

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

DECEMBER 14, 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, County Attorney Janette S. Knowlton, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board of County Commissioners Jenine Thornley and Deputy Clerk Karen S. Mitchell. The meeting was called to order at **9:04 A.M.**

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

CHANGES TO THE AGENDA

ADDITIONS:

Presentation
Agenda

Agenda Item AA-2, Commission Office - Harbor Clean Up presentation by Dick Keen

Regular
Business

Agenda Item Y-8, Budget Office - a) Approve a resolution authorizing a \$46,000,000 credit facility issued by Bank of America in the amount of \$46 Million for Murdock Village land acquisition; and b) Approve Budget Amendment #05-A06 in the amount of \$46,000,000

Agenda Item Y-9, Commission Office - Approve the fit-up and rental of a 15 x 30 ft office located on the 5th floor of the Administration Building for use by State Representative Michael Grant. The fit-up cost and utilities will be recouped over a 2 year rental period. The rental rate

will be \$628 per month which includes base rent and utility charges.

DELETIONS:

Consent

Agenda

Agenda Item C-8, Approve Surety Bonds for Commissioners Devos, D'Aprile and Moore. Bond amount is \$2,000 each with an expiration date of November 20, 2008.

Agenda Item G-2, Approve the setting of a Board Workshop for January 11, 2005 at 2:00 P.M. for the purpose of discussion of Growth Pressures, the first of a series of workshops regarding the 2003 Evaluation and Appraisal Reports (ERA) recommended text amendments.

Agenda Item L-1, Approve the disposal of property items.

CHANGES:

Consent

Agenda

Move Agenda Item C-10 to Regular Agenda Item Y-7

~~Agenda Item S-1, Approve the widening of the existing two lane highway at Burnt Store Road to four lanes divided at an anticipated cost of approximately \$5,650,000 to be accomplished in two phases.~~ Set the first public hearing for Tuesday, January 11, 2005 at 10:00 A.M. or as soon thereafter and the second public hearing for Tuesday, January 25, 2005 at 10:00 A.M. or as soon thereafter for the development agreement for the Tern Bay DRI.

Regular

Business

Agenda Item Y-2, County Attorney - Approve increase to the contract with Bryant Miller and Olive in an amount not to exceed \$179,000 ~~to continue the negotiations and drafting of a contract with Lennar Homes, and~~ to assist with

the development and implementation of Community Development Plan, Zoning Ordinance and assist in Refining Redevelopment Strategies as well as to advise and participate in the eminent domain for Murdock Village Redevelopment Project.

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

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE MONTH OF DECEMBER, 2004 AS "JOHN SHEA, ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. John Shea accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE MONTH OF DECEMBER, 2004 AS "NATIONAL EPILEPSY AWARENESS MONTH" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

I. SPECIAL RECOGNITION

Employee Recognition:

Bruce D. Loucks, County Administrator, and **Commissioner DeBoer** recognized the following employees for their service with the County: **Five Years** - Raymond J. Sandroek, Budget; and Dawn A. Tenny, Public Works; **Ten Years** - John R. Berlen, Public Works; Michael D. Gering, Utilities; Leo G. Gobeil, Parks, Recreation & Cultural Resources; and Larry S. McAllister, Parks, Recreation & Cultural Resources; **Fifteen Years** - German Ortego, Public Works; and Luis Rodrigues, Human Services; **Twenty Years** - Darrell E. Demonbreun, Fire/EMS; Joan M. Hawkins, Parks, Recreation & Cultural Resources; and Edward Marinelli, Public Works; and **Twenty-Five Years** - Faye K. Bregg, Purchasing (Special Plaque presented).

Presentation:

Dr. William Merwin, Florida Gulf Coast University (FGCU), commented on their efforts to assist the County in recovery efforts, updated the Board on the main campus activities and growth areas, thanked the Board for their continued monetary support and gift of land, commended the School Superintendent for his work and positive impacts, and commented on FGCU's five year growth projection. **Chairman Devos** thanked Dr. Merwin for his dedication to Charlotte County.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

Dan Fletcher addressed **Agenda Item Y-4, Peace River Tri-County Collaborative Agreement**, said this was a very important item and the Board was the key to this agreement. Mr. Fletcher addressed on **Agenda Item Y-1, Approve a resolution declaring an end to the state of local emergency due to Hurricane Charley** and opined this wasn't the end but a beginning of the end.

The following citizens spoke in support of **Agenda Item T-1, Approve an Agreement for the purchase of real property known as the First Christian Church located at 21450 Gibraltar Drive, Port Charlotte, FL**,: Tania Garcia with Big Brother/Big Sisters, Dr. Jerry Ross, Sheriff-Elect John Davenport, Amity Chandler, Sue Sifrit, Pastor Skip Struebing and Dick Loftus.

III. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee

- one (1) Building Industry volunteer

Construction Industry Licensing Board

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

South Gulf Cove Advisory Committee

- one (1) volunteer vacancy. The Committee meets the fourth Wednesday of the month from 9:00 A.M. to 11:00 A.M.

Beaches & Shores Advisory Committee

- one (1) volunteer vacancy for a four-year term. The appointee must living in District #1.

IV. REPORTS RECEIVED AND FILED

None.

V. CONSENT AGENDA

COMMISSIONER D'APRILE MOVED FOR APPROVAL OF THE FOLLOWING ITEMS SECONDED BY COMMISSIONER MOORE 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 December 2, 2004 through December 7, 2004 in the amount of \$1,792,986.79

B. Minutes Division

Agenda Item B-1, Approval of Minutes

1:00 P.M., November 16, 2004, Oath of Office

2:00 P.M., November 16, 2004, TDU Ordinance Public Workshop

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint Mike Fischer and James Beck as regular and alternate members, respectively, of the Grove City Street & Drainage Maintenance Committee. Mr. Fischer's term will extend through December 14, 2007 and Mr. Beck's through December 14, 2006.

Agenda Item C-2

Reappoint Audrey Seay to the Board of Zoning Appeals Advisory Committee representing District 1 for an additional four-year term. Ms. Seay's current term expired on November 30, 2004.

Agenda Item C-3

Reappoint Audrey Seay to the Planning and Zoning (P&Z) Board representing District 1 for an additional four-year term. Ms. Seay's current term expires December 31, 2004.

Agenda Item C-4

Reappoint Bill Coy to the Board of Zoning Appeals representing District 3 for an additional four-year term. Mr. Coy's current term expired in November, 2004.

Agenda Item C-5

Reappoint Paula Hess to the Planning and Zoning (P&Z) Board representing District 2 for an additional four-year term. Ms. Hess's current term expired in November, 2004.

Agenda Item C-6

Reappoint the following Agricultural and Natural Resources Committee (ANRAC) members for four-year terms expiring in December, 2008: Chairman Alton L. Cheatham, Vice Chairman Nigel E. Morris, Secretary/Corresponding Secretary William F. Federer, Citrus Production C. W. (Buzz) Stoner, and AG/Water Management Chris Hencher.

Agenda Item C-7

Appoint Patrick Randall to the Manchester Waterway Benefit Unit Advisory Committee to replace Dick Loftus who resigned.

Agenda Item C-9

Reappoint the following Marine Advisory Committee (MAC) members for three-year terms expiring December 31, 2007: Punta Gorda Fishing Club William A. Bergman, Member-at-Large/Fishing Guide

Gary L. Hoffman, Flotilla U.S.G.A. 809 Rotonda Wiseheart F. Hudson, Peace River Squadron Inc. Raymond D. Rose, Pirate Harbor Yacht Club Bob DiMuzio, and South Gulf Cove Yacht Club Anthony Tonz.

D. Administration

No agenda items.

E. County Attorney

No agenda items.

F. Budget Office

Agenda Item F-1

Agreement #2004-058 2004/2005 County/State Department of Health Contract for the operation of the Charlotte County Public Health Department from October 1, 2004 to September 30, 2005. The State will pay \$2,160,055 and the County will provide \$1,134,633 in ad valorem taxes for this operation.

Agenda Item F-2

Grant #2004-027 for the annual contract with the Florida Division of Emergency Management which provides funding in the amount of \$105,806 minus \$2,847 for satellite communications service for a total grant of \$102,959.

G. Community Development

Agenda Item G-1

Resolution #2004-250 permitting NB/85 Associations c/o Benderson Development a major modification to the final detail plan approval of Suncoast Lakes residential home development.

H. Economic Development

No agenda items.

J. Environmental Services

No agenda items.

K. Facilities Construction and Maintenance

No agenda items.

L. General Services

Agenda Item L-2

Change Order #6, Contract #00-66, Sidewalk Design Groups 3 & 4 with Giffels-Webster Engineers, Inc. for professional services necessary for the engineering of five-foot wide sidewalks and associated landscaping along roadway segments for the not-to-exceed amount of \$9,900.

Agenda Item L-3

Bid No. #05-037, Ready Mix Concrete - Supply & Deliver to Miami Valley Ready Mix of Florida, Inc. of Placida, FL.

Agenda Item L-4

Bid #05-022, Lift Station #803 Rehabilitation to Strickler Brothers, Inc. of Ft. Myers, FL in the amount of \$91,665.

Agenda Item L-5

File #05-085, Lakeside Septage Acceptance Plant sole source purchase to Lakeside Equipment Corporation of Bartlett, IL for a total cost of \$157,859.

