

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 8, 2005

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, Executive Assistant to the Board of County Commissioners Diane Gant, and Deputy Clerk Diane J. Nice. (**Chief Deputy Board Services Tommy Q. White was not present for this portion of the meeting.**) The meeting was called to order at **9:00 A.M.**

The **invocation** was given by Pastor David Weiss, Cleveland Baptist Church, Punta Gorda, Florida, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

None.

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 January 19, 2005 through February 1, 2005 in the amount of \$16,790,244.86

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M., December 15, 2004	Land Use Public Hearings
2:00 P.M., January 4, 2005	Water Supply Workshop

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

No agenda items.

D. Administration

No agenda items.

E. County Attorney

Agenda Item E-1

Pursuant to Florida Statute 137.05, bonds for the following officials have been found in compliance and full effect at this time: Tax Collector Vickie L. Potts (#EX-962392), Sheriff John Davenport (#69819174), Clerk of the Circuit Court Barbara T. Scott (#60849699), Commissioner Adam S. Cummings (#68776386), Commissioner Thomas C. D'Aprile (#69090519), Commissioner Sara Devos (#69091504), Property Appraiser V. Frank Desguin (#24429568), Commissioner Matthew D. DeBoer (#98-CH-2759-1), Supervisor of Elections Mac V. Horton (#98-CQ-7444-7), and Commissioner Thomas Moore (#66291516).

F. Budget Office

Agenda Item F-1

Grant #2005-011 with the Florida Department of Financial Services for \$79,950.91 under the Office of Domestic Preparedness State Homeland Security Grant Program to provide Fire/EMS with a Light Rescue Truck for Towing Trailers and Transport of Equipment at an approximate value of \$69,587 and Hazardous Materials (HazMat) Equipment maintenance funds in the

amount of \$20,363.91 to purchase and replace personal protective equipment, maintenance items for detection equipment, and calibration equipment.

Agenda Item F-2

Approve financial support to not-for-profit Charlotte HIV/AIDS Network, Inc. (CHAN) and **Budget Transfer #05-008** in the amount of \$3,000 for office supplies.

G. Community Development

No agenda items.

H. Economic Development

Agenda Item H-1

Affirm Enterprise Charlotte Community-at-Large members and Organizational representatives.

J. Environmental Services

No agenda items.

K. Facilities Construction and Maintenance

No agenda items.

L. General Services

Agenda Item L-1

Revise contract dates for Bid #05-044, Shell/Rock Materials, awarded to Florida Shell & Fill Company, LLC of Punta Gorda, FL, for a revised initial term of January 11, 2005 through December 31, 2005.

Agenda Item L-2

Award Bid #05-089, Distribution/Collection System Supplies, to multiple vendors for the term from date of award through December 31, 2005 with the option to renew for two additional

one-year terms and authorize the County Administrator to approve annual renewals at the same prices, terms, and conditions by mutual consent.

Agenda Item L-3

Deletion of Property Inventory Items - February 2005.

Agenda Item L-4

Award Bid #05-097, Debris Clearing - Salt/Tidal, to Adventure Environmental, Inc. of Key Largo, FL, in the amount of \$843,061.80 from approximately 178 miles of salt water and tidal canals.

Agenda Item L-5

Change Order #2 to Contract #04-408, South County Mowing, with J.S. Lawn Care, Inc. of Venice, FL, in the amount of \$5,200 for a total contract amount of \$102,756.45.

Agenda Item L-6

Change Order #1 to File #05-102, Water/Wastewater Treatment Operator Service, increasing the not-to-exceed amount of \$321,000 for a revised amount of \$400,000 to cover service from October 1, 2004 through September 30, 2005.

Agenda Item L-7

Award File #05-153, Purchase two (2) Ambulances on 2005 Freightliner "M2" chassis, to American LaFrance, MedicMaster of Sanford, FL, at the purchase price of \$146,664.08 each for a total purchase price of \$293,328.16 as a piggyback off Florida Fire Chiefs' Association, Florida Sheriffs' Association, and Florida Association of Counties Contract #04-05-0824.

Agenda Item L-8

Addendum #13 to Contract #01-125, Sarasota/Charlotte County Beach Restoration Study, with Coastal Technology Corporation of Sarasota, FL, for additional professional services in

conjunction with Charlotte County Erosion Control Program - Phase 1, in an amount not-to-exceed \$218,917.

Agenda Item L-9

Change Order #24 to Contract #03-428, Mid County Library, with LAM to harden the roof structure in the amount of \$218,006.25.

M. Human Resources

No agenda items.

N. Human Services

Agenda Item N-1

Resolution #2005-023 authorizing actions required for implementation of **Grant #2004-021** with the Department of Community Affairs (DCA) under the Community Development Block Grant (CDBG) Program including an Evaluation Plan, Transition Plan, Grievance/Complaint Procedures, Anti-displacement and Relocation Plan, Affirmative Action Policy, Citizens Participation Plan, and distribution of funds by Meridian Community Group based on the Ranking List.

Agenda Item N-2

Implement Charlotte County 2-1-1 System with recommended start date of July 1, 2005 and **approve Budget Amendment #05-A13** to record donations totaling \$44,000 and **Budget Transfer #05-007** of \$9,936 from Information & Referral to 2-1-1 System to cover the salary expense.

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

Approve CIP Amendment #05-C02 to amend the MSBU Section of the approved FY05 Capital Improvements Program, modifying costs and revenue sources to add a project to provide engineering and dredging services within the Pirate Harbor Waterway Unit and **approve Budget Amendment #05-A10** in the amount of \$71,000 to augment funding within various accounts to provide engineering and internal services.

Agenda Item S-2

Approve temporary closure of Bayshore Road for the Charlotte County Historical Center and Museum Society's Ninth Annual Florida Frontier Days Festival to be held at Bayshore Live Oak Park on February 10, 11, and 12, 2005.

T. Real Estate Services

Agenda Item T-1

Resolution #2005-024 and County Deed releasing portions of the ten (10) foot wide utility and drainage easement between Lots 5 and 8, and all of the ten (10) foot wide utility and drainage easement between Lots 6 and 7, all in Block 2638, Port Charlotte Subdivision, Section Forty-Eight (48), in Charlotte County, to Brad Cunningham and Janet Cunningham to allow use of the four lots as a single building site for a single-family residence on Alta Drive, Northwest Port Charlotte.

V. Tourism Development

No agenda items.

W. Utilities

No agenda items.

I. SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING FEBRUARY 10 THROUGH 12, 2005 AS "FLORIDA FRONTIER DAYS" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. Andrea Goldman, a Board Member of the Historical Center Society, and Linda Coleman, Historical Center Division Manager, accepted the proclamation and expressed appreciation for everyone's support.

(Chief Deputy Board Services Tommy Q. White was present for the remainder of the meeting.)

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING FEBRUARY 2005 AS "HERSCHEL POLLARD, ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. Herschel Pollard accepted the proclamation, commented on the honor bestowed upon him with the proclamation, and expressed appreciations for the Board's support.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING FEBRUARY 2005 AS "RETINOBLASTOMA AWARENESS MONTH" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. Pam Bergsma, accepted the proclamation on behalf of her grandson, Joey who would have been seven years old and the children of Charlotte County; alerted the Board to what would have saved Joey's vision and life through the awareness that the white dot in his right eye was a tumor blocking the retina that could have been detected by his pediatrician if an ophthalmoscope was used as shown in a video of a well-baby and eye dilation examination; requested support for Joey's Bill a/k/a the Infant Eye Care Bill heard in the 2000 Legislative Session for the first time requiring an eye dilation examination prior to an infant leaving the hospital following birth and during the well-baby examinations at 6 to 8 weeks and 6 to 9 months in order to detect eye diseases and prevent blindness and death; and showed poster children whose vision and lives have been saved because of Joey's story including Lexie, now five

years old, who had a tumor removed with cryotherapy and now has perfect vision.

Presentation:

Johnny L. Limbaugh, Southwest Area Office Manager, Florida Department of Transportation (FDOT), District One, Ft. Myers, FL, presented a check in the amount of \$5,031,814.09 for reimbursement of emergency work performed by County staff following Hurricane Charley for initial debris removal and repair of signals and signs.

