

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

APRIL 12, 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 J. Devos and Commissioners Thomas G. Moore, Adam Cummings, and Matthew D. DeBoer. Also in attendance were County Administrator Bruce D. Loucks, County Attorney Janette S. Knowlton, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board of County Commissioners Jenine Thornley, and Supervisor of Minutes Diane J. Nice. The meeting was called to order at **9:02 A.M.** (**Commissioner D'Aprile was not present for the meeting.**)

The **invocation** was given by Pastor Mark Clarke, Grace Bible Church, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

CHANGES:

**Regular
Business**

Agenda Item C-3 to Y-7, Commission Office, Approve the Resolution supporting the acquisition and preservation of the Babcock Ranch

Agenda Item T-11 to Y-8, Real Estate Services, Approve the acquisition of real property for a boat ramp in West County, 2.67-acre site to allow access to Lemon Bay and the Gulf of Mexico, critical to Charlotte County at a contract price of \$3,475,000.00, support by a recent appraisal of waterfront property in Charlotte County

**I. SPECIAL
RECOGNITION**

Parks, Recreation & Cultural Resources, Acknowledgment of generous donations after Proclamations (from Agenda Item Y-3 and VIII. Presentation Agenda)

DELETION: Agenda Item T-10, Real Estate Services, Approve a Resolution authorizing the donation of certain real property owned by Charlotte County, Florida to Charlotte County Habitat for Humanity, Inc. for the express purpose of providing single family housing sites for construction of affordable single family homes for qualifying individuals or families

ADDITIONS: Agenda Item Y-4, Purchasing, (a) Approve rescinding Award of Bid #05-097, Debris Clearing - Salt/Tidal, and releasing Adventure Environmental, Inc. and (b) Approve Award to American Environmental Contractors, Inc. of Miami, FL, in the amount of \$1,411,515

Agenda Item Y-5, Utilities, Presentation to the Board of County Commissioners on the status on various water supply projects including the Proposed Expansion Program of the Peace River/Manasota Regional Water Supply Authority (PR/MRWSA)

Agenda Item Y-6, Administration, Set Public Hearings on April 26, 2005 and May 10, 2005 at 10:00 A.M. for the Community Development Block Grant (CDBG) for the Airport Commerce Park - Publix Project

**I. SPECIAL
RECOGNITION**

Proclamation - Child Abuse Prevention Month - April 2005

Bruce D. Loucks, County Administrator, announced postponement of the Burnt Store Area Plan Workshop from Friday, April 15, 2005 to Tuesday, May 10, 2005, at 2:00 P.M.

COMMISSIONER DeBOER MOVED APPROVAL OF THE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER MOORE. Chairman Devos suggested action on Agenda Y-7, Resolution supporting acquisition and preservation of the Babcock Ranch, be delayed until next Tuesday after the Family's decision on the sale has been made public.

COMMISSIONER CUMMINGS MOVED TO DELAY ACTION ON AGENDA ITEM Y-7. Commissioner Moore concurred with Chairman Devos. Commissioner DeBoer commented on the importance of supporting the Governor and staff in order to secure a position for the County on water reservation rights. Chairman Devos agreed with Commissioner DeBoer and related a conversation she had with Attorney Earl Drayton Farr left her with an impression that the County would be involved in the future process. COMMISSIONER CUMMINGS WITHDREW THE MOTION. CALL ON THE MOTION TO APPROVE THE CHANGES TO THE AGENDA: DECLARED UNANIMOUS (4:0).

I. SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING APRIL 2005 AS "CATHERINE REICHE, ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS (4:0). Catherine Reiche accepted the proclamation and expressed appreciation for the Board's support. Commissioner DeBoer requested the location of the display. Ms. Reiche stated at the Board of Education building.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING APRIL 2005 AS "CHARLOTTE COUNTY VOLUNTEER MONTH" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). Two unidentified ladies accepted the proclamation on behalf of Senior Friendship Centers and RSVP and volunteers. Chairman Devos suggested the ladies find volunteers to fill Committee Vacancies.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING APRIL 12, 2005 AS "DR. MARK ASPERILLA DAY" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY CHAIRMAN DEVOS AND DECLARED UNANIMOUS (4:0). Commissioner DeBoer read a letter and certificate designating Dr. Asperilla as Hurricane Hero and Points of Light Award Recipient in recognition of his exemplary service to the community for all of his disaster recovery efforts. Dr. Mark Asperilla accepted the proclamation, letter, and certificate naming him as Hurricane Hero and Points of Light Award Recipient by Governor Bush in recognition of implementing an emergency prescription service, mobile pharmacy, a volunteer health clinic

at the FEMA park on Airport Road, coordinating volunteers of the Tri-County Disaster Recovery Group, and continuing efforts to address the community's social and medical needs.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING APRIL 10 THROUGH 16, 2005 AS "NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). Linda Estrada, Communications Supervisor of the Charlotte County Sheriff's Office, accepted the proclamation on behalf of all Telecommunicators with the Sheriff's Office, dispatchers of law enforcement, and Fire/EMS services and invited Board Members to attend an Awards Ceremony on Thursday, April 14, 2005, at 8:00 A.M., in the Headquarters Building on Utilities Road.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING APRIL 25 THROUGH 29, 2005 AS "SMALL BUSINESS WEEK" ON MOTION BY COMMISSIONER MOORE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0). Maryann Mize, Charlotte County Chamber of Commerce President, accepted the proclamation on behalf of 1,300 members representing 14,000 employees. **Chairman Devos** requested Ms. Mize find a Banking Industry Representative to serve on the Affordable Housing Advisory Committee.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING APRIL 2005 AS "CHILD ABUSE PREVENTION MONTH" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS (4:0). Cheryl Worthen, Charlotte Community Mental Health Services, Healthy Families Program Manager, accepted the proclamation and expressed appreciation for the Board's support and allowing display of the 838 pinwheels for neglected and abused children.

Commissioner DeBoer requested a moment of silence and conducted a prayer in remembrance of Bill Bates, from Dufrense-Henry Engineering, who died Saturday from cancer and recalled Mr. Bates was a founding member on the private Economic Development Council and involved in development of the Airport Overlay over ten years ago.