Agenda Item L-6

RFP #03-442, Winchester Blvd. Phase 3 agreement with Wilbur Smith Associates, Inc. of Pt. Charlotte, FL due to scrub jay mitigation bringing the total design cost to \$347,626; and **authorize the Chairman to sign the contract for an amount not-to-exceed \$347,626.**

Agenda Item L-7

RFP-04-333, Needs Assessment/Space Planning Charlotte County Jail for negotiations with Carter Goble Associates, Inc. of Columbia, SC; and **authorize** the Chairman to sign the contract after negotiations have been completed as long as the feeds do not exceed \$75,000.

Agenda Item L-8

Change Order #1, Contract #04-109, Design-Peachland Sidewalks with Giffels-Webster Engineers, Inc. of Englewood, FL for additional design and survey services in the amount of \$5,000 and a revised contract amount of \$154,415.

Agenda Item L-9

Bid #05-032, Perlite to Dicaperl Minerals Corp. of Crawfordsville, IN with a contract term from January 1, 2005 through 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.

M. Human Resources

No agenda items.

N. Human Services

Agenda Item N-1

Agreement #2004-059 for the State Housing Initiative Program (SHIP) deferred payment loan documents with St. Charles Housing II, Inc. for roof repairs up to \$17,395 at Villa San Carlos.

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-1

Set the first Public Hearing for Tuesday, January 11, 2005 at 10:00 A.M. or as soon thereafter and the second Public Hearing for Tuesday, January 25, 2005 at 10:00 A.M. or as soon thereafter for the development agreement for the Tern Bay DRI.

V. Tourism Development

No agenda items.

W. Utilities

Agenda Item W-1

Set a Board Workshop on January 4, 2005 at 2:00 P.M. for the purpose of discussion of the Peace River Regional Expansion and other alternatives for water supply for Charlotte County.

X. Clerk of the Circuit Court

Agenda Item X-1

Approve Surety Bond for Barbara T. Scott in the amount of \$5,000 with an expiration date of January 1, 2009.

ITEM FOR DISCUSSION

T. Real Estate Services

Agenda Item T-1, Approve a resolution approving an agreement for the purchase of real property known as the First Christian Church located at 21450 Gibraltar Drive; authorize the Chairman to execute the agreement; and authorize the exercise of due diligence and the closing of the acquisition. The property is an improved three-acre tract containing a workshop center capable of seating 500 to 550 persons and a paved parking area

for approximately 150 vehicles with classrooms located in the two-story portion of the building. The total building area is estimated at 28,132 square feet. Contract price of \$1,249,000 is supported by a recent appraisal.

Commissioner DeBoer said he supports the concept and the location but he was having difficulty expending \$1.25 million of taxpayer dollars without some kind of plan, the paperwork implies there will be approximately \$200,000 annually available from these organizations to pay for this but there's nothing here that verifies this, and asked where was the principle and interest payment going to come from because it doesn't appear these organizations can afford to cut the grant dollars they get from the County in order to make this payment. Robert Hebert, Recovery Director, responded they already have commitments for about \$96,000 through reductions in the amount of money the County pays to these granting agencies, the goal was not to have to finance this purchase but the agencies won't give their commitments until the Board gives their commitment to conceptually go forward, he will be working on specific issues over the next 60 days and this will be brought back to the Board. **Commissioner DeBoer** stated nothing in the package says funding was going to be part of due diligence, it just basically says the County was going to go ahead and buy the property, and reiterated what he's struggling with was where's the money supposed to come from. Mr. Hebert commented on proposed agency staffing reductions and utility reductions and other areas where reductions could be made if these agencies moved into the building that would be sponsored by the County, but agreed there were no guarantees. **Commissioner DeBoer** said he wants so much to support this but he's hearing too many maybes since this concept first came to the Board three years ago, he needs specific numbers and he just can't support this right now. **Commissioner Moore** said he plans to support the issue but he's not sure that's a good thing, this was a worthy endeavor but poorly presented internally and reiterated he will support this but staff needs to do a better job. **Commissioner D'Aprile** agreed this issue has been around a long time, they need to protect the youth but there was a lack of planning and details, opined they need to educate the people before this property was purchased, said he felt this was necessary, he would support it but he was uncomfortable with the way it was presented so he will be monitoring it very closely to ensure it will be