Employee Recognition:

Bruce D. Loucks, County Administrator, and **Commissioner Cummings** recognized the following employees for their service with the County: **Five Years** - Matthew J. Averbeck, Fire/EMS; David M. Benfield, Fire/EMS; Peter D. DeGrasse, Community Development; Anthony R. File, Fire/EMS; Jeffrey A. Keyser, Public Works; Lynda F. James, Fire/EMS; **Ten Years** - Mark Machukas, Charlotte County Utilities (CCU); William J. Smith, CCU; **Fifteen Years** - Timothy J. Costello, Fire/EMS; Fire Chief Dennis R. DiDio accepted recognition for all Fire/EMS employees; and **Twenty Years** - Robert R. Mendenhall, Community Development.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

Charlotte Ventola commented on **Agenda Item AA-4, Report and background review on the material option for the Kosinski Bridge on Don Pedro/Knight/Thornton Key Island** by stating the residents are paying for the bridge through MSBU assessments and they should get what they want now.

Cici Glenn, United Way of Charlotte County Executive Director, commented in support and encouraged the Board to approve **Agenda Item N-2, Funding and Implementation of Charlotte County 211 System.**

Ron Thomas, Charlotte County Habitat for Humanity Executive Director, commented on the Habitat's commitment to increase funding to address home ownership issues in addition to funds allocated to the County under **Agenda Item N-1, CDBG Housing Program** as well as SHIP and Home Again funding; encouraged the

Board to continue working with local partners to ensure appropriations of funding to provide needed affordable housing.

Pat Sands, Charlotte HIV/AIDS Network (CHAN) Executive Director, stated aids is growing fastest in the County among women of 18 to 35 years of age, their babies are being born with aids, CHAN is the only organization that provides free testing, and encouraged the Board's support of the funding request.

Glen Gould, a resident and business owner, appeared on behalf of Leadership Charlotte Class of 2005, expressed endorsement and requested Board approval of **Agenda Item N-2, Funding and Implementation of Charlotte County 211 System.**

Bob Krouze, Windmill Village of Punta Gorda, Inc. President, commented on the significant damage sustained by the mobile home park, an estimate of rebuilding the park's amenities is \$3 million plus and costs of new manufactured homes being installed will increase the tax roll by 200% to 300%, and urged the Board to remove remaining debris as part of **Agenda Item Y-6, Update on remaining Hurricane Debris, and Estimated Cost and Potential Funding to Remove Debris declared ineligible by FEMA.**

Harvey Goldberg, a Punta Gorda resident, recommended and requested support for **Agenda Item Y-1, Accept Recommendations of the Auditorium/Court House Task Force** to develop an Auditorium and Multi-Purpose Conference Center.

III. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee

- one (1) Building Industry representative
- one (1) Low Income representative

Beaches and Shores Advisory Committee

- one (1) Qualified Volunteer vacancy for a four-year term and the appointee must reside in District 1
(**Commissioner D'Aprile** stated no volunteers from District 1 have applied but he knows of an individual in District 4

who is interested in serving. **Chairman Devos** suggested the County Attorney review the matter and, if it such an appointment is possible, place it on the next meeting agenda.)

Construction Board of Adjustment and Appeals

- one (1) Qualified Volunteer to serve as the Architect for a four-year term
- one (1) Qualified Volunteer to serve as the Engineer for a three-year term

Construction Industry Licensing Board

- one (1) Qualified Volunteer to serve as the Licensed Mechanical Contractor representative for a four-year term

Palm Island/Don Pedro/Knight Island/Thornton Key Advisory Committee

- three (3) vacancies for terms of three years

IV. REPORTS RECEIVED AND FILED

None.

VI. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Economic Development, Accept Recommendations of the Auditorium/Court House Task Force

Betty Williams, Economic Development Manager, advised Robert Wenzel, Task Force Chairman of Peace River Distributing, will present the recommendations. Mr. Wenzel informed the Board about Task Force members; meetings held since mid-October 2004 on both projects; citizen input identified the need for more space and a multi-purpose facility for conferences and events along with a quality name hotel of at least 200 rooms to promote tourism, economic recovery, and support the economic viability of a conference center like the Hyatt Hotel at the Orlando Airport owned by the Airport Authority that provides revenues

through a public/private partnership; explained the importance of continued public access to the waterfront and increased parking; stated such a partnership should minimize the burden of increased operating costs of a larger facility; requested the Board expedite approval of the recommendations; and introduced another Task Force member, Jack Williams, of Harvard Jolly Clees Architects, to present feasible facilities for the site. Mr. Williams reported a space and use study was performed and gave a slide presentation on the conceptual master site plan for a conference center including a hotel with public access to the waterfront while retaining the character of the City of Punta Gorda and an extension of Sullivan Street as an entrance to the conference center and a connection to downtown; a 50,000 square feet gross space conference center of which 30,000 square feet would be net useable area located on top of a parking deck; the 200 room hotel comprised of four stories on a plaza deck level with underneath parking; and extension of Taylor Road to the River would provide access for pedestrian and vehicular traffic to a boardwalk or fishing pier. Mr. Wenzel advised the Task Force endorses the concept plan for a new public conference center comprised of an auditorium and meeting space including stage, breakout rooms, kitchen, and appurtences; the design is compatible with the City's historic character; the hotel would provide revenues through a lease to offset costs of the new larger facility; and requested the Board authorize a hotel feasibility study from an appropriate National group to determine the market demand in Punta Gorda and Charlotte County for a flag hotel. Mr. Wenzel explained the Task Force assessed requirements and public desires regarding the Courthouse and remainder of the site that has been cleared and identified private income generating activities, professional offices, County and/or City offices, college and classroom use, the court system, meeting space, and lease or sale of the vacant land for a parking garage, retail, or other uses that support City needs; public input supports a revenue generating use to minimize the economic burden on government and taxpayers and restoration of the historic structure; recommended completing the exterior restoration project and establishing a local Punta Gorda Constituent Advisory Group to evaluate the pros and cons and costs of various uses; financial viability should be an important consideration for the use; an market value appraisal on the vacant portion of the site along with cost and revenue estimates for all options should be a part of the decision-

making process; grant funding should be sought to supplement County and/or City monies; public uses, parking, parks, and lease options should be investigated; a survey of formal stakeholders should be performed along public input; and reminded the Board that the Task Force was established to develop a future vision for the site exclusive of funding options. **Chairman Devos** expressed appreciation for Mr. Wenzel's leadership and volunteers' time and efforts. **Commissioner D'Aprile** stated it is time to make a decision and move forward instead of procrastinating as on the Courthouse; expressed concern about parking for the hotel and conference center; questioned the hotel ownership; commented on the need for the City and County making a decision based on budget and taxpayer impacts; and further research is necessary. **Chairman Devos** stated this issue will be on the February 18, 2005 Joint Meeting agenda with the City of Punta Gorda, commented on the legal hurdle complicating the situation, the County Attorney's Office is conducting a review, and more information should be available prior to the Joint Meeting. **Commissioner Cummings** expressed opposition to a hotel on the site because of difficulties in maintaining the reservation priority of the facility for local residents and its reducing the size of the auditorium and downtown parking; first and foremost it is and should remain a public amenity that brings the community together in downtown Punta Gorda; secondary benefits from tourism are good for the downtown merchants; a conference center is comprised mainly of small breakout rooms that may be consolidated whereas this center should be a multi-purpose facility comprised of an auditorium and breakout rooms; and expressed support for a large multi-purpose public facility with public access to the waterfront. **Commissioner Cummings** stated the Courthouse should be restored and usage can be decided in the future. **Commissioner DeBoer** opined the County has an obligation to provide for the needs of all residents; the needs have been expressed by previous uses and demands; potential funding sources are insurance monies, FEMA reimbursement, and sales tax revenues; stated an event center should be built based upon the needs and funding in an expeditious manner; the City Council should be encouraged to participate and enhance their goals; the County should allocate Tourist Development funds to conduct a market study for a conference center and, if the study shows there is a market for a conference center, then hotels will follow; agreed with **Commissioner Cummings** that putting a hotel

