

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**MARCH 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: Vice Chairman Thomas G. Moore and Commissioners 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 Stacey Miller, and Deputy Clerk Diane J. Nice. **(Chairman Devos and Commissioner Cummings were not present for the meeting.)** The meeting was called to order at **9:00 A.M.**

The **invocation** was given by Pastor Gary Clark, Fellowship Church, followed by the Pledge of Allegiance to the Flag.

**CHANGES TO THE AGENDA**

**ADDITION:**

**Regular  
Business**

Agenda Item Y-3, Public Safety, Approve the Agreement between Charlotte County and Charlotte County School Board allowing the County to conduct training exercises at the Neil Armstrong Elementary School Building

**CHANGES:**

**Regular  
Business**

~~Agenda Item Y-1, Facilities, Board direction on the Historic Courthouse with regards to which County Offices should occupy the Courthouse after restoration is completed. Request Board direction on how the interior of the structure should be finished for final occupation.~~

Update Board on refurbishing the Courthouse, finished interior, final occupation, funding options, and identify source.

Agenda Item Y-4, Community Development, Set a Public Hearing on Friday, ~~March 25~~, April 15, 2005, at 9:00 A.M. to consider approving the Burnt Store Area Plan and associated Comprehensive Plan Amendments (formerly Consent Agenda Item G-1).

**DELETION:**

**Regular  
Business**

Agenda Item Y-3, Public Safety, Approve the Agreement between Charlotte County and Charlotte County School Board allowing the County to conduct training exercises at the Neil Armstrong Elementary School Building

**COMMISSIONER DeBOER MOVED APPROVAL OF THE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).**

**I. SPECIAL RECOGNITION**

**Proclamations:**

**THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH 2005 AS "CLAIRE V. WALLY, ARTS AND HUMANITIES COUNCIL, ARTIST OF THE MONTH" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0). Claire V. Wally accepted the proclamation and expressed appreciation for the Board's support.**

**THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH 8, 2005 AS "FLORIDA WATER AND POLLUTION CONTROL OPERATORS ASSOCIATION, (FWPCOA) REGION 8, RECOGNITION DAY OF CHARLOTTE COUNTY UTILITIES" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0). David Schlobohm, Charlotte County Utilities Director, accepted the proclamation with Region 8 Secretary and Plant Operator Charlie Long, Operations Manager Jamie Hughes, and the first FWPCOA Executive Director and Acting Engineering Manager Sandra**

Neumister. John Pratt, past Chairman, presented a \$1,000 check on behalf of FWPCOA, Region 8 and Charlotte County Utilities to help in recovery efforts.

**THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH 12, 2005 AS "GREAT AMERICAN CLEANUP DAY" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).** Glenda Anderson, Executive Director of Keep Charlotte Beautiful, accepted the proclamation with other Members and invited everyone to a celebration at the Sports Park after the cleanup while volunteers distributed "Great American Cleanup Day" t-shirts.

**THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH 2005 AS "PURCHASING MONTH IN CHARLOTTE COUNTY" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).** Kimberly Corbett, Purchasing Director, accepted the proclamation and expressed appreciation to staff for all of their efforts in earning the National recognition for the Achievement of Excellence in Procurement this year.

**Employee Recognition:**

Bruce D. Loucks, County Administrator, and **Commissioner D'Aprile** recognized the following employees for their service with the County: **Five Years** - Cari Branco, Community Development; Kathleen Knee, Economic Development; Kenneth McCoog, Parks, Recreation, and Cultural Resources; **Ten Years** - Thomas Emmi, Fire/EMS; Diane Gant, Board of County Commissioners; **Fifteen Years** - William Handlon, Community Development; Judy Kelley, Information Technology; and **Twenty Years** - Donald Seiler, Fire/EMS.

**II. CITIZEN INPUT - AGENDA ITEMS ONLY**

Bruce Pomeroy requested an additional minute. **Vice Chairman Moore** advised three minutes are allowed for each individual according to the Board's Rules and Procedures. Mr. Pomeroy left the meeting.