controlled and planned properly, and he'd like to be personally involved in it. **Commissioner Cummings** said Mr. Hebert needs some kind of contract to pursue the financial package to support this and the Board wants to have a financial package in place before they sign the contract, referred to Page 5 Item 6K and noted the County can cancel at any time up to closing which gives Mr. Hebert the time he needs and said this gives him the level of comfort he needs. **Chairman Devos** noted this was being brought to the Board just for conceptual support so they can have 60 days to put together the information the Board wants, said they need to make the first move in order for the grant process to proceed and commented on the community outreach efforts that have and will continue to take place. **Commissioner DeBoer** asked if they were approving an agreement today. **Chairman Devos** said yes they were but they do have the option to withdraw at any time for any reason. **Commissioner DeBoer** summarized then it was the intent of the Board to withdraw from this if the grants don't come through. **Chairman Devos** said she didn't know but this will be brought back to the Board in 60 days for final approval or to withdraw from the contract. **Commissioner DeBoer** asked if this was Legal's interpretation. Janette S. Knowlton, County Attorney, responded yes the Chair was correct. **Commissioner DeBoer** said he hopes the Board has a financial back-up plan to make the payments of \$300,000 annually. **Chairman Devos** reiterated the Board will have the opportunity to make that decision. **COMMISSIONER D'APRILE MOVED APPROVAL OF AGENDA ITEM T-1 AND RESOLUTION #2004-251, SECONDED BY COMMISSIONER CUMMINGS. CALL ON THE MOTION: CHAIRMAN DEVOS AND COMMISSIONERS CUMMINGS, D'APRILE AND MOORE VOTED "YES" AND COMMISSIONER DeBOER VOTED "NO." MOTION CARRIED: (4:1).**

RECESS: 10:18 A.M. - 10:27 A.M.

(Commissioners Cummings and DeBoer were not present for this portion of the meeting.)

VII. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

None.

VIII. PRESENTATION AGENDA

AA. 10:00 A.M.

Agenda Item AA-1, Economic Development - Staff and our consulting team will present the draft concept plan, a key component of the Murdock Village Redevelopment Plan. Board consensus is requested.

Debrah Forester, Redevelopment Manager, recalled on November 30, 2004 the Board directed staff to continue with the completion of the redevelopment plan with the assistance of their consultants. Ms. Forester explained the draft redevelopment plan was missing two key pieces - the conceptual development diagram and the capital improvements plan, staff has done some modifications to the draft conceptual plan distributed yesterday based on individual conversations with the Board members and the consultants have refined the plan for today's presentation. Ms. Forester said the goal today was to reach a consensus on the conceptual plan diagram so the redevelopment plan can be completed by the end of December, the bubble type diagram presented today will meet the statutory requirements and will provide and maintain flexibility so when they select a development that flexibility will already in place. The following consultants gave a slide presentation: HHI, Inc. President Ginger Corless; Tramell Webb Principal Chip Webb; and Bryant Miller & Olive, P.A. Attorney Mark Lawson. (**Commissioners Cummings and DeBoer were present for the remainder of the meeting.**) The presentation paralleled the package material and detailed the following: Murdock Village Community Redevelopment Plan (CRP) - CRP Development, Purpose of the CRP, Elements To Be Addressed, Vision for Murdock Village, Guiding Concepts, Evaluation Factors, Conceptual Diagram, Town Center Scenario, Connections, What We Are Requesting, and Next Steps. **Commissioner Moore** said he does have a slight fear that too much importance was being given to the existing park and along the way if that gets in the way of the entire it has to bend some but it shouldn't go away. **Chairman Devos** responded all that's needed today was for the Board to show consensus for the conceptual plan but it was too early in the process to worry about specifics. **Commissioner Cummings** said the revisions were helpful in addressing some of his concerns regarding the map but he was not yet comfortable with the Town Center location and

integrating the commercial on the north side, he still has a preference to Wilson-Miller's original plan although with the proposed design they have a better potential for integrating the Town Center with the water feature which he felt the prior plan lacked, and he was okay with giving approval to proceed with the process but he can't support adopting this map or the plan. Ms. Forester responded for today they would like to have Board consensus on the basic plan as outlined in the proposed map, and there will be some flexibility allowed in the future when the developers come in but they need to feel pretty comfortable with the typical street layout and the mix of uses as shown and the location of the Town Center. Ms. Forester said they want to be able to use this map to create their capital improvement budget for the plan and added the map and budget would be brought back to the Board when they bring forward the redevelopment plan for adoption. **Commissioner Cummings** said he was okay with trying to make the best use of the waterways and with the idea of maintaining two corridors but he was having a hard time with locating the Town Center on the south side of the park where there wasn't a very good access point rather than making better use of the existing arterials. **(Discussion ensued regarding the pros and cons of the proposed location of the Town Center.)** **Chairman Devos** summarized what the Board needs to do today was make sure the components they're interested in seeing in Murdock Village were present but exactly where they are doesn't really matter because when the developer comes onboard they will have the opportunity to address some of the details. Attorney Lawson clarified Florida Statutes require the proposed map as one of the fundamental components of the general plan and at a later date the Board can make minor modifications to the map but major modifications to the map presented today may require amending the plan. Attorney Lawson clarified if the Board comes to a consensus today on the proposed location of the Town Center but later on the Board decides to move it to the far east side as discussed he would tell the Board that was a material change and the plan would have to be amended. **Chairman Devos** said it has always been her understanding the Board wanted the greatest flexibility in what they support today so they can make some changes without needing to modify the plan. Attorney Lawson agreed provided they don't move the Town Center materially to the east which would require a plan modification, said the reality of the process was the rest of the plan would survive it would be the diagram that would change and therein lies the

