference Room. Mr. Loucks distributed a December meeting calendar to discuss options regarding regular meetings and land development hearings and recommended canceling the December 28, 2004 regular meeting, holding a regular meeting on December 21, 2004 and split land use petitions between the meetings on December 14 and 21, 2004. **Chairman Devos** suggested land use petitions be heard on the second Wednesday for a full day and stated she will review the Committee schedule for conflicts. **Commissioners Cummings and D'Aprile** advised they will not be available for the December 21, 2004 meeting. **Commissioner DeBoer** pointed out there would not be a quorum for that meeting. **Chairman Devos** questioned if sufficient time remains for advertising of public hearings for December 7, 2004. Mr. Konefal stated December 7, 2004 would not allow sufficient publication time for zoning petitions but they could be scheduled for December 14 or 15, 2004. Kelly Shoemaker, Assistant County Administrator, advised a 2:00 P.M. workshop is already scheduled on December 7, 2004 and that would provide the morning for a general meeting. **Chairman Devos** suggested regular meetings be held on December 7 and 14, 2004. **Commissioner DeBoer** stated he will be gone for a short time in the morning of December 7, 2004 for a speech in El Jobean. **Chairman Devos** pointed out the Public Safety Coordinating Council is held on the second Wednesday. **Commissioner DeBoer** indicated the Council meetings are scheduled on an as needed basis. **Chairman Devos** stated the land development hearings should be scheduled at 9:00 A.M. instead of 2:00 P.M. to allow sufficient time for a lunch hour. **Chairman Devos** announced consensus for general business meetings on Tuesday, December 7 and 14, 2004 and land use hearings on December 15, 2004, all starting at 9:00 A.M. and resume regular meetings in January 2005 except land use hearings.

Mr. Loucks turned the meeting over to James A. Thomson, Environmental and Extension Services Director, and Alan Holbach, Maintenance and Operations Manager, to update the Board on debris pick up and provide funding options for pick up on private roads. Mr. Holbach explained pick up of debris on private roads has been restricted due to the issue of

reimbursement by the FEMA, discussions with FEMA officials indicated the issue may be resolved early next week in a positive manner to the benefit of the County, recommended not proceeding with pick up of debris from private roads until after a decision has been received from FEMA because they have stated that prior approval is necessary for reimbursement, and hopefully, next week a positive update will be provided in order to mobilize the contractor. Mr. Holbach advised pick up on private roads would be generally the same as public roads with the exception of private subdivisions and mobile home parks where a central collection area would be established for pick up, the two residential drop off stations were closed on Sunday because the type of materials have shifted from storm debris to construction, demolition, and rehabilitation debris that is not eligible for reimbursement from FEMA; commented on the need to provide a residential drop off for the convenience and safety of residents; requested approval to set up two residential stations provided by Waste Management; suggested cost recovery through assessments or surcharges on tipping fees with the initial funds via a loan; and informed the Board the stations would be for residents use not contractor use. Mr. Holbach reported discussions are ongoing with FEMA about stump and tree removal in order to maximize reimbursements. **Commissioner D'Aprile** requested an explanation regarding canal clean up. Mr. Holbach indicated staff is looking for additional monies outside of eligible grants. Mr. Loucks stated approximately \$10 million is available and staff is working with the Department of Agriculture in order to start canal clean up process in about a month. **Commissioner D'Aprile** presented photographs of canals in Punta Gorda depicting dangerous situations. Mr. Holbach pointed out conversations have been held with Natural Resource Conservation Service officials who indicated some funds may be available and FEMA directed the County to look elsewhere for funding for canal clean up. **Commissioner Moore** questioned the obligatory for canals in Punta Gorda. **Commissioner D'Aprile** stated the photographs were of canals in the County. Mr. Loucks requested direction on funding debris removal from private roads, estimated the cost at \$8 to \$10 million, and two assessment scenarios have been provided to the Board. **Commissioner DeBoer** recalled the County is waiting on a decision from FEMA. Mr. Holbach explained the County is still obligated to pay 5% which is estimated at \$2 to \$3 million, and \$8 to \$10 million for clean up of private roads if FEMA deems it non-