Jane Brenner, Chairman of the Charlotte County Historical Advisory Committee, appeared in unanimous support of **Agenda Item**

**Y-1, Update on refurbishing the Courthouse**, to the extent that it be preserved and restored as near as practical to the era when it was completed in 1928; recommended uses be prioritized as public functions, private, non-profit, community uses, and private-for-profit uses i.e. an archive center, exhibits, history museum with gift shop, community theater, juvenile justice, appellate court, City Council, and meeting rooms; and acknowledged the Board's February 18, 2005 unanimous approval to restore the Courthouse for public use.

Judy Jirout, a Keep Charlotte Beautiful Board of Director Member and a broker with Florida Gulf Coast Realty in El Jobean, commented in support of **Agenda Item J-1, Implement a County-wide Illegal Dumping Enforcement Program with an Interlocal Agreement between the Sheriff's Office and the Board to hire a dedicated illegal dumping enforcement deputy and Code Compliance inspector.**

Shaneen Wall, appeared on behalf of the Citizens of Northwest Port Charlotte, in support of **Agenda Item J-1, Implement a County-wide Illegal Dumping Enforcement Program with an Interlocal Agreement between the Sheriff's Office and the Board to hire a dedicated illegal dumping enforcement deputy and Code Compliance inspector;** advised debris, including a 25' cabin cruiser, has been dumped in the Northwest Port Charlotte area since the hurricanes; and reported a cleanup was held last Saturday during which 130 volunteers picked up a lot of debris and discovered three new dumping sites.

Vicky Schroeder, a Gulf Cove resident, agreed with Judy Jirout and Shaneen Wall concerning **Agenda Item J-1, Implement a County-wide Illegal Dumping Enforcement Program with an Interlocal Agreement between the Sheriff's Office and the Board to hire a dedicated illegal dumping enforcement deputy and Code Compliance inspector** and commented on the need for full time employees to enforce illegal dumping activities in the Gulf Cove area.

Esther Horton, a Member and past President of the Lemon Bay Historical Society in Englewood and a Member of the Charlotte County Historical Advisory Committee, petitioned the Board to preserve the Courthouse under **Agenda Item Y-1, Update on refurbishing the Courthouse;** stated the Courthouse is a County-wide historical building; and the Board and citizens today have

an obligation and responsibility to preserve historical structures for future generations.

James Marshall, a Member of the Charlotte County Historical Advisory Committee representing the El Jobean area, reported a tour of the Courthouse showed that it is being actively used for office and storage space; commented in support of preserving the Courthouse under **Agenda Item Y-1, Update on refurbishing the Courthouse**; and stated a use will be found after preservation.

Mac V. Horton, Supervisor of Elections, expressed continued support for preserving the Courthouse under **Agenda Item Y-1, Update on refurbishing the Courthouse**, and requested the Board allow the Supervisor of Elections office space within the building after preservation.

Randy Spence, Vice President and past President of the El Jobean Community League, appeared in support of preserving the Courthouse as a historical building under **Agenda Item Y-1, Update on refurbishing the Courthouse**, and requested Board consider the many organizations, i.e. the Veterans Monument and Museum, that may effectively utilize space within the building.

Grace Amodeo commented in support of **Agenda Item J-1, Implement a County-wide Illegal Dumping Enforcement Program with an Interlocal Agreement between the Sheriff's Office and the Board to hire a dedicated illegal dumping enforcement deputy and Code Compliance inspector and Agenda Item Y-1, Update on refurbishing the Courthouse**, stated it is not the Board's sole responsibility to fund the restoration, and the City should participate in funding the project.

Lawrence B. Massing, President of Massing Enterprises, Inc. d/b/a Massing Sheds and Garages, expressed concern regarding **Agenda Item Y-2, Clarify wording in approved ordinance in the Zoning Code** on Section 7-3-9-32(c), Permitted Accessory Uses and Structures and paragraph 1(b), Accessory Buildings over 250 Square Feet must be compatible in appearance with the residence; the language is ambiguous on metal buildings and open to interpretation i.e. Tom Smith assured him that the appearance of his buildings would not be an issue whereas Tom Cunningham has made a different interpretation requiring any building over 250 square feet must be of stucco and/or shingles to match the

house; and requested the language be revised to indicate such buildings must be compatible in appearance not in materials.