flexibility. **Commissioner Moore** asked what the time and money would be if down the road they do decide to move the Town Center to the east. Attorney Lawson responded the cost would be time but the actual cost shouldn't be too much. **Commissioner D'Aprile** said the proposed Town Center location seemed reasonable to him. **Commissioner DeBoer** said economics will drive the location of everything, three developer proposals have all had the Town Center in the proposed general area and opined the east/west route will eventually connect to Murdock Circle. **COMMISSIONER DeBOER MOVED APPROVAL TO SUPPORT THE CONCEPTUAL DIAGRAM PRESENTED TODAY, SECONDED BY COMMISSIONER D'APRILE.** **Chairman Devos** said the only thing that surprised her was the location of the government facility and she felt it was moving farther away from the population they serve which concerned her. Ms. Corless clarified that area was actually the 20 acre site for schools only. **Chairman Devos** responded that made sense and it made her feel a lot better. **CALL ON THE MOTION: CHAIRMAN DEVOS AND COMMISSIONERS D'APRILE, DeBOER AND MOORE VOTED "YES" AND COMMISSIONER CUMMINGS VOTED "NO." MOTION CARRIED: (4:1).**

Agenda Item AA-2, Commission Office - Harbor Clean Up presentation by Dick Keen

Dick Keen, Marine Advisory Committee (MAC) member, updated the Board on clean up efforts because Charlotte Harbor was what this County was all about, circulated pictures depicting the debris removed from the Burnt Store Isles canals by the residents and said MAC felt Charlotte County needs to establish a Clean Up Task Force for Charlotte Harbor and it's tributaries to address debris removal, replacement of navigational aids and monitoring of water quality. Mr. Keen clarified the task force should identify issues and provide solutions; it should be composed of state, local and federal agencies as well as marine and water research groups; and added MAC felt the County should press for the formation of the task force but they also felt it should be a state function to take the lead. **Commissioner Cummings** voiced support for the idea of the task force, said he understood the National Estuary Program (NEP) had already submitted a funding request and opined it was a good opportunity to combine efforts. Mr. Keen said **Commissioner Cummings** was correct; added the Department of Environmental Protection (DEP) has asked for Department of Agricultural grant money but grants take time; said he envisioned the task force doing that coordinating

activity and the planning, as there are a great number of agencies that play a role in the health of our harbor, and this was not solely the County's burden. **COMMISSIONER DeBOER MOVED APPROVAL TO DIRECT THE COUNTY ATTORNEY AND COUNTY ADMINISTRATOR TO MEET WITH THE MARINE ADVISORY COMMITTEE AND BRING BACK AN ENACTING RESOLUTION FOR A TASK FORCE, SECONDED BY COMMISSIONER CUMMINGS.** Commissioner D'Aprile asked when was the next MAC meeting. Mr. Keen said the third Thursday of the month. Commissioner D'Aprile asked if it was possible to move the meeting up. Mr. Keen responded he would try. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

VI. REGULAR AGENDA

Agenda Item Y-1, Administration - Approve a resolution declaring an end to the state of local emergency due to Hurricane Charley

Brendan Bradley, Deputy County Attorney, stated the proposed resolution would declare an end to the state of local emergency related to Hurricane Charley, over the last four months the operation of business under F.S. Chapter 252 has been a resounding success due in part to both the activities of the Board and the various departments but there were two things that remain to be done: the construction manager contract still being negotiated needs to be signed as soon as the language is agreed upon, and the other is a grant for additional housing funds, the application period will both open and close after today but before the next Board meeting, and for that reason he made the effective date of this resolution the close of business on December 31, 2004 so although acting today the state of emergency will continue until that later time. **COMMISSIONER DeBOER MOVED APPROVAL TO ADOPT RESOLUTION #2004-252, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item Y-2, County Attorney - Approve increase to the contract with Bryant Miller and Olive in an amount not to exceed \$179,000 to assist with the development and implementation of Community Development Plan, Zoning Ordinance and assist in Refining Redevelopment Strategies as well as to advise and participate in the eminent domain for Murdock Village Redevelopment Project