Presentation:

Laura Kleiss-Hoeft, Parks, Recreation and Cultural Resources Director, acknowledged donations towards replacement of over \$400,000 worth of books lost during the hurricanes:

Friends of the Library - Englewood, Port Charlotte and Punta Gorda	Over \$25,000
Judith Ann Mitchell	50
Myakka West Homemaker Club	100
Margie Lee and Lami Linton	50
St. Joseph's Hospital Lab Employees	40
Joan Brown	30
High Hopes Investment Club	50
Carolanne Mallard	75

Damage to the Charlotte County Historical Center:

Museum Society	\$ 5,554
Sunshila Cherian	25
Punta Gorda Rotary	600
Juan and Helen Rivera	250
Charlotte Regional Medical Center	250
Patricia Scott, DDS	250
Publix Super Markets	250

Parks and Recreation facilities and events:

Farr, Farr, Emerich, Sifrit, Hackett & Carr	\$15,500
Ingroove Band	555
Charlotte Engineering	500
Ro Ho Ho, Inc. - Papa John's Pizza	2,500
Publix Super Markets	2,500
Ashbritt, Inc.	5,000
Peace River Distributing	2,500
Amigos En Cristo	7,000
Peace River Distributing	1,000
Modern Woodsmen	241
Lee County BCC	300
Lehighon Lincoln Mercury - Lehighon, PA	250
Minnesota Twins	10,000
Port Charlotte Garden Club	250

Employee Recognition:

Bruce D. Loucks, County Administrator, and **Commissioner DeBoer** recognized the following employees for their service with the County: **Five Years** - Althea Connor, Human Services; James Del Solio, Public Works, Eric Morris, Public Works; **Ten Years** - Wanda Pavone, Fire/EMS; Cheryl Vanande, Human Resources; **Fifteen Years** - Michael Ewing, Public Works; Thomas Garrity, Fire/EMS; and **Twenty Years** - Robert Hendrickson, Fire/EMS.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

Ron Thomas, Charlotte County Habitat for Humanity Executive Director, requested approval of **Agenda Item N-1, Approve all motions to enable Meridan Community Group to continue distribution of CDBG Disaster Recovery Funds** and provide affordable housing through public, private partnerships.

Chairman Devos advised, as a result of discussion at Pre-Agenda yesterday, a workshop will be scheduled on affordable housing issues.

III. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee - two (2) volunteers for two-year terms (one appointee on the agenda)

- one (1) Real Estate representative
- one (1) Banking Industry representative

Beaches & Shores Advisory Committee

- one (1) representative for a four-year term from District 5, preferred

Construction Industry Licensing Board

- one (1) qualified Licensed Mechanical Contractor representative for a four-year term

Recreation & Parks Advisory Committee (appointee on the agenda)

- one (1) qualified representative for a three-year term from District 1

IV. REPORTS RECEIVED AND FILED

- Charlotte Harbor Community Redevelopment Agency Advisory Committee (CRAAC) - December 16, 2004 at 10:00 A.M.
- CRAAC - January 27, 2005 at 10:00 A.M.
- Charlotte County Community Redevelopment Agency - 2004 Annual Report
- Murdock Village Community Redevelopment Agency - 2004 Annual Report

V. CONSENT AGENDA

COMMISSIONER DeBOER MOVED APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS (4:0).

CLERK OF THE CIRCUIT COURT

A. Finance Division

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

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

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

Memorandum #2 Total Disbursements for the period March 16, 2005 through April 5, 2005 in the amount of \$26,250,492.20

Memorandum #3 Quarterly Report - Unclaimed Excess Money

Memorandum #4 Excess Funds on Tax Deed Applications

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M. March 8, 2005 Regular BCC Meeting

9:00 A.M. March 15, 2005 Land Use Public Hearings

9:00 A.M. March 18, 2005 Joint Meeting - BCC/Punta Gorda City Council

9:00 A.M. March 22, 2005 Regular BCC Meeting

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint L. Eugene Leapley to the Parks & Recreation Advisory Board as the District 2 representative.

Agenda Item C-2

Reappoint Sandra Adomatis as the Real Estate representative to the Affordable Housing Advisory Committee.

Agenda Item C-3

Changed to Agenda Item Y-7.

Agenda Item C-4

Authorize Charlotte County Mental Health Services to use property located at the Administration Complex from April 15 through 22, 2005 to display the "Winds of Change" colored pinwheels representing the number of abused or neglected children in Charlotte County for Child Abuse Prevention Month.

Agenda Item C-5

Appoint Paul S. Jones as the District 4 representative for a three-year term to the Parks & Recreation Advisory Committee.

D. Administration

None.

E. County Attorney

Agenda Item E-1

Resolution #2005-049 releasing the Capital Project Assessment Lien from Lot 32, Block 3191, Port Charlotte Subdivision, Section 51, as requested by Paul LaPierre and Ruth LaPierre.

F. Budget Office

Agenda Item F-1

- a. **Budget Amendment #05-A23** for \$448,775 to cover the additional amount necessary to provide hardening of the roof of Fire Station #1 and
- b. **CIP Amendment #05-C08** to adjust the FY 04/05 CIP Budget for Project #c229301 in the amount of \$448,775.

Agenda Item F-2

- a. **Modification to Grant #2004-027, Emergency Management Preparedness & Assistance Base Grant Agreement (#05BG-04-09-18-01-181)** for an additional \$34,392 and
- b. **Budget Amendment #05-A21** for \$34,392 to allocate the funds.

G. Community Development

Agenda Item G-1

Resolution #2005-050 approving DRC-PD-90-6A Partial Final Detail Plan for Tern Bay Resort, Phase I, construction of 235 single family lots, golf course and associated roadways, utilities, and drainage infrastructure on 475.38+ acres of a 1,778+ acre site located on Burnt Store Road in Sections 13 and 17 through 20, Township 42 South, Range 23 East, within the Tern Bay Development of Regional Impact (DRI). **Commissioner DeBoer** requested the amount of acreage for Preservation and the mechanism to accomplish the preservation. Michael Konefal, Community Development Director, offered to ascertain and e-mail the information to Board Members. **Commissioner DeBoer** requested Attorney Geri Waksler be allowed to speak. **(Board consensus.)** Geri Waksler, of Moore & Waksler law firm on behalf of Tern Bay Development Company, stated approximately 787 acres will be put into a Conservation Easement granted to the State of Florida through the Southwest Florida Water Management District permitting process for some of the wetlands with the bulk of the area, coastal wetlands, to be placed into a Conservation area initially and then conveyed to the State of Florida pursuant to the Development Order approved last year by the Board. **Commissioner DeBoer** concluded the Corporation would perform the

initial management. Attorney Waksler responded affirmatively through the Tern Bay Community Development District (CDD) and ultimately the coastal wetlands would be managed by the State of Florida. **Commissioner DeBoer** advised the CDD is a subdivision of government and the lands, even in the interim step, will be under government control.