**III. COMMITTEE VACANCIES**

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

**Affordable Housing Advisory Committee**

- one (1) Affordable Housing Representative (appointment on the agenda)

**Construction Industry Licensing Board**

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

**IV. REPORTS RECEIVED AND FILED**

None.

**V. CONSENT AGENDA**

**COMMISSIONER DeBOER MOVED APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).**

**CLERK OF THE CIRCUIT COURT**

**A. Finance Division**

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

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

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

Memorandum #2 Total Disbursements for the period February 16, 2005 through March 1, 2005 in the amount of \$11,881,518.85

**B. Minutes Division**

None.

**BOARD OF COUNTY COMMISSIONERS**

**C. Commission Office**

Agenda Item C-1

**Reappoint Shannon Chesser**, as the Building Representative, and **Jean Farino**, as the Affordable Housing Representative, to the Affordable Housing Advisory Committee for additional two-year terms.

**D. Administration**

None.

**E. County Attorney**

None.

**F. Budget Office**

Agenda Item F-1

**Budget Amendment #05-A15** for an additional \$241,439 from FY 04/05 Section 5307 Grant Funds as requested by Human Services Transit.

**G. Community Development**

Agenda Item G-1

Changed to Agenda Item Y-4.

Agenda Item G-2

**Set a Public Workshop to discuss Height Restrictions on Tuesday, April 26, 2005 at 2:00 P.M.**

**H. Economic Development**

None.

**J. Environmental Services**

Agenda Item J-1

**Agreement #2005-009** between the Board and the Sheriff's Office for implementation of a County-wide Illegal Dumping Enforcement Program to allow the Sheriff to hire a dedicated illegal dumping enforcement deputy; **Approve Budget Transfer #05-011** to transfer \$130,000 within the Solid Waste budget; and **Approve County staff to hire an illegal dumping Code Enforcement employee.** **Commissioner DeBoer** stated this program has been a long-time coming; reported dumping has increased since the hurricanes; suggested the Building Official provide information on hiring an additional employee to enforce the Housing Abatement Code since more hurricane damaged homes have been abandoned; and coordinate efforts with the Charlotte Builders and Contractors Association to enforce trash clean up around new construction sites.

**K. Facilities Construction and Maintenance**

None.

**L. General Services**

Agenda Item L-1

**Award RFP 05-113, Parks and Recreation Professional Services - Annual Contract**, with The Ecology Group, Inc. for the term from date of award through March 8, 2006; **authorized the Chairman** to sign the contract; **and authorize the Administrator** to approve renewal of two additional one-year terms at the same terms and conditions by mutual consent.

Agenda Item L-2

**Amendment #2 to Contract #98-207, Bayshore Linear Park Master Site Plan**, with Dufresne-Henry Engineering, Inc., Port Charlotte, FL, for \$27,800 for a revised total contract amount of \$437,864.80.

Agenda Item L-3

**Deletion of Property Inventory items for March 2005.**

Agenda Item L-4

**Award Bid #05-126, 10-inch Water Main - Cape Haze Boulevard to Fivelands,** to Flow-Line, Inc., Lake Placid, FL, for a total cost of \$104,690.02.

Agenda Item L-5

**Award Bid #05-116, Installation and Site Preparation of East Port Septage Receiving Station #2,** to TLC Diversified, Inc., Palmetto, FL, in the amount of \$207,900.

**M. Human Resources**

None.

**N. Human Services**

Agenda Item N-1

**Set a Workshop for March 22, 2005 at 2:00 P.M. to discuss the homeless in Charlotte County.**

**P. Information Technology**

None.

**Q. Parks, Recreation & Cultural Resources**

None.

**R. Public Safety**

None.