Janette S. Knowlton, County Attorney, advised this item was to approve an increase to the contract with Bryant Miller and Olive in an amount not to exceed \$179,000. **COMMISSIONER DeBOER MOVED APPROVAL OF AGENDA ITEM Y-2, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item Y-3, Public Works - Adopt a resolution confirming the existence of adverse health and safety conditions that resulted from Hurricane Charley storm debris and wreckage that remains on private property

Alan Holbach, Maintenance & Operations Manager, explained the proposed resolution would indicate the Board's agreement that imminent danger to the health, safety and welfare of the residents of Charlotte County exists from the remaining storm debris and wreckage primarily on private property. Mr. Holbach stated that with adoption of the resolution, staff will submit the letter in the package material to Craig Fugate with the State of Florida Department of Emergency Management asking Federal Emergency Management Agency (FEMA) to provide personnel for onsite inspections and reimbursement to the County for abating the problems that resulted from this debris. **COMMISSIONER DeBOER MOVED APPROVAL TO ADOPT RESOLUTION #2004-253, SECONDED BY COMMISSIONER D'APRILE.** Chairman Devos asked the current debris clean up tally. Mr. Holbach reported they have currently collected 1,750,000 yards in unincorporated Charlotte County plus 293,000 yards in the City of Punta and estimated there was approximately 80,000 yards of debris remaining not including mobile home park debris. **Chairman Devos** asked if FEMA would provide help with the significant rodent problem. Mr. Holbach responded that was included as one of the health issues. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-4, Commission Office - Peace River Tri-County Collaborative Agreement

Bruce D. Loucks, County Administrator, recalled this item was on the agenda last week but staff wasn't in a position to make a recommendation as they were awaiting to see what the Tuesday evening redevelopment plan meeting with FEMA would bring forth, said today staff recommended the County participate, and there was a potential cost depending on grant funding and the length of time this collaborative group would need to be meeting. **Commissioner Cummings** asked if they had established anything that C-3 could do that the County couldn't do themselves. Mr. Loucks responded FEMA and DCA were looking for one entity they can deal with directly and this would be a mechanism to achieve that. **Commissioner D'Aprile** asked who would represent Charlotte County. **Chairman Devos** responded they want a representative from the Commission so she felt it would probably end up being her as the Chair, she felt it was worthy of their support, it was a wonderful tool to help with their redevelopment funding and they could review this again in one year. **COMMISSIONER DeBOER MOVED APPROVAL OF THE PEACE RIVER TRI-COUNTY COLLABORATIVE TO PROMOTE RECOVERY, ECONOMIC AND GENERAL WELFARE OF CHARLOTTE, DeSOTO AND HARDEE COUNTIES AFTER HURRICANE CHARLEY, AND THAT THEY APPOINT THE CHAIR TO REPRESENT US ON THAT, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.** **Commissioner Cummings** said one of the priority projects in the Federal Emergency Management Agency (FEMA) plan was a Peace River Heritage Trail, opined that could be a very important long-term project, they have a lot to gain by promoting eco-tourism in DeSoto and Hardee Counties and said he would like to see some effort go into that. **Chairman Devos** said she would take that to the table. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-5, General Services - Approve Change Order #2 to Contract #03-187 to develop repair/replacement alternatives for the Michael Kosinski Bridge with American Consulting Engineers, Inc., for the amount of \$15,379 with a revised total contract amount of \$239,952.06

Thomas O'Kane, Public Works Director, explained a number of residents of Don Pedro/Knight Island have decided they want a wood versus concrete bridge and this change order would

accomplish that. **Commissioner Moore** asked the funding source. Mr. O'Kane said the MSTU. **COMMISSIONER DeBOER MOVED APPROVAL OF AGENDA ITEM Y-5, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item Y-6, General Services - Approve Change Order #3 to Contract #03-187 representing additional required structure inspections for the Michael Kosinski Bridge with American Consulting Engineers, Inc., for the amount of \$25,680 with a revised total contract amount of \$265,632.06

Mr. O'Kane explained since they were postponing the replacement of this bridge they need to extend the contract for inspections every other month due to the very deteriorated state of the bridge. **COMMISSIONER DeBOER MOVED APPROVAL OF AGENDA ITEM Y-6, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item Y-7, Commission Office - Select one (1) volunteer to serve on the Gulf Cove Street & Drainage Benefit Unit Advisory Committee for a four-year term as Mr. Paul Chace resigned

Commissioner DeBoer reported the tally his office had received was 111 signatures supporting John Killeen and 87 signatures supporting John Fagerholm. **Chairman Devos** asked the Board to cast their ballot by initialing it and passing it to Mr. Loucks. Mr. Loucks stated there were five votes for John Killeen. **COMMISSIONER DeBOER MOVED APPROVAL TO APPOINT JOHN KILLEEN, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item Y-8, Budget Office - a) Approve a resolution authorizing a \$46,000,000 credit facility issued by Bank of America in the amount of \$46 Million for Murdock Village land acquisition, and b) Approve Budget Amendment #05-A06 in the amount of \$46,000,000

Ann Navan, County Budget Officer, explained the proposed resolution and budget amendment were the result of the November 30, 2004 workshop where the Board authorized moving forward with the rest of the phases of acquisition for Murdock Village. COMMISSIONER CUMMINGS MOVED APPROVAL TO ADOPT RESOLUTION #2004-254 AND BUDGET AMENDMENT #05-A06, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.