Agenda Item G-2

Agreement #2005-012 with KB Home Fort Myers LLC approves Final Plat as requested under FP-04-04-07 for Creekside Residential Subdivision for construction of 86 single family lots on 87.4 acres, located north of South Jones Loop Road, south of North Jones Loop Road, west of I-75, and east of Taylor Road, with Surety Bond No. SU5011133 for \$3,187,886.74 based on 110% of the cost estimate of \$2,608,989.83.

Agenda Item G-3

Agreement #2005-013 with Rio Villa Lakes, LLC approves Final Plat as requested under FP-04-03-06 on 93 lots on 278.12 acres for a density of 3.43 units per acre with a minimum lot size of 54' x 105', the site encompasses lands previously platted as Aqui Esta Subdivision Unit 2 with a special exception for cluster housing under Petition SE-03-26, and AM South Letter of Credit #78531528 in the amount of \$40,856.

Agenda Item G-4

Final Replat of Lot 1, Triangle Acres Center, pursuant to FP-04-05-09 approximately 14.2 acres into six various size lots.

H. Economic Development

Agenda Item H-1

Set a Public Hearing on April 26, 2005, at 10:00 A.M., or as soon thereafter as may be heard, to consider an ordinance amending the Economic Incentive Development Code to implement recommendations developed by Enterprise Charlotte in the annual review.

J. Environmental Services

None.

K. Facilities, Construction and Maintenance

None.

L. General Services

Agenda Item L-1

Award Bid #05-149, South County Paving Program, to APAC Southeast, Inc. in the amount of \$5,358,408.70.

Agenda Item L-2

Approve negotiations on Request for Proposals #05-131, Solid Waste Consultant, with the top ranked firm, R.W. Beck, Inc. of Orlando, FL.

Agenda Item L-3

- (a) Award Bid #05-166, Pesticides & Herbicides - Supply & Deliver, to the lowest responsive, responsible multiple bidders at the prices listed;**
- (b) Award of Dibrom Concentrate, to the manufacturer's authorized distributor for the State of Florida, to Adapco of Sanford, FL, at the price of \$113.50 per gallon and a delivery time of one to three days;**
- (c) Authorize the Administrator to approve renewal options for up to two additional one-year terms at the same prices, terms and conditions by mutual consent.**

Agenda Item L-4

Approve negotiations for Change Order #2 to Contract #03-447, Design - Burnt Store Road Improvements, with Wilbur Smith Associates to prepare construction plans for four-laning of the roadway and after completion of negotiations staff is to return to the Board for final approval of the change order.

Agenda Item L-5

Deletion of property inventory items for April 2005.

Agenda Item L-6

Approve piggyback onto Contract with Lake County and award File #05-241, Intelligent Library System & Accessories, with Checkpoint Systems, Inc. of Thorofare, NJ, in the amount of \$163,410.

Agenda Item L-7

Approve Amendment #1 to Contract #03-456, Oyster Creek Regional Park - Construction Management, with Mathews Taylor Construction, LLC for the Guaranteed Maximum Price (GMP) of \$3,514,654 on the Rough Site Development Phase.

Agenda Item L-8

- (a) Approve negotiations for RFP #05-150, US 41 Revitalization - Design Services, with the first ranked firm Wilson-Miller, Inc. of Port Charlotte, FL, for the term from date of award through December 31, 2007;**
- (b) Authorize the Chairman to sign the contract; and**
- (c) Authorize Administrator to approve renewal of two additional one-year terms at the same terms and conditions by mutual consent.**

M. Human Resources

None.

N. Human Services

Agenda Item N-1

Approve the following to enable Meridian Community Group to continue distribution of Community Development Block Grant (CDBG) Disaster Recovery Funds:

- (a) *The first list of recipients, bids and project costs for CDBG Recovery Funds for repair and replacement of mobile homes;*
- (b) *Exceed CDBG arbitrary bid limit of \$40,000;*
- (c) *Appoint Administrator, or his designee, to serve as local representative to process and sign change orders and deferred payment loan documents, conduct inspections, and perform other administrative tasks; and*
- (d) *Recognize the CDGB disaster funds in the County budget through a budget amendment.*

P. Information Technology

None.

Q. Parks, Recreation & Cultural Resources

None.

R. Public Safety

Agenda Item R-1

Agreement #2005-014 with Sunshine Towers, Inc. to lease a County-owned parcel at the intersection of Gulfstream and Kevitt Boulevards to construct a wireless voice and data communications tower and for the County to utilize the top 170 feet and above for public safety radio communications equipment at no cost or rental fee.

Agenda Item R-2

Budget Amendment #05-A22 for \$35,004 in the EMS Budget to allocate funds received from the State pursuant to Grant #2005-010 and Resolution #2005-005.

S. Public Works

Agenda Item S-1

Set a Public Hearing on April 26, 2005, at 10:00 A.M., or as soon thereafter as may be heard, to consider and adopt an ordinance amending Charlotte County Code Section 4-6-362 to add

properties to the South Punta Gorda Heights Street and Drainage MSBU territory that have not previously been assessed and properties which benefit from the assessment but not currently included in the description of the territory of the MSBU.

Agenda Item S-2

Set a Public Hearing on April 26, 2005, at 10:00 A.M., or as soon thereafter as may be heard, to consider and adopt an ordinance amending Charlotte County Code Section 4-7-217 to add properties to the Buena Vista, Grassy Point, Edgewater-Lister-to Free Court Waterway Unit territory that derive a benefit from work performed within the Unit but do not currently pay assessments.