on public property is not correct; commented on the need to move forward expeditiously and address needs based upon prior use and create an event center as well as demolishing the building, hiring architects and engineers to rebuild with and a few breakout rooms; and expressed appreciation to the Task Force. **Chairman Devos** agreed with most of the comments; expressed a preference for an auditorium/convention center with a few breakout rooms; opined the City should encourage development of a hotel/conference center on available property; both would compliment the other and maximize use and generate more revenues; commented in favor of developing a joint agreement as a result of the February 18 Joint Meeting to move forward and provide a facility to meet the community's future needs. **Commissioner Moore** suggested Board Members go to the Joint Meeting with open minds to develop a united plan. **Commissioner D'Aprile** agreed with a two-story conference center with an auditorium on the first floor and breakout rooms on the second floor and pointed out a hotel site is being considered across the Peace River in Charlotte Harbor. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO ACCEPT RECEIPT OF THE RECOMMENDATIONS OF THE AUDITORIUM/COURTHOUSE TASK FORCE FOR FUTURE DISCUSSION BY THE BOARD, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.** **Commissioner Cummings** suggested staff direction to move forward with an event center/multi-purpose building. **Chairman Devos** expressed a preference for conducting the Joint Meeting prior to giving staff direction and suggested staff prepare and distribute documentation in support of the Board's position prior to the meeting. Bruce D. Loucks, County Administrator, advised an item to demolish the auditorium will be placed on the February 22, 2005 agenda. **Commissioner DeBoer** agreed with **Commissioner Cummings** on the need for a market study on a conference center so the County does not end up with another white elephant; suggested a market study be performed with the parallel process of finding an architect and engineer; and commented on the concept of an event center with a couple of breakout rooms, if there is sufficient funding, but not an entire floor for conference rooms. **Chairman Devos** expressed a desire to have the demolition approval on the February 22, 2005 agenda. **Commissioner Moore** concurred with **Chairman Devos** on making a decision on February 22, 2005 after the Joint Meeting and expressed support for having a market study performed. **Chairman Devos** acknowledged no additional motions were made and instructed staff to place the item on the February 22, 2005

Board agenda and for staff to prepare and distribute materials reflecting the Board's current discussion prior to the Joint Meeting.

Chairman Devos requested a motion to take **Agenda Item Y-6** out of order after a recess. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO TAKE AGENDA ITEM Y-6, REMAINING DEBRIS CLEANUP, OUT OF ORDER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

RECESS: 10:27 A.M. - 10:37 A.M.

Agenda Item Y-6, Environmental Services Development, (a) Updated Report on Remaining Hurricane Debris, an Estimated Cost to Charlotte County for Removal of the Debris declared Ineligible by FEMA And Potential Funding Method(s) and (b) Direct staff to proceed with the collecting/disposing of the remaining debris once all FEMA reimbursement avenues are exhausted

James A. Thomson, Environmental and Extension Services Director, updated the Board on the cleanup, cost analysis, and funding scenarios; the County has collected 1.9 million cubic yards of debris from damaged homes and structures on private property and moved to County rights-of-way; there is approximately 100,000 cubic yards of remaining debris on private property to be moved to the rights-of-way; FEMA has declared most of the 100,000 cubic yards as ineligible debris as well as about \$3 million of debris already collected has been declared ineligible; Public Works has continued to work with FEMA to re-evaluate the declaration and the County needs to collect the remaining debris as part of the long-term recovery effort; suggested an assessment be levied to sanitation districts and commercial tip fees be increased to recoup costs and expenditures; and introduced R. Alan Holbach, Maintenance and Operations Manager, to answer questions. **Commissioner DeBoer** commented on the difficulties the County has faced in working with insurance companies and FEMA and the importance of recovery and stated funding this cleanup will send a message that the County is working together in its recovery efforts. **COMMISSIONER DeBOER MOVED FOR APPROVAL OF USING THE FIVE-YEAR PLAN AS A BASIS FOR SETTING TIPPING FEES, A RATE HEARING BE HELD, THE RESIDENTIAL FEES BE ADJUSTED TO THE FIVE-YEAR PLAN, USE LANDFILL RESERVES AS A LOAN ACCOUNT TO INSTITUTE THE CLEANUP IMMEDIATELY, AND IMPLEMENT COMMERCIAL RATE INCREASES INCREMENTALLY OVER TIME,**

SECONDED BY COMMISSIONER D'APRILE. Commissioner Cummings agreed with Commissioner DeBoer on using the five-year plan instead of the three-year plan and expressed appreciation for all of the efforts expended by Messrs Thomson and Holbach and the County team in the recovery i.e. the first few weeks post Charley were the most spectacular recovery after any major hurricane anywhere ever; they coordinated all resources; difficulties arose after the Federal government stepped in; and even though the County is at risk of paying the cost of removing the remaining debris, now is the time to finish cleaning up the mess. Commissioner D'Aprile reported he has been working with FEMA in Tallahassee, expressed the belief that the County will receive more reimbursement although he is uncertain of the amount and commented in support of the cleanup. Mr. Holbach explained staff is anticipating a response to the County's request for reimbursement for wreckage and private road debris removal soon and staff is prepared to move ahead with Board direction. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

VIII. PRESENTATION AGENDA

AA. 10:00 A.M.

Agenda Item AA-1, Presentation by Charlotte County Environmental Lands Acquisition Advisory Committee (ELAAC) on "The Charlotte County Way of Life"

Grace Amodeo, ELAAC Chairman, introduced Paul Holmes, a member of ELAAC. Mr. Holmes gave a slide presentation on preserving the Charlotte County way of life which was created to increase public awareness of the importance of environmentally sensitive lands and stated, if approved, ELAAC will show it to as many local housing and environmental groups as possible. Mr. Holmes explained the County's way of life is in danger of losing its water supply, landscape to urban sprawl, country roads to six-lane highways, wildlife and habitats, and peace and quiet; commented on the importance of preserving environmentally sensitive lands, the water supply including the Peace River, Shell Creek, Prairie Creek, the aquifer, Charlotte Harbor, Lemon Bay, canals and adjacent lands that act as buffers and natural filters, wildlife corridors and habitats, and space for outdoor recreational activities for economic, tourism, and future generations; explained the only way to protect the land is to

purchase it and it will be less costly to buy it now than in the future i.e. Babcock Ranch as a water source and environmental lands; land that has already been saved includes Charlotte Flatwoods and Hathaway Park; advised State funds are available to purchase environmentally sensitive lands with a County match; urged the Board to establish a Land Acquisition Fund of at least \$50 million; preservation of environmentally sensitive lands provide financial benefits i.e. increased home values, reduced flood insurance premiums, well managed preservation areas include controlled burns and reduce fire hazards; every dollar spent on preserving land eventually saves \$50 in taxes and spending \$100 million now would save \$5 billion in the future; current taxpayers pay an additional \$.50 for costs of services and infrastructure for every \$1 received in taxes from new development; and requested the Board take steps now to establish a Land Acquisition Fund to acquire and preserve environmentally sensitive lands and the Charlotte County way of life. **Chairman Devos** complimented ELAAC for the excellent report and presentation.