Agenda Item Y-9, Commission Office - Approve the fit-up and rental of a 15 x 30 ft office located on the 5th floor of the Administration Building for use by State Representative Michael Grant. The fit-up cost and utilities will be recouped over a 2 year rental period. The rental rate will be \$628 per month which includes base rent and utility charges.

COMMISSIONER DeBOER MOVED APPROVAL OF AGENDA ITEM Y-9, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

XI. CITIZEN INPUT - ANY SUBJECT

Gail Giles said developments like Westport which was the forerunner to Riverwood and Laishley Park were examples of accompanying proposed commercial areas that never materialized and she hopes Murdock Village doesn't repeat history.

John McQueen addressed Farabee Road, referenced his email to **Commissioner Cummings** regarding MSBU maintenance costs being too high, reported an overwhelming majority were not in support of this and they want some forum to meet with County representatives to discuss the problems and possible alternatives.

Craig Beman addressed the Farabee Road MSBU issue, said only about 20 people live on this 4.5 mile shell rock road, they've been told it will cost \$173,000 for four gradings a year or over \$40,000 for each two hour grading and \$173,000 for eight hours a year was preposterous. Mr. Beman noted Panther Mining was to grade the road twice a week so why create the MSBU and said he felt this could be resolved.

Janette Farabee said she was speaking on behalf of three families, her taxes went from \$1,096 to \$5,098 with similar increases for the other families, they just can't absorb this, they don't know why they're being charged when Panther Mining was doing it anyway and asked the Board to help them.

Dan Fletcher commented on the CCU hook-up costs, how people who can't afford it were being charged and asked the Board to look into the way this County department was being financed. Mr. Fletcher said those who pre-pay were actually advancing money to CCU to be used for future expansion or purchase of utilities

within the County but they don't get any money back when the property was sold and opined everyone needs to share in the costs not just CCU customers.

BB. County Administrator

Bruce D. Loucks, County Administrator, announced they have reclassified Bob Hebert's position to Recovery Director effective immediately. Mr. Loucks explained the next item dealt with the hardening the roof of the regional library beyond what they have now, Mike Sheridan commissioned an engineer to do an assessment, recommended moving forward and said what he was requesting today was tentative approval with a goldenrod being brought back to the Board in January. Michael Sheridan, P.E., Facilities, Construction & Maintenance Director, reported they had obtained a study from the library design engineer to harden the building itself as far as the roof system, the building was originally built in 1982 to withstand winds of 110 mph, due to hurricane damage to the roof they have the opportunity to harden the roof system at least to the current code of 2001 building standards at a cost of about \$150,000 to \$200,000 for the total of the project, and they can take the hardening beyond the 2001 code for an additional cost of about \$50,000. **Chairman Devos** asked the elevation. Mr. Sheridan said about 12' to 13'. **Commissioner Cummings** asked the storm surge area. Mr. Sheridan said he thought it was in area 3 or possibly 4. **Commissioner Cummings** said spending \$200,000 to create a more secure facility would pay dividends over the long-run and he supported doing it right. **Commissioner DeBoer** said he understood there's been a conflict between the builder and the County in terms of the damage being done to the roof and the builder doesn't want to pay any of the damage that's been done during the storm while it was under construction. Mr. Sheridan said he wasn't aware of that but he knew they were working with their insurance company to recover the cost for the damage repairs and he knew they had already received a substantial amount for the roof repairs. Mr. Loucks added the County was having a conflict with the contractor in getting him moving because he didn't want to do anything until he got his money from the insurance company. Mr. Sheridan explained the roofing company was back up there last week and was just waiting for direction on whether or not the County was going forward with hardening the roof or just proceeding with the building as is. **Commissioner DeBoer** asked