**S. Public Works**

Agenda Item S-1

**Amendment #3 to Agreement #65-4209-4-1631 (Grant #2005-006) between the Board and the United States Department of Agriculture Natural Resources Conservation Services to set**

September 30, 2005 as project completion date for the ongoing canal debris clean-up program.

**T. Real Estate Services**

Agenda Item T-1

**Resolution #2005-043** and a County Deed releasing a portion of two ten (10) foot wide utility and drainage easements located in Lots 27 and 28, Block 581, Port Charlotte Subdivision, Section Forty-One (41) in Charlotte County, to John W. Kukulski and Maria Kukulski for construction of a single-family residence.

**V. Tourism Development**

None.

**W. Utilities**

Agenda Item W-1

**Agreement #2005-010** between Southwest Florida Water Management District and Charlotte County for construction of a reclaimed water transmission line to interconnect East Port to the West Port Waste Water Treatment Facility to serve recreational/aesthetic and commercial customers at approximately 1,272,000 gallons per day (gpd) of reclaimed water and offset approximately 954,000 gpd of traditional supply from the intermediate aquifer and **Budget Amendment #05-A01** for the Capital Improvement Program (CIP) project - East Port Upgrades (c350101).

**Commissioner DeBoer** wished the best of luck to Bob "BJ" Gasper in his new position in Polk County, Florida.

**Commissioner DeBoer** read a letter from a lady that expressed "gratitude to all County employees for the great job they have been doing since the hurricane. I'd especially like to thank the young ladies at the Licensing Department. They worked diligently to get our deposit from a roofing contractor that we were unable to contact for months. They would not answer our calls or letters. So, please, at your next meeting take a few

moments to tell the County employees that there are a lot of us who truly appreciate them. Thank you. Margaret Modesto."

VI. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Facilities, Update Board on refurbishing the Courthouse, finished interior, final occupation, funding options, and identify source

Michael J. Sheridan, Facilities, Construction, and Maintenance Director, updated the Board on the current status: the design phase for the exterior restoration is completed and has been delivered to the City of Punta Gorda, the Courthouse is being used for content and document recovery, the anticipated restoration cost is approximately \$188 per square foot or \$3.175 million (including site and design work), a preliminary estimate from the insurance company reflects approximately one-fourth of the roof was damaged, the repair cost estimate is about \$250,000 and \$1 million to replace the roof, for a total cost of \$4.1758 million. Mr. Sheridan requested direction on options for occupancy of the Courthouse, interior finishing, funding, and identifying sources. Bruce D. Loucks, County Administrator, requested details on the interior finishing pursuant to historic preservation standards and constraints versus more lenient renovation standards for office or public use. Mr. Sheridan stated a substantial additional cost would be associated with restoring the Courthouse to historic preservation standards, recalled the original intent was to do restoration not preservation, and since the demo work is completed the cost to restore it and install drywall for office spaces would be similar. Commissioner D'Aprile requested verification of the exterior work included in the \$3.175 million and recalled the City of Punta Gorda and the Board were to split equally the cost of the exterior restoration. Mr. Sheridan responded affirmatively on inclusion of the exterior work, explained final review of the design for the exterior is in process, it should be ready to go out to bid before the end of the month, and estimated six to nine months to complete the exterior work. Commissioner D'Aprile requested clarification on the cause of the roof damage and the effectiveness of repairing the damage. Mr. Sheridan stated the roof is comprised of a truss system

