

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

APRIL 26, 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, 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 Jenine Thornley, and Supervisor of Minutes Diane J. Nice. The meeting was called to order at **9:00 A.M.**

The **invocation** was given by **Commissioner DeBoer** followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

ADDITION:

Proclamation Drinking Water Week - May 1 through 7, 2005

DELETION:

**Regular
Business**

Agenda Item Y-2, 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.

CHANGES:

Public Works Agenda Item S-1, Set a Public hearing on May 10, 2005, ~~2:00 P.M.~~ **10:00 A.M.**, or as soon thereafter as may be heard, to consider and adopt an

ordinance amending Charlotte County Code, to establish the territory of the County-Wide Dredging MSBU/TU according to the attached map.

**General
Services**

Agenda Item L-2, Approve Change Order #1 #6 to Purchase Order #225004088, Monitoring Services, for the purpose of monitoring debris collection by AshBritt Environmental. (Budget Action: Budgeted amount \$172,000. Funding for this expenditure comes from Solid Waste Enterprise Fund - Solid Waste Fees.)

COMMISSIONER D'APRILE MOVED APPROVAL OF THE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. Chairman Devos requested the date when Agenda Item Y-2 would be back on the agenda. Janette S. Knowlton, County Attorney, advised the next meeting.

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MAY 1 THROUGH 7, 2005 AS "LAW WEEK, U.S.A." ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. Robert Kock, Charlotte County Bar Association President, accepted the proclamation and invited everyone to attend Law Day Activities and donate blood on May 4, 2005 from 1:00 P.M. to 3:00 P.M. in front of Victoria Estates.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MAY 6, 2005 AS "NATIONAL EARLY CARE AND EDUCATION PROVIDER APPRECIATION DAY" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. Anna Brookbank, Early Learning Coalition for DeSoto and Charlotte Counties Executive Director, and Helena Sloan accepted the proclamation and reminded everyone about the Appreciation Night on May 5, 2005 at the Pilgrim Church on Rampart Boulevard. **Commissioner Cummings** stated he and his wife sent their sons to Edison and Baker Center pre-school facilities to learn educational and social skills.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING APRIL 27, 2005 AS "ADMINISTRATIVE PROFESSIONALS DAY" ON MOTION

BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. Marie DeSi, County Administration, Joann Dillon, Board of County Commissioners, and Carol Hartfelder, Purchasing, accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MAY 2005 AS "OCEAN'S SUNFLOWER SENIOR APPRECIATION MONTH" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. Dolly Dessart, Senior Advocate and Founding Member of Ocean's Charlotte Elder Affairs Network established in 1991, accepted the proclamation; expressed recognition of Karen Hallenback's efforts as a former President of Ocean, community leader, and Board Member of the Southwest Florida Area Agency on Aging; commented on the importance of seniors in Charlotte County because the County has the largest proportion of seniors of any county in the United States i.e. one in three persons are over the age of 65 years, seniors established the community's foundations, and seniors continue to come, live, and volunteer to serve in the community; and invited everyone to the Sunflower Luncheon on May 18, 2005, at 11:15 A.M., at the Cultural Center, with Carol Green, new Director of the Department of Elder Affairs.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MAY 2005 AS "ELDER LAW MONTH" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. Jennifer Howell, Area Representative for the Academy of Florida Elder Law Attorneys, expressed appreciation for the recognition of elder law in the community and accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MAY 1 THROUGH 7, 2005 AS "DRINKING WATER WEEK" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. Kim Harris, Utilities Business Administration Manager, accepted the proclamation and invited everyone to the Port Charlotte Town Center Mall next week to pick up brochures and talk with Utilities staff.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Howard Baxle commented on Agenda Item S-1, Set a Public Hearing on May 10, 2005 at 10:00 A.M., or as soon thereafter as may be heard, to consider and adopt an ordinance amending Charlotte

County Code, to establish the territory of the County-Wide Dredging MSBU/TU by stating the proposed dredging would be on the main channel of the canal and not the banks and if the entire canal is not dredged then sediment and muck will fill in dredged areas; pollution is the big problem; questioned the dredging of ponds; requested **Commissioner DeBoer** to hold a meeting for District IV residents to get answers; suggested grants be applied for cleaning canals; Southwest Florida Water Management District has a grant available for canals that pass a Daily Total Maximum Load Test; suggested assessing boaters and fishermen; there has been large amounts of oil, human waste, and pollutants in the Sunrise Canal; and questioned payment of assessments for dredging by commercial properties located on waterways.