the cost to only fix the roof membrane. Mr. Sheridan responded that was covered by the insurance with no expense to the County. **Chairman Devos** summarized the contractor will pay to make the necessary repairs that occurred during the storm, if the County wants to enhance the repairs now was the opportunity to harden the building either to the 2001 standards for \$150,000 to \$200,000 or for an additional \$50,000 bring it beyond the 2001 standards. Mr. Sheridan clarified the contractor was required to repair the roof and put it back to what it was but there was no structural damage to the roof, and what was being discussed now was enhancement to the structural aspect of the roof. **Commissioner Cummings** said he knew they didn't have to bring the whole building up to code unless it's more than 50% damaged which wasn't an issue here. Mr. Sheridan agreed. **Commissioner Cummings** said the repair itself has to be brought up to code. Mr. Sheridan said correct but clarified there was no damage to the structural aspect of the building. **Commissioner Cummings** said he still thinks they should harden it. **Chairman Devos** said she did too. **Commissioner Moore** asked the funding source. Mr. Loucks responded additional sales tax revenues collected since the hurricane actually hit. **Commissioner D'Aprile** said he supports hardening. **Chairman Devos** summarized there were three Board members in support to proceed so staff has the support to move forward. Mr. Loucks summarized staff would bring this back as a goldenrod for formal Board approval.

CC. County Attorney

Janette S. Knowlton, County Attorney, said she wanted to briefly update the Board on staffing within her office, she has an ad going out January 1, 2005 in the Florida Bar News for two more attorneys - one for litigation to fill her old position and an additional land use attorney, and she hoped those two individuals would be in place by February 1, 2005.

DD. Commissioner Comments

Commissioner DeBoer said he wanted staff to bring back information on Farabee Road because he was tired of being berated about this, the Board did get rid of the capital assessment but had left the maintenance assessment that was there in place because at the time they didn't know about the contractor agreement and asked the County Attorney's Office to

report back on how to rebate or refund taxes to people. **Commissioner DeBoer** commented on the sign ordinance and the need to address the issues of aesthetics and structural stability so these signs don't become missiles during storms and asked to be advised when the architectural standards issue for the beautification of US 41 would be brought back to them. **Chairman Devos** agreed, commented on signs she saw in Naples, said she felt it was possible to make improvements and she wants this brought back because they need to do something regarding the sign ordinance if they were ever going to make change for the better. **Commissioner DeBoer** agreed this was just something they need to do. **Chairman Devos** said she felt they need to bite the bullet now before everything gets rebuilt. Mr. Loucks responded recommendations will be brought back to the Board in January. **Commissioner DeBoer** said this needs to be regulatory now to prevent problems in the future. Mr. Loucks clarified the next Board meeting will be January 11, 2005 and the agenda will have an item setting the public hearing for the sign ordinance. **Commissioner Cummings** opined trying to get consensus of everyone just won't work, agreed they need to do something and said he supported monument signs and window or wall signs. **Commissioner D'Aprile** agreed the Farabee Road issues needs to come back because the situation just isn't fair and commented on his participation in Governor Bush's hurricane work group. **Chairman Devos** commented on permit fees charged for Habitat for Humanity and asked staff to bring back the possibility of eliminating those fees. **Chairman Devos** stated by she would be providing the Board members with an evaluation for Mr. Loucks and set Wednesday, January 5, 2005 as the deadline to get that back so it can be on the January 11, 2005 agenda and they will have to approve Mr. Loucks' raise at that time. **Chairman Devos** said concurrently she was going to have staff do a market study to make sure their manager salaries were competitive and she wanted the study to include the County Administrator's position.

MEETING ADJOURNED: 12:32 P.M.

Signature of File in Commission Minutes

Sara Devos
Chairman

IX. EXECUTIVE SESSION

1:00 P.M.

County Attorney - The matter of Elizabeth Armstrong vs. Charlotte County

An Executive Session was held this date at the Murdock Administration Complex, County Administrator's Conference Room, Port Charlotte, Florida. The following were in attendance: Chairman Sara Devos and Commissioners Adam Cummings, Thomas D'Aprile, Matthew D. DeBoer, and Thomas G. Moore. Also in attendance were County Attorney Janette S. Knowlton, County Administrator Bruce D. Loucks, and Deputy Clerk Diane J. Nice. The session was called to order at **12:55 P.M.**

Chairman Devos opened the public portion and turned it over to County Attorney Janette Knowlton who announced the purpose of the Executive Session is to discuss Elizabeth Armstrong vs. Charlotte County, for approximately one hour, and attendees will be all Board members, herself, Deputy County Attorney Brendan Bradley, Assistant County Attorney Thomas Rapp, County Administrator Bruce D. Loucks.

RECESS: 1:00 P.M. - 1:42 P.M.

Chairman Devos called the public portion back to order without the Deputy Clerk being present. The Deputy Clerk was advised of the adjournment time.

EXECUTIVE SESSION ADJOURNED: 1:44 P.M.

ATTEST:

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

**By: Signature on File in Commission Minutes
Deputy Clerk**

/ksm