Agenda Item S-3

Set a Public Hearing on April 26, 2005, at 10:00 A.M., or as soon thereafter as may be heard, to consider and adopt an ordinance amending Charlotte County Code Section 4-7-303 to add properties to the South Gulf Cove Waterway Unit territory that derive a benefit from work performed within the Unit but do not currently pay assessments.

Agenda Item S-4

Set a Public Hearing on April 26, 2005, at 10:00 A.M., or as soon thereafter as may be heard, to consider and adopt an ordinance amending Charlotte County Code Section 4-6-632 to add properties to the South Burnt Store Street and Drainage Unit territory that derive a benefit from work performed within the Unit but do not currently pay assessments.

T. Real Estate Services

Agenda Item T-1

Resolution #2005-051 and County Deed releasing a portion of a twenty-five (25) foot wide canal maintenance easement located in Lot 126, Block 3302, Port Charlotte Subdivision, Section Forty-Four (44) to Peter Castellotti to construct a pool, deck, and cage as part of the proposed overall building footprint.

Agenda Item T-2

Resolution #2005-052 with County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 93, Block 375, Port Charlotte Subdivision, Section Twenty-Three (23) to Timothy A. Dickerson and Cheryl A. Dickerson to clear title for improvements constructed circa 1983 when the current owners were not owners of record.

Agenda Item T-3

Resolution #2005-053 with County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 21 and 22, Block 1850, Port Charlotte Subdivision, Section Fifty-Six (56) to Michael Ogryzek and Kristy Ogryzek to use the lots as a building site for a single-family residence.

Agenda Item T-4

Resolution #2005-054 with County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 9, Block 4921, Port Charlotte Subdivision, Section Ninety-Three (93) to Jason T. Smith and Angela S. Smith for construction of a pool, deck, and cage as part of the proposed overall building footprint.

Agenda Item T-5

Resolution #2005-055 with County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 15 and 16, Block 1780, Port Charlotte Subdivision, Section Fifty-Three (53) to Brian R. Tye and Aileen M. Tye to use the lots as a building site for a single-family residence.

Agenda Item T-6

Resolution #2005-056 with County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 10, Block 4927, Port Charlotte Subdivision, Section Ninety-Three (93) to Wenfang Wang to construct a pool, deck, and cage as part of the proposed overall building footprint.

Agenda Item T-7

Resolution #2005-057 authorizing acquisition of real property by tax deed sale upon approval and direction of the Board of County Commissioners.

Agenda Item T-8

Resolution #2005-058 with County Deed releasing portions of four ten (10) foot wide utility and drainage easements located in Lots 1, 2, 7, and 8, Block 2580, Port Charlotte Subdivision, Section A Replat of a portion of Port Charlotte Subdivision, Section Nineteen (19) to Kenneth Bunning and Jo Beth Bunning to use the four lots as a building site for a single-family residence.

Agenda Item T-9

Resolution #2005-059 authorizing the Chairman to execute the Agreement for Exchange of Real Property exchange of the County's interest in Lot 23, Block 246, Port Charlotte Subdivision, Section Eight (8) for Deborah Grace Dieterle's interest in Lot 13, Block 2742, Port Charlotte Subdivision, Section Thirty-One (31) located in the Tippecanoe Scrub Environmental Park II project area and save the County over \$18,000 in direct acquisition costs.

Agenda Item T-10

Deleted.

Agenda Item T-11

Moved to Agenda Item Y-8.

V. Tourism Development

None.

W. Utilities

Agenda Item W-1

- (a) Approve an Amendment to the Florida Department of Environmental Protection (FDEP) "Certification of Financial Responsibility" for Class I Underground Injection Wells Number 1 (IW-1), Number 2 (IW-2), and the Dual Zone Monitoring Well to reflect a potential liability of \$478,500 for purposes of future plugging and abandonment and
- (b) Approve Transfer #05-013 to fund Reserve for Well Abandonment.

X. Charlotte County Sheriff's Office

Agenda Item X-1

Resolution #2005-060 directing distribution of court costs collected, into a County fund, to provide funding for criminal justice education and training programs for the Charlotte County Sheriff's Office.

VI. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Tourist Development Bureau, Approve the addition of one percent (1%) to the existing 3% Tourist Development Tax as stipulated by Section 125.0104(4) Florida Statute for marketing purposes and proceeds are estimated at \$425,000 per annum

Becky Bovell, Tourist Development Bureau Director, recommended the Board approve the additional 1% to the current 3% Tourist Development Tax for use for improvements to the Charlotte County Sports Park including a state-of-the-art venue for local, regional, and national sporting events and introduced Parks, Recreation and Cultural Resources Director Laura Kleiss-Hoeft to detail the improvements. Commissioner DeBoer pointed out the article in today's newspaper is incorrect because it reported the revenues would be used to bring in a professional baseball team when the funds are to be used to implement the plan

approved previously by the Board. Ms. Kleiss-Hoeft stated the reuse plan developed in February 2001 was based on deficiencies in the Parks and Recreation system regarding amenities and the need to renovate the sports park and stadium into a state-of-the-art venue and reported the second Port Charlotte Invitational has just been completed that brought in 80 college teams for over a six-week period that provided an economic impact of \$4.1 million to Southwest Florida of which some of the revenues were expended outside of the County due to the lack of hotels. Ms. Kleiss-Hoeft outlined the Master Plan improvement items listed on the chart totaling \$3 million for Priority 1 - Retrofit / Upgrade five Baseball Fields and Fence Lines; \$9.5 million for Priority 2 - Pool, Gymnasium, and Community Park Elements for additional parking, a 50-meter pool and a high level diving well to allow a seven-day a week operation, and add a gymnasium; and \$7 million to Upgrade the 18-year old Stadium facility including American's with Disabilities Act standards, traffic and safety improvements, site improvements, and community features including a playground, picnic shelters, park hardware, and an entrance way to Tippecanoe Environmental Park for a total of \$19.5 million; recalled direction in 2001 lead to a softball facility although events during the last four years have been baseball; stated the fifth field is necessary for a state-of-the-art facility; and suggested the only change from the 2001 Master Plan to remove the clay tennis courts to 20-acres at the North Charlotte Regional Park. Ms. Kleiss-Hoeft reported the HRK Sports Contractor was hired last year to perform a thorough assessment of the Stadium and recommended improvements are reflected in the estimated costs. **Commissioner DeBoer** commented on baseball funding legislation in Tallahassee, stated the price is too high to bring a major league baseball team to Charlotte County, the possibility exists of a private group buying a minor league team that could utilize the Sports Park in conjunction with the Plan approved by the Board and public uses, and suggested a team owned by Charlotte County would be supported more by the community than the Texas Rangers. **Chairman Devos** stated Public Safety and Health Department Buildings are more important than a baseball team. **Commissioner DeBoer** stated a directive in Tallahassee indicates no capital projects will be approved this year so the Public Safety and Health Department Buildings are not shown in any bill or budget, he is still contacting as many people as possible on funding for the Health Department, and advised Speaker Bent indicated he