sitting on gravity columns, the roof was lifted upwards during the hurricane allowing for the columns that supported the trusses to fall over, the trusses are sitting on exterior walls in the damaged area, and it would not be prudent to repair the roof since it is a substandard type design and future storms might cause additional damage to the building and building occupants. **Commissioner D'Aprile** stated the roof needs to be replaced because it represents a serious future safety hazard and requested confirmation that the \$4.1758 million will complete exterior and interior restoration. Mr. Sheridan responded yes, including funds set aside for site work and parking. **Commissioner DeBoer** stated the cost to construct a new building would be approximately \$176 per square foot and requested the cost to demolish the building. Mr. Sheridan estimated \$389,000, about the same as the Auditorium because of the building height. **Commissioner DeBoer** requested a comparison of the cost to restore versus construct a new building. Mr. Sheridan reported \$3.022 million to construct a new building at \$176 per square foot including design and parking plus the cost to demolish the existing building for approximately \$3.5 million. **Commissioner DeBoer** compared the \$3.5 million to tear down and replace with a new building versus \$3.9 million to restore not preserve the existing structure for an approximate \$400,000 difference. **Commissioner DeBoer** requested the preservation cost. Mr. Sheridan recalled \$400 to \$800 per square foot which could easily triple the cost. **Commissioner DeBoer** suggested the Board challenge the City of Punta Gorda and Not-for-Profit organizations to commit \$500,000 in the next 90 days in order to move forward with the project; possible government functions that might be located in the Courthouse include the Supervisor of Elections on the first floor, the Tourist Development Council, Economic Development Department, Real Property, extra Judges for the Twentieth Judicial that will be located in Charlotte County, court space, or other facilities with available grants i.e. the Library Records Center; and indicated the challenge should be put out to the City and Not-for-Profits within the next 60 days. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO CHALLENGE THE CITY OF PUNTA GORDA AND NOT-FOR-PROFIT ORGANIZATIONS TO COMMIT \$500,000 INCLUDING GRANT FUNDING SOURCES WITHIN THE NEXT 60 DAYS IN ORDER TO FOCUS AND MOVE FORWARD WITH THE RESTORATION, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner D'Aprile** requested clarification of the motion specifically relating to roof and exterior work. **Commissioner**

**DeBoer** stated the motion is not specifically related to roof work and the \$500,000 would make up the difference between constructing a new building and restoring the existing Courthouse. **CALL ON THE MOTION: DECLARED UNANIMOUS (3:0)**. Mr. Sheridan requested direction on moving forward with the RFP for the roof and exterior restoration. **(Board consensus.)**

Agenda Item Y-2, Commission Office, Clarify wording in approved ordinance in the Zoning Code

**Commissioner D'Aprile** stated he placed this item on the agenda because of ambiguities and differences in interpretation of the language on sheds being in conformity with the principle residence but not necessarily of the same construction as set out in the minutes: "**Commissioner D'Aprile** requested verification from Tom Smith regarding the compatibility of metal buildings with homes. Sheds do not have to be concrete like the principle residence, Mr. Smith stated. Accessory buildings over 250 square feet must be compatible in appearance with the principle structure. Metal buildings will be allowed up to 600 square feet and the same material as the house is not required." **Commissioner D'Aprile** expressed understanding that sheds under 600 square feet did not have to be of concrete or the same materials as the house and the Ordinance directs that "all permitted accessory structures must be located behind the leading edge of the living area and the residence must comply with applicable yard setback requirements. Permitted accessory uses include accessory buildings over 250 square feet must be compatible in appearance to the residence not in construction to the residence." **Commissioner D'Aprile** requested an explanation of why sheds now must be compatible in construction. Michael Konefal, Community Development Director, explained the Ordinance was adopted 18 months ago; as a result of the destruction to sheds from the hurricanes and the increase in new shed applications being filed, the issue of quonset huts has come up again; Tom Smith had a more liberal interpretation on compatibility that allowed quonset huts under 600 square feet as long as they were painted the same color as the house; as a result of a lot of concerns from the community, a review was conducted of the ordinance and the minutes; staff has now made an interpretation that quonset huts and sheds painted the same color as the single-family home are not compatible i.e. staff does not have a concern about the interior construction of a