reimbursable, and stated the estimate for clean up of public roadways is approximately \$50 million. **Chairman Devos** stated, if FEMA does not approve the reimbursement, then a Plan will need to be established. Mr. Holbach advised the contractor and resources are in place if the Board establishes such a plan. **Chairman Devos** suggested this issue be placed on the December 7, 2004 agenda. **Commissioner DeBoer** requested the funding source for the \$8 to \$10 million be placed on that agenda. **Commissioner Cummings** calculated the County's match would be \$400,000 to \$500,000 if FEMA approves the reimbursement. Mr. Holbach agreed. **Commissioner Cummings** expressed a preference for treating it as a local match for all of the other clean up; if FEMA does not approve the reimbursement, then the Board needs to consider other permanent sources. Mr. Holbach requested direction on the two residential drop off stations i.e. the one in the Carmalitia area and County owned property on Collingswood instead of the J.B. Yard to help reduce illegal dumping. **Commissioner DeBoer** requested payment of the surcharge. Mr. Holbach suggested establishing a surcharge on the landfill tipping fee for a certain period of time through a loan in lieu of cash operations at the stations. **Commissioner DeBoer** questioned the segregation of storm debris versus demolition debris. Mr. Holbach advised debris coming into the two stations would not be eligible debris by FEMA's definition and it would be handled separately as regular solid waste. **Commissioner D'Aprile** asked if the debris will be monitored. Mr. Holbach explained monitoring will be performed to make sure no hazardous waste goes in to prevent contractors from using it. **Commissioner DeBoer** suggested considering, when necessary, what should be done when contractors remove demolition debris from houses but not from sites and questioned when park sites will stopped being used a debris dumps. Mr. Holbach stated the only park site currently being used is Carmalitia, offered to look at an alternate area, drop off operations at the Sports Complex were stopped last month, and hauling to the landfill will be accelerated as soon as the second scale is opened. **Commissioner Cummings** inquired as to when clean up will be completed in the Charlotte Park area and the last day to pick up. Mr. Holbach estimated mid-December with final pick up days on Sundays i.e. 2nd or 3rd Sunday in December, there will be pick ups later but people should not put anything more out after that time, and one final day will be designated to put debris out for all remaining areas.

CC. County Attorney

Branden Bradley, Interim County Attorney, reported the County is still in a declared state of local emergency for Charley; the State declarations are about to expire; he has discussed with Purchasing and Public Works about contracts for associated work and they are in the final draft stage and they should be approved and signed under the declaration for funding purposes; after they are in place, he will bring back a resolution to lift the state of local emergency.

BB. County Administrator

Mr. Loucks stated a workshop was set during the last meeting regarding Murdock Village for November 30, 2004 with no time and advised the time is 10:00 A.M. **Commissioner DeBoer** requested the time be changed to the afternoon to accommodate both developers. (**Board consensus to set the workshop at 2:00 P.M.**) **Commissioner DeBoer** requested direction on what is expected of the developers i.e. a 15-minute presentation. **Chairman Devos** requested staff provide a timeline at the workshop for expectations in order to determine the most beneficial impact for taxpayers, stated she does not want a presentation from Lennar, expressed uncertainty about the parameters of the project, and stated she does not want to make a determination based on a 15-minute presentation but what the Board perceives as being the right and best for the County. **Commissioner DeBoer** stated his intent was not to decide on an agreement but to provide developer options and offered to meet with Board Members on an individual basis. **Commissioner D'Aprile** commented in support of having developers appear before the Board for more options and to look at the project as a business venture. **Commissioner Cummings** stated the primary focus of the meeting should be to address proceeding beyond Phase 4 with the land acquisition and, if so, how; he is not in a hurry to get the project done since land values are rapidly appreciating; he has no objection to listening to developers' presentations as long as they do not interfere in making a decision on land acquisition; wondered if the project should have been all done in one phase; if developers are going to make presentations, he wants two delineated parts of the meeting i.e. new proposals and land acquisition; he expressed surprise that negotiations have