Agenda Item AA-2, (a) Presentation on current status of Knight/Don Pedro Island in respect to severe erosion that occurred as a result of Hurricanes Charley, Frances, Ivan, and Jeanne, (b) Approve Addendum #14 to Contract #01-125, Sarasota/Charlotte County Beach Restoration Study, with Coastal Technology Corporation of Sarasota, FL, not-to-exceed \$27,590, and (c) Current Status of Stump Pass Beach State Park Innovative Stabilization Project

Dan Quick, Stormwater Manager, introduced Michael T. Poff, P.E. with Coastal Engineering Consultants, Inc., to present an overview of the beach damage on Knight and Don Pedro Islands including potential funding for beach restoration, recommended approval of Addendum #14 to Contract No. 01-125 with Coastal Technology Corporation in an amount not-to-exceed \$27,590 for engineering and permitting services to construct an emergency FEMA berm along a portion of Don Pedro Island, and a permit status update on the Stump Pass Beach State Park stabilization project. Mr. Poff stated the post-storm survey assessment as authorized by the Board in October 2004 was completed, the beaches experienced erosion due to the four hurricanes, the combined erosion losses were over 151,000 cubic yards and losses due to the initial profile adjustment prior to the storms

equaled 137,000 cubic yards for a combined total that is equal to the next maintenance project quantity of approximately 288,000 cubic yards at a price estimate of \$3.7 million; funding requests made to FEMA and the State equal \$2.5 million and \$550,000, respectively, and \$650,000 with the Sheriff; Federal and State review of the funding requests are anticipated by this Summer, if not sooner; after approval, staff and the consulting team will come back to the Board with details on the maintenance project; current activities on the beach include shore bird monitors and raking to loosen the sand for turtles to be completed by mid-March prior to nesting season; one area of the beach along the southern end of the beach project on Don Pedro Island sustained severe erosion wiping out the dune and taking most of the storm protection for upland properties (known as the FEMA emergency berm project); the only viable and cost effective sand source is the over wash areas in interior channels of Bocilla Lagoon which has been previously dredged under a Florida Department of Environmental Protection (FDEP) and Corps of Engineers permit; FEMA has submitted a project worksheet for approximately \$185,000 for restoration of the berm; the work order before the Board is for the consulting team to begin and complete design surveys and plans, produce the bid documents and work with staff through the bid process for a contractor to perform the work prior to nesting, and work with FEMA to get the project worksheet approved so 90% of the over \$200,000 costs will be paid for by FEMA with a 10% local match. Mr. Poff explained three issues need to be finalized regarding the Stump Pass Beach State Park stabilization project i.e. the consulting team met with agency staff at the FSBPA Conference last week to resolve questions on the three-year monitoring and test plan; FDEP, Beaches, and Parks staffs are working this week to write permit conditions that will be incorporated into an uplands easement that the State Park will issue; positive comments have been received on getting the work done; the Federal agencies are amending the biological opinion and permits should be issued in the next several weeks and Beach Restoration, Inc. feels comfortable enough to order materials in advance to start work expeditiously; comments from the agencies indicate work may be performed at the start of nesting season and positive responses have been received from the shore birds and turtle monitors to insure protection of the species. **COMMISSIONER DeBOER MOVED FOR APPROVAL OF ADDENDUM #14 TO CONTRACT NO. 01-125, SARASOTA/CHARLOTTE COUNTY BEACH RESTORATION STUDY, FOR**

PROFESSIONAL ENGINEERING SERVICES REQUIRED TO DESIGN AND PERMIT DREDGING OF THE BOCILLA LAGOON AND CONSTRUCT THE EMERGENCY FEMA BERM FOR DON PEDRO ISLAND IN AN AMOUNT NOT-TO-EXCEED \$27,590 WITH COASTAL TECHNOLOGY CORPORATION, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. Commissioner DeBoer requested the Board's authorization to go to Tallahassee and meet with FDEP officials and, if necessary, the Governor's staff and Cabinet members in the next two weeks in support of the 1980 alignment. **(Board consensus.)**

Agenda Item AA-3, Presentation by the Ferguson Group - Update on Federal Lobbying Efforts

Kelly Shoemaker, Assistant County Administrator, stated the Ferguson Group will update the Board on lobbying efforts. William Ferguson, Jr., Chief Executive Officer, outlined the background experience of the firm comprised of 29 lobbyists who have specialties that relate to local government; they have been working with County staff to develop a strategy to take to Congress comprised of numerous issues including recovery and debris removal; and introduced Valerie Gelnovatch, Principal of the Miami Office, explained the assistance the firm offers clients relevant to Federal processes include coordinating local needs around the Congressional schedule from January through late fall with project funding requests due in the beginning of March, the requests are turned into the Committees for hearings during April and May with mark ups during the summer and then go to the floor in September, October, and November followed by the President's signature; the firm intends to make sure that many of Charlotte County's needs are in Appropriation Bills; since the firm was retained last August, priorities have been identified and submitted to the Congressional Delegation and \$1 million was awarded to the Edgewater Corridor in the Fiscal Year 2005 appropriations process; the firm used its strong relationships in Florida and the Congressional Delegation to get FEMA to increase the Federal Reimbursement for hurricane recovery from 75% to 90% and orchestrated letters from both Senators and 10 Florida Congressional members to FEMA urging them to reimburse the County for debris removal from private property; and introduced Chris Turner, Senior Associate with the Ferguson Group. Mr. Turner reviewed the Fiscal Year 2006 Federal Agenda working list of projects: \$5.3 million for the widening of Burnt Store Road as a primary evacuation route; \$2.5

million to begin design and construction of a Public Safety Complex comprised of a hardened Emergency Operations Center to house Emergency Management, Sheriff, Fire and EMS services; \$2.5 million to begin construction of a Health and Human Services Complex including a VA clinic and emergency shelter; \$1 million for the US 41 Revitalization project for pedestrian, bike, and traffic safety enhancements; \$3 million for Regional Water Interconnects with the City of Cape Coral and Babcock Ranch; \$3.4 million for the Rural Water Interconnects with Punta Gorda to Charlotte and Beachside; \$3 million for the Charlotte Harbor Redevelopment Area rehabilitation and revitalization of commercial and residential areas in the wake of Hurricane Charley; \$350,000 for Emergency Broadcasting Equipment to provide local residents with essential information in the wake of an emergency event based upon the ability of Fire/EMS and the Sheriff's Office to reach citizens; \$102,000 for development and promotion of County-wide 2-1-1 Services to provide access to substance abuse, child care, and elderly services along with non-emergency public safety calls to County residents; \$3 million for the Stump Pass Dredging project as a result of Hurricane Charley; and \$135,000 for the County's Canopy Replacement program to restore air quality in the region as a result of Hurricane Charley; advised the next step is to decide when Board Members and County officials will be able to go to Washington, D.C. to appear as advocates on these projects before Congress and appropriate Committee staffs so the firm may establish two-day meetings on Tuesdays through Thursdays. **Commissioner DeBoer** requested an opinion on the impact that the Presidential budget cuts may have on Community Policing and domestic programs. Mr. Ferguson stated there is a strong feelings between Republicans and Democrats and domestic programs have withstood budgetary impacts, the deficit creates a real problem and there will be a battle over the next year, and expressed the belief that a lot of the domestic programs will survive as they have done in the passed. Mr. Turner pointed out the President has attempted to zero out the Community Oriented Policing Services Account over the last several years and Congress has demonstrated its prerogative to place funding in the worthwhile account. **Commissioner DeBoer** requested the calculation methodology utilized to determine the dollar amounts for the projects. Mr. Turner reported the total cost of the project and if the County had the ability to generate or the existence of match funds and accounts were reviewed and average

funding were determined. Ms. Gelnovatch advised the CDBG Account is regularly cut within the President's budget and funds are added back during the course of a year and explained the importance of organizing projects on a regional basis to get the most funding from numerous sources over a multi-year time period. **Commissioner Cummings** cited the Babcock Ranch acquisition as one of the frustrations of dealing with State agencies and the Florida Association of Counties for funding. **Chairman Devos** indicated the County has joined the National Association of Counties. Ms. Gelnovatch stated a strategy needs to be developed regarding the acquisition prior to seeking funds. Mr. Ferguson stated the National Association of Counties has been very effective in Washington, D.C. and advised Ms. Gelnovatch will be meeting with Senator Graham's Legislative Director and Babcock representatives tomorrow. **Commissioner Cummings** offered to participate on water related and Babcock Ranch acquisition issues. Mr. Ferguson stated the firm serves as an intermediary to organize things more effectively and it is very important to have County advocates appear before Congress at least once or twice a year. **Commissioner Moore** suggested **Commissioners DeBoer and Cummings**. **Commissioner DeBoer** expressed support for **Commissioner Cummings** going to Washington, D.C. for the first round regarding all issues and then they can decide on future trips to Congress. **Chairman Devos** volunteered to go to Washington, D.C. on Health and Human Services issues and she and **Commissioner Cummings** can serve as advocates. **Chairman Devos** pointed out the listed projects are Charley related and questioned non-Charley issues. Mr. Ferguson advised staff was encouraged to provide Charley and non-Charley issues during meetings and some of the projects may have existed pre-Charley but Charley has exasperated the situation and it should be enhanced to secure a higher priority. **Chairman Devos** suggested lobbying the Corps of Engineers for greater cooperation. Mr. Ferguson requested a list of the projects since the firm works on appropriations as well as authorizations and regulatory issues.