shed but if the house is stucco with a shingle roof then a shed should be stucco with a shingle roof; compatible means similar and painting is not a reasonable interpretation; and staff is working with property owners to make sheds look as compatible as possible. **Commissioner D'Aprile** stated quonset huts are not allowed in residential areas unless located in agricultural areas and he has a problem with putting a 30-year shed business owner out of business because of the new interpretation. **Commissioner DeBoer** reported he has received complaints about quonset huts, he has located another quonset hut that staff has not found, stated this is not the forum to change an ordinance interpretation and the full Board should be in attendance, expressed a preference for staff's more restrictive interpretation, and requested staff bring back more specific language. **Vice Chairman Moore** requested verification on the allowance of quonset huts. Mr. Konefal stated quonset hut is a brand name and advised quonset huts, as metals buildings over 600 square feet, are not permitted and those under 600 square feet are allowed if compatible to the house. **Vice Chairman Moore** agreed with **Commissioner DeBoer** on having the full Board present and for staff to bring back more specific language for the ordinance. Mr. Konefal suggested staff bring back specific language on the type of roof and exterior materials to replace "compatible." **Commissioner D'Aprile** opined the language needs to be clarified in simple English to avoid misinterpretation and to help the business people continue working in Charlotte County. Mr. Konefal explained metal buildings, not only quonset huts, are creating problems as a result of the increased number of them being constructed subsequent to the hurricanes. **Commissioner D'Aprile** opined quonset huts are round buildings with a peak roof. **Commissioner DeBoer** commented in support of staff bringing back specific language on the roof and exterior materials.

Agenda Item Y-3, Public Safety, Approve an Agreement between Charlotte County and Charlotte County School Board allowing the County to conduct training exercises at the Neil Armstrong Elementary School Building

Agenda item deleted.

Agenda Item Y-4, Set a Public Hearing on Friday, April 15, 2005, at 9:00 A.M. to consider approving the Burnt Store Area Plan and associated Comprehensive Plan Amendments

COMMISSIONER DeBOER MOVED FOR APPROVAL TO SET A PUBLIC HEARING ON FRIDAY, APRIL 15, 2005, AT 9:00 A.M., TO CONSIDER APPROVING THE BURNT STORE AREA PLAN AND ASSOCIATED COMPREHENSIVE PLAN AMENDMENTS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).

VII. PUBLIC HEARING AGENDA

None.

VIII. PRESENTATION AGENDA

None.

IX. BOARD WORKSHOP

None.

X. CITIZEN INPUT - ANY SUBJECT

None.

BB. County Administrator

Mr. Loucks invited everyone to look at differences in the Home Depot being constructed at the corner of Burnt Store Road and US 41 and the Home Depot constructed six months ago to see that the design standards are working to make a dramatic difference. Mr. Loucks reported staff members were in Washington, D.C. last week to lobby for funding on the 11 projects approved by the Board and will continue lobbying efforts to obtain as much funding as possible.

CC. County Attorney

Janette S. Knowlton, County Attorney, requested an Executive Session be set for Wednesday, March 16, 2005 at 10:00 A.M. to discuss legal strategies regarding Murdock Village.

DD. Commissioner Comments

COMMISSIONER DeBOER MOVED FOR APPROVAL TO SCHEDULE AN EXECUTIVE SESSION FOR WEDNESDAY, MARCH 16, 2005 AT 10:00 A.M. TO DISCUSS MURDOCK VILLAGE LEGAL STRATEGIES, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0). COMMISSIONER DeBOER MOVED FOR APPROVAL TO ADD THE COUNTY ATTORNEY'S REQUEST TO SET THE EXECUTIVE SESSION TO THE AGENDA, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0). Commissioner DeBoer advised he testified in Tallahassee during the rulemaking process on the regulation of phosphate mining including the financial responsibility of phosphate mining; the two amendments reached the floor but there was no second for adoption i.e. the financial responsibility would only accumulate to the full amount over a 20-year period of the stack and the argument was that the cost of a failed jip stack, if a business was to go under, would be the same on the 3rd year as the same on the 20th year; the County's representative is former Commissioner and business owner Don Ross who tried to make the County's case; reported the general tenor was that phosphate mining is an integral part of Florida's economy, they have a legal right to mine, and that right will be protected by the State; the deck is stacked against the County, the County needs to realize that a lot of tax monies might be thrown away, and the County left with only empty pockets although steps might be taken to tighten regulation of mining in the Peace River Basin. **Commissioner DeBoer** reported on meetings regarding Stump Pass; if the County pursues the 1980 Alignment, Florida Department Environmental Protection officials will indicate that three years ago Charlotte County was allowed, without going to the Governor and Cabinet, to dredge the 1980 Alignment not the southerly permitted alignment and the County would not request the 1980 Alignment again but dredge the permitted alignment, and subsequent discussions are to be based on the science to validate another alignment; expressed the belief that Charlotte County will be put in a position that will further deteriorate its relationship with FDEP and the Cabinet, the County should not pursue the 1980 alignment, and conduct the southerly permitted alignment; the State is still actively pursuing the acquisition of Babcock Ranch and suggested the County support the State's acquisition negotiations as long as the majority of the Ranch is to be under preservation; the State needs to be allowed its options; and the County should be more flexible in