gone on as long as they have with Lennar based upon direction that the proposal for up front money and the plan were insufficient; and he does not care who the developer will be as long as the development plan and financing are acceptable. **Commissioner Moore** suggested setting morning and afternoon sessions and stated definitive direction is needed to move forward with this project. **Chairman Devos** stated a lot is at stake, discussion is needed regarding land acquisition for Phases 5 through 8 or 9, it will be too costly to have Lennar involved in the remainder of the redevelopment plan, suggested the remainder be completed in house, opined the Board's decision on how to proceed with the plan will either provide more or reduce opportunities for other developers to participate, discussion should be held on the Planned Development and should it be done simultaneously with the redevelopment plan or purchase all of the property, and a time line should be made available for the workshop prior to developers' presentations. **Commissioner D'Aprile** concurred. **Chairman Devos** estimated about an hour for developer presentations. **Commissioner DeBoer** withdrew his support because of an uncertainty to obtain information after the decision. **Commissioner D'Aprile** stated 15-minute developer presentations are not sufficient, time is needed for questions, answers, and discussion, and the project needs to get moving forward. Mr. Loucks indicated staff has been meeting with Board Members, a meeting will be set with **Commissioner D'Aprile** this afternoon; advised decisions need to be made to continue the process i.e. a 30-day notice period for developers to bring back proposals; requested confirmation that input from the developers may impact future land acquisition in the project area; and, if so, then staff needs to compile financing options in conjunction with the time line. **Chairman Devos** concluded the Board desires to have developer presentations prior to discussion on proceeding with the project and recommended the meeting start at 1:00 P.M., allow each of the three developers 15 minutes for a presentation followed by Board discussion, and at 2:00 P.M. proceed with the remainder of the agenda. **Commissioner DeBoer** explained an earlier discussion led him to believe there was an underlying assumption that the Board did not need to know of other available options to go ahead and approve another \$35 million or \$37 million in debt and that is not correct; and his intent was to provide options for the Board not to make a decision on the developer or how to proceed with the project, only to the extent of the legal

process i.e. the taking. **Chairman Devos** commented on the possibility of not having any developer based upon the upcoming discussion. **Chairman Devos** announced developer presentations will commence on Tuesday, November 30, 2004 at 1:00 P.M., each for 15 minutes with questions and answers. **Commissioner Cummings** requested developers' presentations prior to the meeting for review. **Commissioner Moore** expressed no objection to the meeting time and stated prior to the meeting, he will develop questions i.e. what will the consequences be if the project moves forward, what are possible delays, legal ramifications. **Commissioner Cummings** commented on the need to seek public consensus of the project since it is impeding the ability to make other Future Land Use Map changes before anymore growth occurs and makes these changes impossible. (**Board consensus.**)

DD. Commissioner Comments (continued)

Commissioner DeBoer updated the Board on the meeting held on the sign ordinance with business owners last Friday and input was received that should be mutually agreeable including an incentive program which depreciates in value after the first year to the tenth year and creating identities for geographical areas and requested direction regarding waiver or reimbursement of the Fair Association building permit fees. **Commissioner Cummings and Chairman Devos** stated they did not have strong feelings about the permit fees. **Chairman Devos** expressed reluctance since this situation is not unique. **Commissioner DeBoer** pointed out the Fair Association is a subdivision of government. **Chairman Devos** expressed an interest in seeing the resolution of the matter. **Commissioner DeBoer** suggested Board Members advised Administration how to deal with it. **Commissioner DeBoer** stated the Rocky Creek Marina purchase did not go through and requested Board Members to contact Administration or J. Paul Payette regarding a second property in Englewood, which is larger than the Marina property but it does not have an existing boat ramp. **Commissioner DeBoer** stated he will try to provide more information at the next meeting on the Disaster Recovery Manager. **Commissioner D'Aprile** announced he attended the first meeting of the Hurricane Housing Work Group in Tallahassee via conference call and the Whose, Whose Committee on the problems in the County; they seemed to be positive about the situation and assistance; he will be