would assure that funding but it has not reached the Senate or the Governor who may veto by line item. **Chairman Devos** suggested borrowing \$19 million on a 10-year loan basis and use the \$425,000 from the additional 1% in light of potential future growth in Murdock Village and the SR 776 Corridor areas and questioned the availability of Capital Improvements Program (CIP) funding. Ms. Kleiss-Hoeft advised approximately \$200,000 has been allocated in the CIP for this year and next. **COMMISSIONER DeBOER MOVED FOR APPROVAL OF THE ADDITION OF ONE PERCENT (1%) TO THE EXISTING THREE PERCENT (3%) TOURIST DEVELOPMENT TAX AS STIPULATED BY FLORIDA STATUTE SECTION 125.0104(4) FOR MARKETING PURPOSES WITH THE ULTIMATE GOAL OF SURPLANTING BUREAU OF MARKETING FUNDS TO MAKE IMPROVEMENTS TO THE SPORTS PARK AND DIRECT STAFF TO BRING BACK A FINANCING PLAN INCLUDING BONDING TO CARRY OUT THE IMPROVEMENTS AS SOON AS POSSIBLE, SECONDED BY COMMISSIONER MOORE.** **Commissioner Cummings** commented on the possibility of a 50-year amortization. **Commissioner DeBoer** stated the \$425,000 per annum will not be sufficient for a principal and interest payment and staff can bring back financing options. **Commissioner Cummings** expressed support for using tourist revenues on the Stadium but he would need justification to redirect other monies. **Chairman Devos** stated loan repayment should be made from the \$425,000, monies in the CIP, and future Parks and Recreation facilities. **Commissioner Moore** expressed support for the motion although he is concerned with the need for affordable housing and the impact on the budget. **Commissioner DeBoer** explained Florida Statutes establish the expenditure of these dollars may not be used for housing or hurricane recovery efforts. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

RECESS: 10:15 A.M. - 10:27 A.M.

Agenda Item Y-2, Community Development, Direct staff regarding the determination and compatibility as it applies to private garages and storage structures in residential single family zoned districts

Thomas A. Cookingham, Planning Services Manager, requested direction on accessory structures; explained in August 2003 the Board approved standards for accessory structures and garages including the location, size, building materials, and appearance; the intent was to require all new structures fit in

and be compatible with the neighborhood specifically buildings greater than 250 square feet must be compatible in appearance with the residence; staff has relied on a very strict interpretation of compatible i.e. a stucco house with a stucco accessory building and a lap siding house with a lap siding accessory building; and requested direction on types of structures that fit in with a neighborhood as opposed to being exactly like the principal residence. Mr. Cookingham expressed appreciation to Robin's Sheds and Ted's Sheds for providing examples of available building types and gave a slide presentation on various buildings including Pineywood with a shingle roof; stucco with shingle roof; a vinyl suburban with lap siding and a tile roof; a guardhouse with aluminum exterior over plywood available with options for a sliding door, steel door, fixed pane windows, Permatile roof, and PLEKO stucco exterior; peak and doghouse; cape building; double wide structure; and Allwood, Avalon, Classic, Tuffy, Deluxe Barn, and Midwestern models. Mr. Cookingham suggested criteria for determining compatibility: does the structure have a separate roof and wall system; roof materials i.e. fiberglass, tile, metal standing seam or corrugated metal; siding materials that are aluminum lap siding, stucco, pressure treated wood; and colors that match as close as possible to the house, using pictures from the presentation, and criteria to determine compatibility in lieu of considering accessory structures must be exactly the same as the principal structure. **Commissioner DeBoer** opined photographs of structures shown are compatible. **Chairman Devos** explained her definition of compatibility would be for the accessory structure to be reflective of the existing home. **Commissioner Moore** queried the range of costs for accessory structures. Mr. Cookingham reported costs are comparable and the pressure treated wood would be less expensive based on factory construction; differentials are separate floor, wall, and roof systems; and siding materials are fairly standard but the most expensive material would be the stucco finish and the least expensive would be the wood finish. **Commissioner Moore** concluded that the Cape model is not as compatible as separate structures shown in the presentation. Mr. Cookingham explained the Cape has a roof pitched downward and suggested a requirement might be a peak roof. **Commissioner DeBoer** pointed out the house in the photo has a variation of materials and the Cape has different materials, stated the shed does not have to match exactly as long as the general appearance fits with the

house and the neighborhood. **Chairman Devos** stated it is difficult to define compatibility since it is relative to the neighborhood and the primary structure and referenced the March 31, 2005 memorandum that the structure shall have separate roof and wall systems and the structure should match as closely as possible the color of the principal structure. Mr. Cookingham indicated staff's interpretation is that a stucco house with a tile roof should have a shed with stucco exterior, some type of tile roof, and painted the same color as the house and if the house is of some other exterior finish then the shed may be of that same exterior. Mr. Cookingham posed the question whether a lap sided free standing shed would be incompatible with a stucco house. **Chairman Devos** requested an explanation of why it would be incompatible. Mr. Cookingham stated the most expensive shed would have stucco exterior and tile roof and the issue is limiting the types of choices. **Commissioner DeBoer** recalled the Board's original position was that accessory structures over 250 square feet must be compatible and requested the threshold requiring construction similar to a house. Mr. Cookingham explained metal buildings over 600 square feet are prohibited, an acre of land would be required to construct any building over 600 square feet, and advised staff has not been faced with an issue for an accessory structure greater than 600 square feet. **Chairman Devos** recalled the Board's original position reflected a good determination and stated if anyone wants to buy an 80' x 100' vacant lot and construct a 600 square foot building, the structure must be compatible with the house. Mr. Cookingham explained permits are no longer issued to build garages on vacant lots. **Commissioner DeBoer** pointed out there are 600 square foot homes in Charlotte County, stated a 19' x 30' garage or shed would not have to be constructed of the same materials as the house, and the exterior finish of stucco versus lap siding is not a major issue. **Commissioner Moore** opined conceptually sheds are small structures, he has no objection to the models shown for "sheds" and stated the color should reasonably match that of the principal structure. Mr. Cookingham stated any structure under 100 square feet does not require a building permit, staff does not consider compatibility of structures over 100 square feet up to 250 square feet, only structures over 250 square feet, and requested direction on the threshold for staff to consider for compatibility i.e. color, exterior finish, and roof materials. **Commissioner Cummings** pointed out the entire County is not a deed-restricted