order to succeed in the acquisition. **Commissioner DeBoer** recalled a request a few weeks ago for Board Members' interest in utilizing 2% of tourist tax revenues on the Stadium and requested responses be provided to him or the County Administrator. Bruce D. Loucks, County Administrator, reported Tourist Development Director Becky Bovell is developing a golden rod on the use of 2% of tourist tax dollars on the Stadium and it will be submitted to the Board subsequent to the next Tourist Development Council meeting. **Commissioner DeBoer** reminded the Board that he is working with a private concern interested in buying a minor league baseball team and bringing the team to the Stadium and advised he, Mr. Loucks, and Mrs. Kleiss-Hoeft will be meeting with another group interested in bringing a professional softball tournament to the Stadium. Mr. Loucks recalled other proposals for constructing an indoor ice rink for skating and hockey activities and semi-professional softball opportunities. **Chairman DeBoer** commented on the group that is interested in privatizing the entire park and performing improvements and reiterated tourist tax revenues are available for improvements to the community park and other uses. **Vice Chairman Moore** stated he thought the intent was to regulate phosphate mining and establish protections; indicated he does not want to fight with the State over Stump Pass; advised the Water Authority wants unified pricing and the "common rate" is being portrayed in a negative way as a price increase for the County on water; expressed uncertainty of this interpretation but he wants the County to be whole and to be treated fairly; and reported voting on this issue will be necessary within the next one or two months. **Commissioner DeBoer** stated he reviewed the charts and graphs and questioned how much of the refinanced 1988 and 1998 bonds will come back to Charlotte County in a lump sum as a result of the arrangement whereby the County receives a lump sum annually to offset rates. Mr. Loucks stated it is anticipated the County will receive a lump sum on the refinancing of the bonds but the County would be obligated to pay a pro rata share of any debt issued by the Authority. **Commissioner DeBoer** indicated the amount the County would received would be paid on the debt, questioned if the reserve amount would go back, the County has 115% in debt coverage and questioned if the escrow would go back to the County or the Authority. Mr. Loucks stated he cannot answer those questions at this time. Tommy Q. White, Chief Deputy Board Services, explained until the bonds are paid off, the reserves would have

to stay in place but the County would have the money to pay the bonds off if allowed to, once the bonds are paid off, the reserves would free up. **Commissioner DeBoer** stated reserves captured by the County could be invested to offset increased rates. Mr. White added the reserves belong to the County. **Commissioner DeBoer** referenced the \$6 million payment. Mr. Loucks advised due diligence is being performed regarding \$4.5 million of the \$6 million that was owed to the County for prior installed over sized pipes and a thorough investigation is being done prior to bringing it back to the Board. **Commissioner DeBoer** opined the rates being charged for base facilities are proportionate to the taxes paid by the County and expressed concern that the County is coming out on the short end. **Vice Chairman Moore** requested a timeline for staff to bring back the information. Mr. Loucks estimated final documents would be ready within the next two weeks.

**MEETING ADJOURNED: 10:45 A.M.**

Signature on file in Commission Minutes

Thomas G. Moore  
Vice 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