attending another of the meetings in Tallahassee on December 10, 2004; the goals of the Group include the long-term approach for affordable housing and short-term approach for people who were displaced by the hurricanes; FEMA may extend recovery efforts beyond 18 months; there was discussion on problems stemming from residences of the 14' x 70' mobile homes near the Airport and the conversion of two units for one permanent structure to be left on site or another site. **Board Members disagreed.** **Commissioner D'Aprile** stated he will keep the Board apprised on the long-term approach and reducing restrictions on permitting. **Commissioner Cummings** indicated the leases for the temporary units that he has seen may not be extended beyond 18 months from the time of the disaster, the leases also reflected that they shall be renewed each month but not beyond six months, and expressed concern about time period differential. **Commissioner D'Aprile** offered to check on the issue. **Commissioner Cummings** commented on appointing a Board Member to serve on the Peace River Tri County Collaborative, Inc. Board of Directors (Non-profit corporation established for hurricane recovery effort). **Chairman Devos** suggested setting it on the next agenda. **Commissioner Cummings** commented on frustrations as a result of trying to get answers at the Water Authority especially regarding the next expansion i.e. \$50 million, \$74 million for the treatment plant, \$110 million, \$115 million, and the cost is still going up; this expansion is larger than the Peace River expansion; the size of the treatment plan will be increased by an additional 30 mgd to produce an additional 15 mgd and the arsenic and heavy metal issues will make ASRs basically useless but it may be resolved in the next two to five years; Commissioner Staub suggested that he make a list of questions, which he did, and sent them in as a fill in the blank spread sheet; he has been advised that the questions will be answered at the next Water Authority meeting; opined immediate water issues and the next project should be done simultaneously to meet 2013 to 2015 needs; there is a proposal for a desalinization plant but the cost is \$108 million for 20 mgd but it does not include hook up or operational costs; and staff is working on alternatives i.e. \$40 million for 5 to 10 mgd using ground water but there are questions on permitting and Southwest Florida Water Management District (SWFWMD) match contribution. **Commissioner Moore** stated time is running out and quick decisions are needed on water issues, confirmed the Pre-agenda on Monday, December 6, 2004, and expressed appreciation to staff

for answering his questions expeditiously. **Chairman Devos** announced the Employee Appreciation Dinner is scheduled for Sunday, December 5, 2004, at Victoria Estates and invited all Board Members to attend. **Commissioner Cummings** stated he has a prior commitment. **Chairman Devos** expressed concern that Committee Vacancies will not be advertised in the newspaper even though they will be listed on the website. **Commissioner DeBoer** questioned who made that decision. Mr. Loucks recalled it was a way to reduce advertising costs but they can be put back in. **Chairman Devos** agreed the vacancies should be advertised since everyone does not have internet access.

RECESS: 12:50 P.M. - 2:02 P.M.

VII. PUBLIC HEARING AGENDA

Z. 2:00 P.M. Joint Workshop

Agenda Item Z-3, Economic Development, Joint Workshop between the Charlotte County Community Redevelopment Agency and the Charlotte Harbor Advisory Board to discuss the Charlotte Harbor Community Redevelopment Area (Proof of publication was in order)

1. Call to Order

Commissioner D'Aprile presided over the workshop, as **Chairman of the Charlotte County Community Redevelopment Agency**, and acknowledged the attendance **Commissioners Devos, Cummings, DeBoer, and Moore** and Charlotte Harbor Community Redevelopment Area (CRA) Advisory Board Members: Chairman Richard Loftus, Vice Chairman Charlotte Ventola, and Jerry Dupper, David Schmidt, and Secretary Grace Amodeo.

2. Presentations/Discussions

- A. 2003/2004 Progress Report**
- B. Phase I - District Creation and Focus**
- C. Draft Project List**
- D. Transfer of Density Units**

Debrah Forester, Redevelopment Manager, explained the CRA Advisory Board has met three times since the October 26, 2004 public hearing and gave a slide presentation on the 2003/2004