community, referenced garages in his neighborhood, opined it is not necessary to require the same exterior finish as the principal structure as long as color is compatible, and recalled the real problem was quonset huts. **Commissioner DeBoer** agreed with **Chairman Devos** that 12' x 20' sheds or structures over 250 square feet do not need to be an exact match to the principal structure. **Chairman Devos** stated sheds or structures over 250 square feet should be compatible with the principal structure. **Commissioner DeBoer** added so long as building materials, colors, and facades are similar. **Commissioner Moore** concurred with **Chairman Devos and Commissioner DeBoer**. Mr. Cookingham stated he would draft a letter to various companies supplying these buildings and indicate that any building over 250 square feet has to be compatible with the principal structure.

Agenda Item Y-3, Parks, Recreation & Cultural Resources, Request the Charlotte County Board of Commissioners acknowledgment of generous donations

Acknowledged after Proclamations at the beginning of the agenda.

Agenda Item Y-4, Purchasing, (a) Approve rescinding Award of Bid #05-097, Debris Clearing - Salt/Tidal, and releasing Adventure Environmental, Inc. and (b) Approve Award to American Environmental Contractors, Inc. of Miami, FL, in the amount of \$1,411,515

Kimberly Corbett, Purchasing Director, requested rescission of award of Bid #05-097, release of the current contractor, Adventure Environmental, and re-award to the second bidder, American Environmental Contractors; staff has met with the second bidder and NRCS representatives who are funding 75% of the project; the second contractor has a full understanding of the project; his references have been checked; the second contractor has indicated mobilization should be accomplished by May 1, 2005 and completion of the project within five (5) months or September 30, 2005 which is the funding deadline. Commissioner DeBoer requested the percentage of the project completed by Adventure Environmental and the amount of money paid to them. Ms. Corbett stated the contractor has been on site for approximately one month, he estimated approximately \$200,000 worth of work was completed out of the \$843,000 bid, it was a small area in South Punta Gorda and Alligator Creek, and

the contractor has requested release from the contract with no money paid to him for services rendered to date. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO RESCIND AWARD OF BID #05-097, DEBRIS CLEARING - SALT / TIDAL, RELEASE ADVERTURE ENVIRONMENTAL, INC. AND RE-AWARD BID #05-097 TO AMERICAN ENVIRONMENTAL CONTRACTORS, INC. OF MIAMI, FLORIDA, IN THE AMOUNT OF \$1,411,515, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS (4:0).**

Agenda Item Y-5, Utilities, Presentation to the Board of County Commissioners on the status of various water supply projects including the Proposed Expansion Program of the Peace River/Manasota Regional Water Supply Authority (PR/MRWSA)

David Schlobohm, Utilities Director, updated the Board on activities since November 2004 when the recommendation was to move forward with the water allocation agreement recognizing the lack of information and cost data and assuming the expansion would be done as prior expansions; it was also recommended to pursue alternative water sources; an update was given in January 2005 and the recommendation was to move forward with the expansion although there were concerns about costs since the prior expansion had almost doubled capital costs; short, mid, and long term alternative water prospects were provided in November and January and direction was given for staff to proceed with alternative water sources and the expansion; and Citigroup, the underwriter for the Peace River/Manasota Regional Water Supply Authority, proffered a proposal on uniform rates which changed things. Mr. Schlobohm gave a presentation based on the Public Financial Management (PFM) analysis specifically page 7, Comparison of Options with Original Allocation Assumptions for Charlotte County, that reflects the uniform rate will benefit Sarasota County and be a minimum \$11 million detriment to Charlotte County; this would involve refinancing of the debt and reliability based on a decrease from 95% to 75% without going forward with the reservoir; stated he cannot recommend moving forward with the proposal since the County would take a substantial financial hit and the many uncertainties. **Commissioner Cummings** recalled the deficit was \$17 million but an offer was made to pay Charlotte County \$6 million resulting in the \$11 million shortfall. Mr. Schlobohm stated it is closer to \$20 million and the offer was to pay \$6 million and a \$200,000 per year supplement and reported Mr.

Canary from PFM is present to address questions on the financial analysis. Mr. Schlobohm reported the handout entitled the Regional Expansion Program Water Supply Contract, Basis of Agreement, compiled as a result of discussions regarding concepts at a workshop, is no longer acceptable based upon the financial analysis; Items 3, 4, 5, 7, 9, and 12 are troublesome and Item 5 represents the core problem on the uniform rate and refinancing of the bond; Charlotte County has always moved forward with a stand alone project expansion until the uniform rate proposal was submitted; the financial analysis shows a detriment to Charlotte County; additional water sources include staff developing an agreement for Sarasota County to return 2 mgd in January 2006, Requests for Proposals are out for potential Lee County, Cape Coral, and Punta Gorda Interconnects, the Punta Gorda interconnect would be funded by the Sales Tax Referendum although the City may not be interested in pursuing an interconnect, the Burnt Store facility expansion is in the process, a County-wide brackish water Reverse Osmosis (RO) plant, and Babcock Ranch. **Commissioner Cummings** reaffirmed Mr. Schlobohm's comments about potential problems with the imbalance in funding and making Charlotte County financially whole since the County was looking at a significant rate increase for no additional value; Charlotte County is being painted as an obstructionist while the region is trying to move forward; the current contract directs calculation of expansion costs based on allocation; reported John Zimmerman from Manatee County had a good idea to leave everything currently in place as it is and from this expansion forward do as a blended rate; and this would allow Charlotte County to gain most of the policy benefits. **Commissioner Moore** stated he recently attended two Water Authority meetings; Sarasota, Charlotte, and the City of North Port need water now; the State and Federal governments could eliminate the ASR wells; the State wants water issues handled on a regional basis; it is the Authority's obligation to present Members with an acceptable solution; and the County should defend its rights and keep an open mind. **Commissioner DeBoer** expressed disbelief at the threat that Charlotte County would have to go without drinking water unless it goes along with the proposal, stated elimination of ASR wells could create public safety and health issues, pointed out he was the minority vote against the expansion contract, agreed with **Commissioner Cummings'** position, and offered to garner support in other places. **Chairman Devos** expressed surprise that Sarasota County