Agenda Item AA-4, Report and Background Review on the Material Option for the Kosinski Bridge on Don Pedro/Knight/Thornton Islands

Brian Barnes, Capital Road Projects Manager, introduced Scott Korpi, Structural Engineer from American Consulting Engineers,

to update the Board on the condition and recommendations. Mr. Korpi explained the bridge was constructed of Ekki wood in 1994, the wood is not treatable due to its density, decay starts from the inside out, the Anne Merry bridge failed in 2000, and the last inspection of the Kosinski bridge was similar to that of the Anne Merry bridge, the 2000 inspection of the Kosinski reflected a three to five-year life cycle remaining with repairs, the end of the life span of the Kosinski Bridge is approaching rapidly, the bridge needs to be replaced expeditiously, a public meeting was held on August 11, 2003 with the community on various options based upon Americans with Disabilities Act (ADA) and FDOT requirements, consensus of the approximate 50 attendees was to make the bridge as inexpensive as possible and durable, plans were developed and only one vendor submitted a bid for \$2.4 million in September of which \$700,000 was for off site improvements of the bridge, a sovereign lands submerged easement had to be applied for since the land is not owned by the County, the County then requested other alternatives, and outlined the three alternatives: an entire pre-stressed concrete bridge with a 50 to 75-year life span for about \$1.7 million, the cost could be reduced by \$600,000 by constructing a one lane bridge, an entire timber structure using pressure treated wood at about \$1.3 million for a two-lane bridge but the bridge would have to be replaced at least twice over a 50-year life cycle for a total cost of about \$6.2 million which could be reduced by \$350,000 for a single span on the initial cost, and a combination of concrete substructure and timber superstructure at a cost between the other two options; explained many of the problems of the superstructure have begun to migrate to the substructure eliminating the possible fourth option to build a timber or concrete superstructure; and recommended moving forward with a two-lane concrete bridge that plans and permits are available for an immediate bid. Mr. Korpi expressed uncertainty as to what company quoted the \$500,000 to \$600,000 in the newspaper but he spoke to York Timber Bridge Company and reviewed the State wide average timber prices and the quote of \$800,000 to \$900,000 for a two-lane timber facility exclusive of permit conditions compliance, approach road work, bridge replacement in two phases to maintain one-lane of traffic open, and construction from the top down which would increase the price to approximately \$1.2 to \$1.3 million. **Commissioner DeBoer** requested confirmation about stress cracking in the current

pilings. Mr. Korpi advised cracks as much as 3/8 inch exist vertically in the pilings and decay in the caps is almost as severe as the decay in the timber superstructure stringers. **Commissioner DeBoer** questioned the use of Ekki wood in the pilings. Mr. Korpi responded affirmatively based on the plans. **Commissioner DeBoer** requested verification on the proposed bridge loading. Mr. Korpi advised the proposed bridge will have the standard HL 93 rating of 32,000 pound rear axle, 32,000 pound front axle, and 8,000 pound axle on the front of a truck for 72,000 pounds plus additional lane loading for automobiles or all Florida legal loads as well as seven Florida permitted load vehicles that the bridge will also accommodate i.e. any interstate or other bridge in the County. **Commissioner DeBoer** calculated a 36 ton load and questioned the necessity for this type of loading. Mr. Korpi stated the Ashdale Code adopted by the FDOT requires the HL 93 loading even on bridgeless barrier islands. **Commissioner DeBoer** commented on the potential liability from a collapse if the bridge is constructed to less than FDOT standards. **Commissioner DeBoer** questioned inclusion of the bulkheads replacement in the \$1.7 million estimate. Mr. Korpi expressed affirmation and pointed out the Anne Merry bridge bulkheads also need replacement. **Commissioner D'Aprile** summarized the concrete versus wood bridge replacement concerns esthetics and costs i.e. \$1.7 million for a concrete bridge and \$1.3 million for a wood bridge and questioned the possibility of building a concrete bridge with a wood-look finish. Mr. Korpi explained coloring in the concrete, various surface textures, and stamped concrete can make the bridge appear more esthetically pleasing. **Commissioner D'Aprile** stated it makes more sense to build a concrete bridge based upon the significantly longer life span for the \$400,000 difference. **Commissioner Cummings** commented in support of moving forward with staff's recommendation, doing the repairs to increase bridge weight limits for the short-term, constructing a concrete bridge, and adding in as a bid option techniques to make the bridge look more like wood if residents are willing to pay the additional \$20,000 to \$30,000 estimated cost. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO DIRECT STAFF TO PROCEED WITH A WOODEN BRIDGE DESIGN, SECONDED BY COMMISSIONER MOORE.** **Chairman Devos** expressed opposition to the motion since a concrete bridge is the most responsible, reasonable choice based on the cost and life span. **Commissioner Moore** acknowledged the residents' preference for a wooden bridge but he will oppose the motion

since he has not heard sufficient cost justification. **CALL ON THE MOTION: MOTION FAILED ON A VOTE OF 2:3 WITH CHAIRMAN DEVOS AND COMMISSIONERS CUMMINGS AND MOORE OPPOSING. COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO DIRECT STAFF TO PROCEED WITH REPAIRS TO THE BRIDGE AND DEVELOP A REPLACEMENT BRIDGE OF CONCRETE, SECONDED BY COMMISSIONER DeBOER.** Commissioner DeBoer suggested reducing the cost by eliminating the paving between the bridges and replacing the seawall. Mr. Korpi reported part of the seawalls are necessary to satisfy permit requirements of the Southwest Florida Water Management District, unless the bridge may be closed and replaced in one phase, to shift the alignments approximately 9 feet to the west and there are drainage issues that would require a permit modification to allow paving at another time. **Commissioner DeBoer** requested the distance between the two bridges. Mr. Korpi stated approximately 1,800 feet. **Commissioner DeBoer** compared the 3,600 feet of seawall versus the 9 to 10 feet of seawall for realignment and more retention and treatment of the water is due to the asphalt surface. Mr. Korpi stated the seawalls are approximately 138 feet long, not the entire distance between the bridges, which will allow construction of the bridge to the new alignment while continuing to maintain one lane of traffic. **Chairman Devos** requested clarification of staff bringing back options for one and two lanes with or without golf cart and pedestrian paths. Mr. Barnes explained the current recommendation is to construct two 12-foot lanes with a five foot sidewalk. **COMMISSIONER CUMMINGS AMENDED THE MOTION TO ADOPT STAFF'S RECOMMENDATION.** **Chairman Devos** stated residents should be allowed to select the esthetics of the bridge based on options with costs. **Commissioner Cummings** expressed no objection to bid alternates for that purpose. **Commissioner Moore** requested clarification that the motion included repairs to the existing bridge. Mr. Barnes reported the contractor will be mobilizing in two days and the existing bridge should be brought up to 12 tons by the weekend. **CALL ON THE MOTION TO ACCEPT STAFF'S RECOMMENDATION WITH BID ALTERNATES: MOTION CARRIED 3:2 WITH COMMISSIONERS DeBOER AND D'APRILE OPPOSING.**

RECESS: 12:35 P.M. - 2:00 P.M.

(Chief Deputy Tommy Q. White was not present for this portion of the meeting and Executive Assistant to the Board Diane Gant was not present for the remainder of the meeting.)