Progress Report highlighting the 24 sign reviews and approvals under Period Review, the TIF Ordinance adopted in December 2003 and the First Tax Increment of \$50,732 for this year, Comprehensive Plan changes to allow multi-family south of Bayshore Drive and the small scale amendment for McDonough Plumbing, front yard setbacks have been reduced from 25' to 0 - 9', the Bayshore Park Construction Drawings are 30% complete with construction projected to begin in Spring 2005 and completed in December 2005, the conceptual plan for US 41 Beautification is complete, CRA Advisory Board meetings have been held monthly and Community Meeting and US 41 Business and Property Owners meetings have been held, and Charlotte Harbor Water Association and Charlotte County Utilities have given presentations. Ms. Forester continued the slide presentation reflecting the Vision Statement that was established in 1994 to revitalize the Charlotte Harbor area by promoting the ambiance of an old Florida waterfront community with its tree canopy; the Advisory Board focused on establishing District 1 - Riverwalk District, District 2 - Charlotte Harbor Neighborhood District, and District 3 - US 41 Gateway District and District goals as part of Phase I; and introduced Jack Williams, a County resident and Chairman for the American Institute of Architects local Chapter, who presented slides on a 42-unit, four story multi-family condominium complex with common area over a parking level. Mr. Williams advised the project would be a five story building or approximately 50' high, which exceeds the County's 35' height limitation, and stated the complex is more in line with structures approved across the River. Ms. Forester reported the Advisory Board wants to facilitate a pedestrian walkway along the Peace River with incentives to developers to provide easements and maximize lot usage and introduced Jorge Perez, Planner III, Community Development Department, who stated a review of the zoning and Future Land Use Map (FLUM) designations have been performed on the Riverwalk District. Mr. Perez reported the zoning does not include any residential density, the Transfer of Development Rights (TDR) ordinance does not allow an transfers into the District, and the TDU ordinance does allow placement of residential dwellings provided the density is transferred from another Coastal High Hazard area; estimated 94 unit credits may be transferred to the CI property; hotels and motels, as long as they are not permanently or individually owned units; could be achieved on the Riverwalk property. **Chairman D'Aprile** requested the difference between

hotels/motels and residential TDUs. Mr. Perez explained hotels/motels are not considered as multi-family facilities since they do not house full time residents and unless 25% of the units have cooking facilities, the hotel/motel is not considered a multi-family complex. Ms. Forester reported the Advisory Board wants to look at the ability to transfer in TDUs if the desire was to pursue multi-family versus hotels/motels and suggested coordinating with the City on redevelopment of the Auditorium; continued the slide presentation on the Neighborhood and US 41 Gateway Districts as well as Phase II projects, Edgewater Drive/Harborview Road Corridor, Industrial Park, Melbourne Neighborhood, and US 41 Corridor District from Edgewater to the northern CRA boundary that have not been prioritized. Ms. Forester distributed and reviewed the Action Items list compiled at the CRA Advisory Board meeting of November 18, 2004 and requested the Board's consent to move forward on items with FY 05 funding:

1. US 41 Beautification Plan - Feasibility Study
\$35,100 - Public Works Sales Tax Budget
2. Bayshore Street Lighting Design Plan
\$30,000 - Street Lighting District Fund
3. Bayshore Street Lighting Installation
\$300,000 - Street Lighting District Fund
4. Redevelopment Plan Update
\$10,000 - TIF Account and pursue a Department of Community Affairs matching planning grant
5. Sign Grant Program
\$42,731 - TIF Account

Ms. Forester summarized the projects without identified funding sources for FY 05:

1. US 41 Beautification - planning, engineering and permitting
 - a. Riverwalk District - \$350,000
 - b. Gateway 250,000
 - c. Bayshore to Edgewater 750,000
\$1,350,000 - Sales Tax
2. Storwater Management Study - \$1,000,000
SWFWMD grant and a 50% County match

Ms. Forester outlined projects identified for long-term financing during FY 06/07