would expect Charlotte County water customers to pay \$11 million; stated future blended rates, if approved, should not be retroactive; thanked Mr. Canary, staff, and Board Members for all of their efforts; opined the proposal is not fair nor reasonable; and agreed with **Commissioner DeBoer** that the threat the County will not have drinking water will not materialize. **Commissioner Cummings** thanked **Commissioner Moore** for attending recent meetings and PEM and staff for all of their efforts; commented on the need to promote regional change at the Authority at the Administration level; and expressed frustration with the way grant applications for the interconnect with Punta Gorda have been handled. **Chairman Devos** stated the Authority must present another solution or leadership changes should be considered to make sure the Authority does its job. **Commissioner Cummings** stated he is already at the latter. **Commissioner DeBoer** stated the County has always paid its fair share, recalled the settlement regarding the first expansion and the hydro-biological monitoring program, Sarasota did pay a part of Charlotte County's portion, and the cost that Sarasota had to pay in lieu of Charlotte County over the six or seven year period for the reservation that was not used should be calculated in.

COMMISSIONER DeBOER MOVED FOR APPROVAL TO TAKE AGENDA ITEM Y-8 OUT OF ORDER, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).

Agenda Item Y-8, Real Estate Services, Approve the acquisition of real property for a boat ramp in West County, on a 2.67-acre site to allow access to Lemon Bay and the Gulf of Mexico, critical to Charlotte County at a contract price of \$3,475,000.00, supported by a recent appraisal of waterfront property in Charlotte County

Laura Kleiss-Hoeft, Parks, Recreation & Cultural Resources Director, explained the resolution authorizes the acquisition of 2.67 acres for a boat ramp on Lemon Bay to provide access to the Gulf of Mexico and for staff to perform due diligence; the boat ramp would replace the Tom Adams boat ramp that was recently shut down; environmental assessments and a thorough review will be performed by staff; and during the due diligence staff will be working on conceptual plans and construction and operational costs. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO ADOPT**

RESOLUTION #2005-061 AND ATTACHED AGREEMENT FOR PURCHASE OF THE 2.67 SITE LOCATED ON THE WEST SIDE OF McCALL ROAD (SR 776) ALONG LEMON BAY, AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT, AND THEN AUTHORIZE THE EXERCISE OF DUE DILIGENCE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0). Commissioner DeBoer requested staff bring back long-term funding sources for the improvements after due diligence has been performed.

Agenda Item Y-6, Administration, Set Public Hearings on April 26 and May 10, 2005 at 10:00 A.M. for the Community Development Block Grant (CDBG) for the Airport Commerce Park - Publix Project

COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO SET PUBLIC HEARINGS ON APRIL 26 AND MAY 10, 2005 AT 10:00 A.M. ON THE CDBG GRANT FOR THE AIRPORT COMMERCE PARK - PUBLIX PROJECT, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0).

Agenda Item Y-7, Commission Office, Approve the Resolution supporting the acquisition and preservation of the Babcock Ranch

Commissioner Cummings related he had a telephone call yesterday from E. Drayton Farr, Esquire, to set up an appointment for today at 3:15 P.M. to present a letter and possibly relate the Family's position on the State's proposal; expressed understanding that the Family is going to making a decision today; opined the Board's primary concern should be to ensure a mechanism to allow the County to develop water resources on the Ranch; and advised the Babcock Preservation Partnership developed a proposal for the Ranch acquisition including a provision for Charlotte County to pay \$25 million for the right to develop the water resources and a response has not been received. **Chairman Devos** explained she spoke with Attorney Farr yesterday during which she indicated the Board's interest in having an opportunity to participate in discussions and develop water resources on the property, she was encouraged by the conversation, Attorney Farr is to contact her again on Wednesday or Thursday, and expressed understanding that Attorney Farr will be delivering a letter to **Commissioner Cummings**. **Commissioner Cummings** stated he would make sure that each Commissioner gets a copy of the letter. **Commissioner DeBoer** pointed out the County has not been a participant in the transaction due to the lack of financial resources; stated the proposal from Commissioner Jane

is primarily based on obtaining grants which is not acceptable for securing a loan to buy the Ranch; the Governor and Florida Department of Environmental Protection (FDEP) are in the driver's seat regarding the purchase; reported he has contacted FDEP officials and he will probably contact the Governor in the next few days regarding the County's position to retain as much of the land in public ownership and preservation and to secure the County's place in negotiations for development of water resources; pointed out the County has control over development of a vast majority of the land; officially Lee County has put up \$40 million and unofficially put up as much as \$80 million; and commented on the importance of Charlotte County being cooperative and supportive of the Governor's position in order to get as much as possible of the Ranch in preservation, develop water rights, and establish a true regional water authority. **Commissioner Moore** agreed with **Commissioner DeBoer**. **Commissioner Cummings** explained the ideal effort would be to use minimal taxpayer dollars to maintain the status quo; as a viable agricultural operation, the 11,000 acre Ranch represents a good example of successful economic diversification and providing natural resources for growth of Charlotte and Lee Counties and surrounding communities; the Ranch also has potential to be the next major regional water supply and provide environmental and eco-tourism assets; expressed frustration with the entire process; and stated the priority should be to find a way to ensure development of water resources on the property. **Chairman Devos** advised a note just delivered from a reporter from Channel 2 indicates that it is a done deal, a letter is being delivered to the Governor, there is no indication as to which option was accepted, and commented on the importance of Charlotte County becoming a part of the process as soon as possible. **Commissioner DeBoer** outlined conversations he has had with the Governor on acquiring and managing the Ranch with the purchase being made over time, and 14 different revenue sources from the Ranch; establishing a greater Babcock Preservation District including Lee County, State government, and the Water District with the authority to regulate development and management; stated it is difficult to accept Charlotte County not being selected to participate in the process; and commented in support of the Governor's efforts for purchasing the Ranch, encouraging ownership retention and preservation for public use, and requesting the County be included in future negotiations with a view towards establishing water rights. **Commissioner Cummings**