Agenda Item AA-5, Presentation proposing Major Changes to the Growth Management Act and the Development of Regional Impact Process (DRI)

Michael Konefal, Community Development Director, reported significant changes have occurred in the last few weeks that have minimized the proposed major changes; Chapters 163 and 380 are the equivalent Florida Statutes to the Growth Management Act and DRI process, respectively; the Growth Management Act was last revised in 1985 and the DRI statute was last revised in the 1970's; the proposed change to Chapter 163, would shift the majority of the delegation from the State government to the Regional Planning Council and Regional Planning Authorities; because numerous counties and jurisdictions have expressed opposition and comments due to funding and staffing problems, the House Sponsor of the Bill has indicated it will probably not go forward as presented, so there will be only minor changes this Legislative year; if the Bill comes back next year, it will mean a major shift in Growth Management Act procedures; a significant change proposed to the DRI process would exempt phosphate mining from DRI review; this County has expended significant efforts to make sure that the phosphate industry is regulated and monitored for development and subsequent reclamation clean up; advised he has sent a letter to the Department of Community Affairs, along with other counties, in opposition to any review exemption for phosphate mining; he will continue in the same vein on behalf of the County; and it is unlikely to pass. **Chairman Devos** stated that is good news and requested copies of the correspondence be provided to Board Members. Mr. Konefal stated time constraints prevented him from doing so since the exemption was not in the original document but in revisions. **Commissioner Cummings** recalled reading a copy of the letter and stated it was right on target depicting the Board's position. Mr. Konefal offered to provide copies of the letter.

(Chief Deputy Board Services Tommy Q. White was present for the remainder of the meeting.)

VI. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-2, Administration, Provide staff direction on continuation toward the purchase of the property at 21450 Gibraltar drive, known as the First Christian Church, for a Youth and Family Resource Center and Disaster Shelter

Robert Hebert, Recovery Director, explained the Board needs to make a decision to proceed with the acquisition or terminate the current contract by February 14, 2005; gave a status update on the fully executed contract with a title commitment and no significant issues, the phase 1 environmental study was performed and found no significant issues, the survey is pending but no significant issues are anticipated, building inspection has been completed and some minor deficiencies need to be addressed, a rezoning from RSF-3.5 to Office, Medical and Institutional (OMI) and a Comprehensive Plan amendment is in the process, and the two appraisal reports received exceed the offer for purchase. Mr. Hebert referenced a financing option for agencies to provide operating funds but not acquisition funds so there is a significant gap; the Budget Officer is reviewing the potential for a loan through the State Commercial Loan Pool; pointed out tax revenues will become available after the sale of St. Joseph's Hospital to a for-profit chain at about \$205,000 per year at the current Property Appraiser's appraised value and these revenues may be committed to this facility until repayment of the loan; there also has been discussion about using the tax monies for indigent care and medical care services for the other hospitals; and reported annual maintenance costs have been averaged at \$4.15 per square foot or about \$118,000 in annual operational costs. J. Paul Payette, Real Estate Services Manager, explained the Board needs to make a decision today on proceeding or terminating the contract; if the Board decides to move forward with the acquisition, he will make the purchase contingent upon final approval of the rezoning from RSF-3.5 to OMI which may be brought to the Board on April 12, 2005 and resolution of items in the building condition report; and pointed out the contract might be extended for 60 days to allow the Board additional time to review financing options. **Chairman Devos** stated the primary decision should be based on the Board's

desire to establish a youth and family resource center in this location that may serve as a disaster shelter and, if so, is the Board willing to support the building at a cost of \$259,000 per year; advised she has received a lot of positive feedback from businesses but a business plan must be presented prior to firm commitments are made for financial support; with the sale of St. Joseph's Hospital to a for-profit corporation, the Board will need to address indigent care services in the not-to-distant future but \$205,000 estimated tax revenues may be use for purchase and maintenance of the building; stated the list of organizations compiled by Mr. Hebert are, with exception of the Venice Foundation, real possibilities; and opined the vote should be based on the worst case scenario, of paying out \$259,000 per annum for this building, even though the County has been very successful in the past in securing grant funds. **Commissioner D'Aprile** commented in support of the acquisition for the proposed purposes and requested a 60-day extension to allow staff an opportunity to develop a business plan with funding options. Mr. Hebert advised a business plan must be developed to submit to the funding agencies with grant sources, the Venice Foundation has indicated funding would be provided for programs within its service area, pointed out some residents have spoken in opposition at public meetings, staff is working on an application in conjunction with the Sheriff's Office and Charlotte Alliance for a Safe and Drug Free Community, this site could be the core facility, and opined two or three people are violently opposed to the proposed use but there will be more opportunities for public input during the process. Mr. Hebert reported staff initially considered this as a special needs shelter due to the close proximity to the hospitals but it would have to be almost completely rebuilt to meet FEMA's 200 mph wind velocity standards. **Chairman Devos** stated she has spoken to Representative Michael Grant who indicated a willingness to sponsor a Bill to provide funding for additional expenses related to hardening the structure for an emergency shelter for residents. **Commissioner DeBoer** reiterated the need for a business plan including the organizations to be located in the building with space allocations and a commitment from the organizations based on the Board moving forward with this project and questioned the performance of a building survey to ascertain compliance with ADA standards. Mr. Hebert advised the building has an elevator to the second floor, the first floor that served as the Church has wide doorways, and expressed

uncertainty regarding the restrooms. **Commissioner DeBoer** requested an explanation about remodeling costs to accommodate the different users. Mr. Hebert stated users would bear remodeling costs. **Commissioner DeBoer** questioned the possibility of an umbrella organization purchasing the building from the County if it becomes the agency financing it. Mr. Hebert reported some preliminary discussions have been held regarding members of the public purchasing the building if the County does not and pointed out the possibility of the Children's Services Council, if activated and funded in the future, using the building as its headquarters. **Commissioner DeBoer** expressed concern about something that was previously brought up under Commissioner Comments for the purpose of indigent care and the Health Department now appears as a funding source; stated he is uncomfortable with the acquisition because there are too many unanswered questions regarding financing, funding sources, and the lack of a business plan. **Chairman Devos** stated the only new funding source will be the tax revenues as a result of the sale of St. Joseph's Hospital; pointed out the County might borrow the money and finance the building for \$141,000 a year at about 2% per annum; she has spoken to the business community regarding a capital investment but some organizations have indicated they are programmatic dollars that will have nothing to do with repaying the loan or maintaining the building; and although she has received favorable responses from the business community for commitments of \$10,000 per year for five years after the Board makes a commitment to go forward with the project, the decision should be based on the County paying for the building. **Commissioner Cummings** stated the need for the services that could be provided in this facility have grown more severe after Charley and commented in support of moving forward with the acquisition because the opportunity to purchase the building at the current price will not last. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO DIRECT STAFF TO CONTINUE TO RESOLVE REMAINING ISSUES AS PART OF THE DUE DILIGENCE AND REQUEST A 60-DAY EXTENSION FOR THE PURCHASE OF THE PROPERTY AT 21450 GIBRALTAR DRIVE KNOWN AS THE FIRST CHRISTIAN CHURCH EVEN IF LOCAL FUNDING IS NECESSARY, SECONDED BY COMMISSIONER MOORE.** **Chairman Devos** requested clarification of the issues to be resolved i.e. rezoning or funding sources. **Commissioner Cummings** expressed understanding that staff would pursue both. Mr. Payette suggested the closing be subject to obtaining the zoning necessary for the proposed

uses and the seller correcting the deficiencies in the building condition report. **COMMISSIONER CUMMINGS ACCEPTED THE CONTINGENCIES AS PART OF THE MOTION.** Commissioner D'Aprile expressed concern about committing the County to the purchase if the zoning is not approved for the proposed uses. **Chairman Devos** explained denial of the rezoning would make the contract null and void. Mr. Payette suggested the business plan be brought to the Board within the 60-day extension period prior to the rezoning and if the rezoning is not approved, the contract would be voided. **Chairman Devos** expressed dissatisfaction with doing business in that manner and reiterated the motion today is to vote for the purchase of the Church contingent upon completion of building repairs and rezoning approval. **Commissioner Cummings** agreed the motion should include the contingency for rezoning approval and pointed out the rezoning will be a quasi-judicial hearing with the Board's decision based on the application's merits. **Commissioner D'Aprile** reiterated a need for commitments from the business community and a business plan prior to the purchase. **Chairman Devos** stated the decision should be based on the worst case scenario i.e. the County will have to spend \$259,000 for 10 years even though members of the business community have indicated preliminary commitments and staff will work to obtain grant monies. Mr. Payette pointed out rezoning from RSF-3.5 to OMI will increase the property value. **Commissioner DeBoer** recalled initially funds were coming from the actual users and now the vote must be based on monies from the General Fund; stated questions have not been answered on the impact of taking monies from the General Fund; it is not unreasonable to secure a business plan detailing the users, square foot usage, and the total cost of ADA requirement compliance; questioned how the County's rezoning request would fail; and stated he will oppose the motion. **CALL ON THE MOTION: MOTION CARRIED: 4:1 WITH COMMISSIONER DeBOER OPPOSING.**