1. US 41 Construction (entire project
Up to Edgewater Drive \$9,500,000
2. Completion of the Wastewater
System 2,000,000

Ms. Forester concluded her presentation and offered to answer questions. **Commissioner Devos** questioned the amount of Sales Tax revenues available for the US 41 Beautification project. Ms. Forester related Public Works Director Thomas O'Kane mentioned that \$35,100 was available from Sales Tax revenues to perform the Feasibility Study and pointed out the Draft Project List showed potential funding sources whereas the Action Items distributed reflect identified funding sources. **Commissioner Cummings** questioned the Action Items pushed back in the Capital Improvements Program (CIP). Ms. Forester explained the projects were identified in the last two months and they are not in the CIP. **Chairman Loftus** confirmed that none of the items were in the CIP and none are in the process as of this time. **Commissioner Cummings** stated these are the types of projects that are delayed a year to make sure the County has sufficient funds to deal with next year's anticipated cash flow crisis. **Commissioner DeBoer** agreed with **Commissioner Cummings** and stated it may be necessary to delay the projects until after funding has been secured for recovery efforts. Ms. Forester pointed out the US 41 Plan will be submitted as one of the recovery projects, limited funds may be available for transportation improvement projects, and the Bayshore Street Lighting project ties in with completion of the Bayshore Park scheduled to be completed by the end of next year for a cost savings. **Commissioner Cummings** recalled the US 41 Beautification project was ranked #1, downtown Punta Gorda as #2, and Charlotte Harbor was #3 during the FEMA consensus building workshop and stated the potential for FEMA and outside funding is high based on the ranking. Ms. Forester commented on the importance of performing the feasibility study in order to assure the acceptance of the design concept to Florida Department of Transportation for funding purposes. **Commissioner Cummings** expressed understanding that ranking was higher for a project if funds were already budgeted and commented in support of maximizing funding from outside sources. **Commissioner Devos** stated waterline,

stormwater, and wastewater improvements are important and these projects should be included in the recovery plan. **Chairman Loftus** reported the Advisory Board has looked at a bonding issue similar to the City of Punta Gorda's letter of intent, expressed concern about TIF dollars for next year in view of the number of projects coming on line i.e. \$75 to \$80 million in the next two or three years. **Commissioner Moore** questioned if the 5-story proposed structure will set a precedent. **Chairman D'Aprile** advised a special exception would be necessary because it would be located within the CRA. **Secretary Amodeo** recalled each such structure would be reviewed on a case-by-case basis and a plan would be necessary. **Member Dupper** advised the City of Punta Gorda allows four stories above the flood level and it is three stories above flood in the CRA; the area between the miniature golf course and the former Breakers Restaurant will be redeveloped; there are approximately 82 density units available for development; the Riverwalk would stop at the Breakers Restaurant and the Advisory Board wants to establish incentives for developers for another story to provide public access rights to continue the Riverwalk down to the waters edge. **Chairman Loftus** advised discussion has taken place on the importance of providing air and water views for the public instead of solid blocks of buildings and providing these views through Planned Developments. **Commissioner Cummings** enumerated items in conjunction with the US 41 Beautification project: the Feasibility Study; the Sign Grant Program; the US 41 design plan; US 41 Riverwalk - planning, engineering, permitting, and construction; developer incentives and business assistance program; and expressed a desire to get as much outside funding as possible and then secure local funding. **Member Ventola** stated stormwater issues in the CRA area have been long-standing problems. **Chairman Loftus** stated the water line increase is important for fire protection purposes, the cost was estimated at approximately \$2 million by the Charlotte Harbor Water Association, and related another water tower on Harbor Boulevard is in the planning stages. **Chairman D'Aprile** commented on the importance of developing the Charlotte Harbor CRA and taking advantage of funding through recovery efforts and establishing a strategic plan. **Member Dupper** suggested performing the US 41 Beautification Feasibility Study in order to move forward with the community and FDOT. **Member Schmidt** suggested involving FDOT before moving forward with the US 41 Beautification project. **Secretary Amodeo** pointed out FDOT officials will become involved