suggested the County also be included in development of the management plan but not the Governor's efforts. **Chairman Devos** stated the primary focus should be on the end result i.e. developing water resources in the most appropriate way. **Commissioner Moore** cautioned Board Members to speak as a Board instead of individuals in support and to work towards the future goal of establishing beneficial water resources. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO SUPPORT THE GOVERNOR'S EFFORTS TO PURCHASE THE BABCOCK RANCH, ENCOURAGE HIM TO RETAIN OWNERSHIP AND PRESERVE AS MUCH OF THE RANCH AS PRACTICAL FOR PUBLIC PURPOSE, REQUEST THE COUNTY BE INCLUDED IN FUTURE NEGOTIATIONS AND ACTIONS TO RESERVE GUARANTED WATER RIGHTS AND TO IMPLEMENT A LONG-TERM MANAGEMENT PLAN FOR THE RANCH, SECONDED BY COMMISSIONER MOORE. CALL ON THE MOTION: MOTION CARRIED: 3:1. CHAIRMAN DEVOS AND COMMISSIONERS DeBOER AND MOORE VOTED "YES" AND COMMISSIONER CUMMINGS VOTED "NO."** **Chairman Devos** indicated a letter would be sent to the Governor. **Commissioner Cummings** stated he would be surprised if Lee County is prepared to pay \$81 million for anything less than acquisition of the entire Ranch, perhaps \$41 million for the project, and reiterated the importance of Charlotte County being a participant in development of the water rights and long-term management plan. **Commissioner DeBoer** pointed out the possibility of a shift in Lee County's position and the potential for establishing a true water authority.

VII. PUBLIC HEARING AGENDA

None.

VIII. PRESENTATION AGENDA

None.

IX. WORKSHOP AGENDA

None.

X. CITIZEN INPUT - ANY SUBJECT

Richard Smith, appeared on behalf of Carlton Lewis who had an airplane destroyed in Charlotte County Airport Authority hanger #28, informed the Board that Mr. Lewis has spoken with the

County Attorney's Office and made a demand for payment, and distributed photographs of the disrepair.

Brian Duffy, a Punta Gorda resident, distributed Florida Bicycling Street Smarts and an article entitled "Within an inch of their lives" relating to the death of cross-country cyclist Ernie de Vos when he was hit on his bicycle by a semi-trailer truck in Nokomis and requested sidewalks on Aqui Esta be reduced from eight feet to six feet.

Jeremy Greene brought to the Board's attention a possible oversight by Charlotte County Utilities because he has been charged \$300 for water he cannot use because he cannot live in the damaged house and he is paying for water in a rental home; suggested homeowners be allowed to submit documentation their home is not livable for removal of the water meter; and stated the Property Appraiser should consider damage in valuations.

Elaine Smialek, an Easy Street resident in Port Charlotte, expressed disagreement with the three Board Members supporting the Babcock acquisition; thanked **Commissioner DeBoer** for responding to her e-mail about shed replacements being allowed on Easy Street; requested debris be cleaned up before the upcoming hurricane season; advised she has a Cape style shed which survived Charley; and invited all the Board Members to tour Easy Street and view the devastation. **Chairman Devos** explained the prior discussion concerned sheds 20' x 15' and larger.

AA. County Administrator

Mr. Loucks introduced Assistant County Administrator Kelly Shoemaker to update the Board on legislative issues and concerns and stated he has no other comments. Ms. Shoemaker indicated staff has prepared a letter for the Chairman's signature opposing bills on revisions to funding for Community Redevelopment Agencies (CRA) that authorize alternative tax increment financing arrangements by interlocal agreement between certain municipalities and counties; enables modification of the amount of tax increment financing, absent an interlocal agreement, that must be provided to CRAs created by a municipality outside of the delegation authority of the home

rule county; and revisions to legislative findings in relation to eminent domain powers with redefinition of blighted area and economic distress, and provisions regarding land acquisition in CRAs only after compliance with certain criteria. **(Board consensus.)** Ms. Shoemaker advised the impact fee bill has passed through the Senate Regulated Industries Committee, it is estimated to reduce impact fees by 30%, and requested staff be allowed to draft a letter in opposition. **(Board consensus.)** Ms. Shoemaker suggested renewing the office space lease for Congressman Foley. **(Board consensus.)**

BB. County Attorney

None.

CC. Commissioner Comments

COMMISSIONER DeBOER MOVED TO SCHEDULE A JOINT MEETING WITH THE CITY OF NORTH PORT COUNCIL ON FRIDAY, MAY 13, 2005, AT 10:00 A.M., IN ROOM 119, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS (4:0). Chairman Devos requested joint meeting agenda items be submitted to her. **Commissioner DeBoer** opined the proposed eminent domain legislation will drastically reduce the Board's ability to do any redevelopment, the impact fee bill will have a greater effect than the estimated 30%, and there is proposed legislation on that may allow connections between growth management and traffic impacts through impact fees. **Commissioner DeBoer** related an individual has told him that someone at the Sheriff's Office has indicated maintenance easements on canals vacated by the Board are rights-of-ways that allow the general public to walk through homeowners back yards to go fishing. **Commissioner DeBoer** expressed understanding if a house is not livable due to the hurricane, the water would be shut off at the meter and there would be no base facility charge but once water was used, charges would be effective immediately. Mr. Loucks offered to review the situation. **Commissioner DeBoer** pointed out another Code Compliance Officer and Deputy were authorized for debris violations and staff is reviewing the Building Abatement Code applicable to abandoned homes, both of which might be applicable in the Easy Street area.

MEETING ADJOURNED: 12:50 P.M.

Signature on file in Commission Minutes
Sara J. 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

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