Agenda Item Y-3, Budget, (a) Approve CIP Amendments #05-C04 and #05-C05 amending the Land Acquisition Costs to add Additional Dollars for Scrub Jay Mitigation for Edgewater Drive and Winchester South Projects, (b) Approve Budget Amendment #05-A07 and Budget Transfers #05-009 and #05-010 to appropriate Necessary Funding including an Internal Loan from the Landfill for \$2.8 Million, and (c) Approve Resolutions directing Acquisition of Properties for Scrub Jay Mitigation for Edgewater

Drive, Solomon Road Paving, and Winchester Corridor Road Projects

Ann Navan, Budget Officer, requested the CIP amendments, budget transfers, and resolutions for acquisition of properties for scrub jay mitigation related to the Edgewater and Winchester Corridors and Solomon Drive projects; advised \$8.7 million is necessary to accomplish the mitigation; there is a \$4.4 million shortfall; suggested funding the shortfall as a \$2.8 million loan from the Landfill operation and shifting \$1.7 million in gas tax revenues that were allocated to a stormwater project over to the Stormwater District via assessments; staff would continue to seek potential Florida Communities Trust (FCT) grants in light of the relaxation of the requirements to allow for the purchase of small parcels without condemnation proceedings; the total Cash and Receivables in the Landfill Fund is \$28 million of which approximately \$8 million is restricted for closure reserves and bond payment reserves leaving approximately \$20 million in unrestricted funds; this year the Landfill revenues are already \$5.7 million above budget because of tipping fees associated with Charley even though expenditures have also increased due to Charley; estimated \$4 million in profits this year; and the \$2.8 million loan may be repaid from the .05 mills set aside for the Environmental Lands Acquisition in the CIP since the monies are not earmarked for any acquisition projects in FY 05 through 09. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF (A) CIP AMENDMENTS #05-C04 AND #05-C05 AMENDING THE LAND ACQUISITION COSTS TO ADD ADDITIONAL DOLLARS FOR SCRUB JAY MITIGATION FOR EDGEWATER DRIVE PROJECT AND WINCHESTER SOUTH PROJECT, (B) BUDGET AMENDMENT #05-A07 AND BUDGET TRANSFERS #05-009 AND 05-010 TO APPROPRIATE NECESSARY FUNDING INCLUDING AN INTERNAL LOAN FROM THE LANDFILL OF \$2.8 MILLION, AND (C) ADOPTION OF RESOLUTIONS TO ACQUIRE LAND FOR SCRUB JAY MITIGATION PURSUANT #2005-025 FOR THE EDGEWATER DRIVE PROJECT, #2005-026 FOR THE SOLOMON ROAD PAVING PROJECT, AND #2005-027 FOR THE WINCHESTER CORRIDOR PROJECT, SECONDED BY COMMISSIONER MOORE.** Commissioner DeBoer requested verification on the repayment of the loan. Ms. Navan advised the repayment would end in FY 2009. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-4, Economic Development, (a) Approve a Resolution to set a Public Hearing on February 22, 2005 at 2:00 P.M. to adopt the Murdock Village Community Redevelopment Trust Fund and

to acknowledge transmittal of the Murdock Village Community Redevelopment Plan to the Planning and Zoning Board and (b) provide staff direction for adequate notice of the Public Hearing as required by the Redevelopment Act and confirms and ratifies all actions in that regard

Debrah Forester, Redevelopment Manager, explained the resolution authorizes and ratifies actions necessary for adoption of the Murdock Village Community Redevelopment Plan (Plan) i.e. to set the public hearing for Tuesday, February 22, 2005 at 2:00 P.M. to adopt the Plan and the ordinance to establish the Community Redevelopment Trust Fund; it acknowledges that the Executive Director of the Murdock Village Community Redevelopment Agency (CRA) transmitted the Plan to the Planning and Zoning Board to review for conformity with the Comprehensive Plan and the Plan is scheduled for presentation and a determination on February 18, 2005; it authorizes the County Administrator to provide adequate public notice as required by the Redevelopment Act which will be published on February 11, 2005; it acknowledges the Executive Director of the Murdock Village CRA has provided written notice by registered mail to each of seven taxing authorities including the School Board and the Water Management District; and only this Board will be contributing to the Community Redevelopment Trust Fund. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO ADOPT RESOLUTION #2005-028, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.**

Agenda Item Y-5, Economic Development, Consider replacement of the Draft Conceptual Diagram presented at the December 14, 2004 Board meeting with Draft Conceptual Diagram Alternative #1 and the selected Diagram will be included in the Murdock Village Community Redevelopment Plan

Ms. Forester requested replacement of the Conceptual Diagram accepted by the Board on December 14, 2004 in the Plan; stated the Diagram is also used to calculate CIP costs to implement the Plan and both elements are required in the Plan; staff and consultants have been working to finalize the Plan and an alternative Plan has been developed that staff believes better characterizes the Vision and provides more flexibility; input was received from Transportation and Parks staff; and introduced Virginia Corless, President of Herbert Halback, Inc. (HHI) to update the Board on the alternative Plan. Ms. Corless advised

the Plan sets the framework to address factors in the Finding of Necessity; the Conceptual Diagram is required by Florida Statutes as part of the Plan; the Diagram details street networks, land use types, and recreation and open space points; the Board approved a Conceptual Diagram on December 14, 2004; gave a slide presentation on the Alternative 1 Diagram that reflects a change from Single and Multi-Family to Neighborhood Residential Areas to provide a mixed of housing types along with parks and recreational amenities, civic uses, and neighborhood commercial; Toledo Blade Boulevard will connect US 41 and SR 776 through a primary connector point of Toledo Blade going to a four-lane roadway as well as the right-of-way connection for the north-south connection at Flamingo Boulevard from US 41 and SR 776; a framework has been established using canals as amenities and pedestrian connections from east to west via the Regional Park with the Town Center located directly south of the Regional Park; advised the Capital Plan will be brought to the Board as a basis to identify public and private reinvestment and infrastructure capital costs; estimated approximately \$114 million worth of capital costs; the refinements included in Alternative 1 include designating North-South and East-West Parkways, the Town Center is more centrally located with direct access to SR 776 and US 41 via the new Parkway; pointed out the Parkways infrastructure as well as pedestrian greenways to enhance waterways in conjunction with neighborhood and recreational amenity connections; reported capital costs are projected to increase because of the type of infrastructure and parkways over the original concept; and requested authorization to replace the December 14, 2004 Conceptual Diagram with Conceptual Diagram Alternative 1 in order to develop a cost estimate on the new Alternative by February 16, 2005 for incorporation into meeting packets for the February 22, 2005 public hearing; and this is scheduled before the Planning and Zoning Board on February 18, 2005 for a determination on the Plan's consistency with the Comprehensive Plan. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO REPLACE THE DRAFT CONCEPTUAL DIAGRAM PRESENTED AT THE DECEMBER 14, 2004 BOARD MEETING WITH DRAFT CONCEPTUAL DIAGRAM ALTERNATIVE 1 TO BE INCLUDED IN THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT PLAN, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.** Commissioner Cummings expressed satisfaction with the new alternative and stated it more closely reflects the vision for Murdock Village.

VII. PUBLIC HEARING AGENDA

None.

IX. BOARD WORKSHOP

None.

X. CITIZEN INPUT - ANY SUBJECT

None.

BB. County Administrator

Mr. Loucks reported, as a result of the hurricanes, the County has expended \$57 million; received \$36 million of which \$8.5 million was from FEMA, \$22.5 million from insurance proceeds, and \$5 million as a result of the FDOT presentation this morning; there is an additional \$4.8 million worth of future encumbrances to bring the expenditures up to \$61.8 million; he and several staff members will be meeting tomorrow in Orlando, FL with the State Director of FEMA, staff, and Department of Community Affairs (DCA) officials to discuss ongoing issues and State dictates; suggested, if satisfaction with FEMA is not achieved, then the same issues be taken to the Federal level in Washington, D.C.; and a status update will be provided to Board Members on Thursday. **Chairman Devos** requested the remaining amount from FEMA. Mr. Loucks explained \$36.9 million in project work sheets have been submitted and more work sheets are being completed for submittal.