with the Feasibility Study. **Commissioner Cummings** stated he does not have a problem with the Feasibility Study since funds are available. Ms. Forester introduced Laura Blackstone who has been involved at the Advisory Board level and FEMA efforts. Ms. Blackstone stated a long-term recovery plan is being developed with costs and she is using Ms. Forester's calculations. **Commissioner Devos** requested verification that items 1 through 5 are funded. Ms. Forester concurred. **COMMISSIONER DEVOS MOVED APPROVAL TO ACCEPT AND MOVE FORWARD WITH ACTION ITEMS #1 THROUGH #5 WITH IDENTIFIED FUNDING SOURCES FOR FY 05, SECONDED BY COMMISSIONER CUMMINGS.** **Commissioner Cummings** expressed uncertainty about the Street Lighting District Fund. Ms. Forester indicated that Mr. O'Kane related, as a result of discussions with the Budget Office, funds are available to implement the Bayshore Drive Street Lighting project. **Commissioner DeBoer** expressed concern about trying to retain money during the budget process for the recovery effort and now he has learned that \$365,000 is available for these projects. Mr. Loucks explained that Sales Tax revenues and TIF funds are available for the Feasibility Study of \$35,100, Redevelopment Plan of \$10,000, and the Sign Grant Program of \$40,731; the Board has the discretion regarding allocations from the Street Lighting District Fund. **Commissioner Cummings** questioned if these allocations will deplete the Street Lighting District Fund and not have sufficient monies to do the repairs. Mr. Loucks stated he will check and find out. **COMMISSIONER DEVOS AMENDED THE MOTION TO DELETE ACTION ITEMS #2 AND #3 FOR THE BAYSHORE STREET LIGHTING DESIGN PLAN AND STREET LIGHTS. COMMISSIONER DEVOS WITHDREW THE MOTION, COMMISSION CUMMINGS WITHDREW THE SECOND. COMMISSIONER DEVOS MOVED FOR APPROVAL TO ACCEPT AND MOVE FORWARD WITH ACTION ITEMS #1, FEASIBILITY STUDY FOR THE CHARLOTTE HARBOR US 41 BEAUTIFICATION PROJECT WITH FUNDING FROM SALES TAX REVENUES, #4, REDEVELOPMENT PLAN CONSOLIDATION AND AMENDMENT WITH FUNDING FROM TIF AVAILABLE JANUARY 2005 AND A MATCHING PLANNING GRANT, AND #5, THE SIGN GRANT PROGRAM WITH FUNDING FROM TIF AVAILABLE JANUARY 2005, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.** **Commissioner Devos** requested updates on the Street Lighting since there is not sufficient information to move forward **with these items. Commissioner Cummings** agreed. **Commissioner DeBoer** commented on structuring a bond issue using TIF monies for the purpose of securing the interest until it grows i.e. the borrowing capacity could be over \$10 million and use the \$50,000 per year

to pay the interest and then pay off the principal; the collection and distribution systems for water and sewer should be installed and this would secure a loan based on assessments. **Secretary Amodeo** stated installation of water and sewer will increase growth. **Member Ventola** questioned if Parks, Recreation and Cultural Resources Director Laura Kleiss Hoeft has been contact to ascertain if the Bayshore Street Lighting Plan ties in with the Park Plan. David Milligan, Parks, Recreation and Cultural Resources Project Manager, stated award of the Street Lighting design should be done as a change order to the existing design consultant contract so the same engineering firm will be doing the park and roadway to tie in together. **Commissioner Cummings** pointed out there are still no lights on the US 41 bridge and suggested this segment might be tied in to this project. **Chairman Loftus** stated the lights are similar to those installed in the Franz Ross Park, Placida Boat Ramp, and at Publix. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO DIRECT MS. FORESTER TO MODIFY THE US 41/BAYSHORE PROJECT ALREADY SUBMITTED TO FEMA BY INCORPORATING APPROPRIATE ASPECTS OF THE CHARLOTTE HARBOR CRA - US 41 BEAUTIFICATION PROJECT WITHIN 24 HOURS, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

3. Public Comments and Direction to Staff

Mr. Loucks suggested discussions be held with the County's Bond Council and Financial Advisor and bring back projections and options regarding TIF monies and bonding. **Commissioner DeBoer** stated the structure already exists and the water and wastewater distribution calculations need to be updated based on current interest rates. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO DIRECT STAFF TO BRING BACK UPDATED COSTS FOR THE INSTALLATION OF WASTEWATER AND WATER SYSTEMS FOR CHARLOTTE HARBOR, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.** **Commissioner DeBoer** pointed out bonds may be structured for an early call date and the bonding capacity with TIF projections should also be brought back to discuss options.

No public input. **Chairman D'Aprile** requested a motion to close the public hearing. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.** **Commissioner DeBoer** stated, as a point of order, the public hearing must be closed by the Chairman of the Board of County Commissioners. **COMMISSIONER DeBOER MOVED TO CLOSE THE**

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PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Chairman Devos wished everyone A Happy Thanksgiving, concurred in by the other Board Members.

MEETING ADJOURNED: 3:25 P.M.

Sara Devos
Chairman

ATTEST:

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

By: _____
Deputy Clerk
djn