CC. County Attorney

Janette S. Knowlton, County Attorney, reported a call from the Governor's Office was received yesterday about the status of the Bread of Life tenting on County park land; she advised them that trespass warnings were posted on the tents; she will be working with Parks, Recreation, and Cultural Resources Director Laura Kleiss-Hoeft; and expressed uncertainty regarding what will happen next. **Commissioner Cummings** questioned why someone from the Governor's Office called on this matter. Attorney Knowlton advised Judy Jones called the Governor's Office for assistance. **Chairman Devos** requested an explanation on why the tents were

still in place. Attorney Knowlton stated she is uncertain of the Sheriff's Office procedures. Mr. Loucks advised the Sheriff's Office will evict them if the tents are not voluntarily removed from the site and he will check with Code Compliance on the timing. Attorney Knowlton offered to bring back an update for Board direction. **Chairman Devos** suggested placing this on the agenda for next week. Mr. Loucks reported the no trespass notices were posted and it is a matter of removing the tents. **Commissioner DeBoer** suggested, as a result of the Governor's Office inquiry, that Administration send a letter explaining the history including photographs, how much money has been expended by the County in picking up garbage the Mission piled in rights-of-way, and the numerous Code, health and safety, and building violations. Attorney Knowlton indicated she advised the Governor's Office about the trash, money spent, and a brief history of the Code violations.

DD. Commissioner Comments

Commissioner DeBoer requested a comparison of the \$26.8 million versus the austerity budget set aside after Charley. Mr. Loucks recalled about \$15 million was set aside in October and it would provide recurring revenues. Ms. Navan confirmed \$15 million was set aside and clarified a lot of the damage on the project work sheets in FEMA's possession relate to building construction that will be covered by insurance proceeds. **Commissioner DeBoer** reported he has received three telephone calls in the last seven workdays on the six to eight week backlog of the Development Review Committee (DRC) process and commented on the need to address this problem since it might seriously impact economic development and the tax base. Mr. Loucks expressed awareness of the problem and advised Mr. Konefal is performing a review towards holding one DRC meeting a week until the backlog is taken care of. **Commissioner DeBoer** stated he would speak with Mr. Loucks about a specific project. **Commissioner DeBoer** pointed out the Board needs to appoint a Member to the Historical Advisory Board. **Chairman Devos** recommended **Commissioner DeBoer** based on his historical knowledge of the County. **CHAIRMAN DEVOS MOVED TO APPOINT COMMISSIONER DeBOER TO SERVE ON THE HISTORICAL ADVISORY BOARD, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.** **Commissioner DeBoer** requested the Board consider funding historical preservation including land acquisition to move structures to from a portion of the .05

mill or develop a referendum to set aside funds similar to the acquisition of environmentally sensitive lands. **Commissioner DeBoer** stated ELAAC members have expressed concern that the enabling resolution does not authorize them to promote the Charlotte County Way of Life and he will bring back it back to the Board; pointed out Board Members should review the housing costs in the presentation and actual housing costs to alleviate the possibility of using inaccurate information and suggested an impact fee study be performed and staff provide appropriate costs to ELAAC. **Commissioner Cummings** suggested staff review the legality of tiered impact fees. **Chairman Devos** expressed reservations about putting a referendum on the ballot for environmental lands acquisition and suggested designating \$1 to \$2 from tipping fees for ELAAC. **Commissioner DeBoer** expressed no objection if the County Attorney and Bond Counsel can ascertain that it can be done as part of an assessment. **Commissioner DeBoer** requested approval to allow Leadership Charlotte to use Channel 20, County facilities, and the interlocal agreement with the School Board to promote the 211 project. **Commissioner D'Aprile** commented on the increased development and traffic impacts as a result of the Hampton Arms and New Oaks development traffic flows onto Rampart Boulevard as well as the affordable housing complex on Sandhill Boulevard and Wal-Mart onto Kings Highway; suggested an impact study on traffic conditions be conducted before any more permits are issued for large projects; recommended commercialization be included in planned developments such as Murdock Village; and advised he will be in Tallahassee for the last affordable housing meeting on February 15, 2005 for funding allocations from the \$101 million from SHIP monies and \$354 million from the State budget based on damages sustained by the eight most affected counties from Escambia to Charlotte. **Chairman Devos** mentioned telephone calls made last week regarding CDBG funds and the point system proposed for allocations. **Chairman Devos** reported the primary concern discussed at the recent Tri-County meeting was affordable housing and mentioned lobbying might be consolidated with other counties i.e. Escambia, Santa Rosa and a couple counties on the east coast. **Commissioner D'Aprile** explained a telephone conference call to lobby for the eight-county allocation will take place after the February 15, 2005 meeting. **Chairman Devos** requested a status update memorandum and expressed appreciation for all of **Commissioner D'Aprile's** efforts. **Commissioner D'Aprile** acknowledged the efforts of

Recovery Director Robert Hebert and staff members. **Commissioner Moore** agreed with **Commissioner D'Aprile** regarding the traffic impacts on Kings Highway, stated it might be 2013 before the problems are fixed, and commented on high tech software utilized for future growth management and planning. **Commissioner Cummings** expressed the belief that ELAAC is not precluded from promoting the Charlotte County Way of Life; stated even though the Metropolitan Planning Organization (MPO) is updating traffic flow and impact projections, Community Development staff might review statistics and provide appropriate data; and read from a copy of a letter to the Water Authority on behalf of the City of North Port on meeting the City's water needs from Rose, Sundstrom & Bentley, which was the law firm hired by the County for the 10% rule challenge. **Commissioner Cummings** responded to questions posed by **Commissioner DeBoer** concerning Babcock Ranch i.e. \$10 million to \$12 million from Charlotte County, \$300 million from Florida Department of Environmental Protection (FDEP), \$10 million from Florida Fish & Wildlife Conservation Commission, \$10 million from U.S. Fish & Wildlife, \$60 million to \$72 million combined from Lee and Charlotte Counties and Lee County has talked about a \$40 million contribution but it might be higher, \$10 million from private foundations and donations, \$60 million from Federal government programs, and \$30 million out of the \$8 billion available from South Florida Water Management District (SFWMD); he has been advised that if Charlotte County were to submit a consumptive use permit for 50 mgd out of Babcock Ranch to serve customers in the Southwest Florida Management District, then SFWMD would approve the permit although 20 mgd is probably more realistic; discussions on management are based on continuing most of the current operations although more intensive agricultural uses might be phased out over time, continue selective logging operations, the ranching, mining, and tourism to generate revenues for management and land restoration. **Commissioner Cummings** advised a request was received to provide a portion of Babcock Ranch for off-roaders and go-karts and opined the mining area might provide such a site in the future. **Commissioner Moore** requested the status of negotiations. **Commissioner Cummings** expressed uncertainty but he believes that negotiations are ongoing to some extent; pointed out, as a result of Jim Fowler's public service announcement, he noticed that Charlotte County is not on the list for adopting a resolution in support; recalled the County voted in support at the Tri-County meeting; and offered

to bring back an endorsing resolution. **Chairman Devos** stated the resolution should be placed on the February 22, 2005 agenda.

X. CITIZEN INPUT - ANY SUBJECT

Chairman Devos requested consensus to allow Jennifer Algee to address the Board. (**Board consensus.**) Mrs. Algee and her son Keith appeared with others and sold t-shirts in support of their home for disabled persons, expressed appreciation for **Commissioner D'Aprile's** support and sponsorship of the Southwest Florida Disabilities Group, and advised Keith is very active in special olympics and will be on Channel 2 News.

Chairman Devos requested comments for the agenda of the February 18, 2005, 9:00 A.M. Joint Meeting with the City of Punta Gorda and a list of goals by February 22, 2005 for the March 9, 2005, 9:00 A.M. Annual Retreat at Impac University.

MEETING ADJOURNED: 4:25 P.M.

Signature on file in Commission Minutes

**Sara Devos
Chairman**

ATTEST:

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

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

djn