Connie Thrasher, on behalf of the Charlotte County Homeless Coalition, commented in support and encouraged the Board to approve **Agenda Item G-1, Approve DRC-PD-90-7 Major Modification permitting Charlotte Community Mental Health Services to develop a Group Home Facility called Safe Haven and Agenda Item Y-2, Approve a Resolution authorizing the donation of certain real property owned by the County to Habitat for Humanity to provide sites for construction of affordable single-family homes for qualifying individuals or families** and mentioned the \$260,000 Homeless Assistance Grant that has been received to build five apartments for recovering mentally ill clients but land is needed. **Chairman Devos** requested verification of the Homeless Coalition holding its major funding raising event this weekend at Victoria Estates. Ms. Thrasher stated the event will be held this weekend at Victoria Estates around the pool and over 300 people are scheduled to attend.

Bill Gaines, a Sunrise Waterway resident, commented on **Agenda Item S-1, Set a Public Hearing on May 10, 2005 at 10:00 A.M., or as soon thereafter as may be heard, to consider and adopt an ordinance amending Charlotte County Code, to establish the territory of the County-Wide Dredging MSBU/TU** by questioning the extent of work completed over the last 40 years on the US 41 and Sunrise Canal area since the canal was initiated; there is a rumor that the homeless pollute that area; why trees and scrubs were removed from that area; the canal is now open to noise and traffic pollution and homes are wide open to US 41 traffic; dredging should be done of the entire canal to eliminate silt

that has collected on banks; the accuracy of the \$600 assessment for 10 years when Punta Gorda Isles residents pay \$360 per year for canal maintenance; and he does not understand why waterfront property owners pay more taxes and where these taxes are going.

Chairman Devos announced citizens would have another opportunity to comment on dredging at the 10:00 A.M. Public Hearing and Mr. Gaines' questions would be answered by staff.

II. COMMITTEE VACANCIES

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

Construction Industry Licensing Board

- one (1) volunteer Licensed Mechanical Contractor for a four-year term
- one (1) Consumer Advocate

Affordable Housing Advisory Committee

- one (1) Banking Industry representative for a two-year term

III. REPORTS RECEIVED AND FILED

None.

IV. CONSENT AGENDA

COMMISSIONER DeBOER MOVED APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER D'APRILE 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 April 6, 2005 through April 19, 2005 in the amount of \$9,097,304.71

B. Minutes Division

Agenda Item B-1, Approval of Minutes

None.

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Resolution #2005-064 amending Resolution 2000-019 to extend the Certificate of Public Convenience and Necessity to Ambitrans Medical Transport for an additional five-year period until April 30, 2010.

D. Administration

None.

E. County Attorney

None.

F. Budget Office

None.

G. Community Development

Agenda Item G-1

Resolution #2005-065 approving DRC-PD-90-7(MM) Major Modification to the Final Detail Plan permitting Charlotte County Mental Health Services, Inc. to develop a Group Home facility called Safe Haven. **Commissioner DeBoer** questioned the amount of the total site already developed and the threshold that requires approval by the Board and suggested a threshold be established to reduce the process time.

Agenda Item G-2

Resolution #2005-066 approving DRC-PD-02-01 (MM)2 Major Modification permitting Ryland Homes to redesign the recreational center in the Suncoast Lakes residential subdivision. **Commissioner DeBoer** expressed uncertainty of the major modification standards and suggested revisions to the ordinance requiring major modifications be brought to the Board to reduce the approval process in instances like **Agenda Items G-1 and G-2**.

H. Economic Development

Agenda Item H-1

Grant #2005-015 from the Florida Department of Community Affairs for planning assistance in the amount of \$10,000, an equal to the County match.

J. Environmental Services

None.

K. Facilities Construction and Maintenance

None.

L. General Services

Agenda Item L-1

Award Bid #05-178, Butterford Waterway Control Structure, to Pittsfield Construction of Port Charlotte, FL, in the amount of \$325,882, for the installation of a stormwater control structure.

Agenda Item L-2

Approve Change Order #6 to Purchase Order #225004088, Monitoring Services, to Solid Resources of Sarasota, FL, in the amount of \$172,000 with a revised total contract of \$2,783,460.

Agenda Item L-3

Approve start of negotiations with the first ranked firm, Routematch Software, for RFP #05-052, ParaTransit Dispatch Software, and authorize the Chairman to sign the contract after negotiations have been completed as long as the fees do not exceed \$106,443.

Agenda Item L-4

Approve Change Order #1 to Contract #05-074, Cape Horn Storm Water Structure, with Lovin Construction, Inc. to increase the contract in the amount of \$6,069 with a revised total contract of \$91,176.

Agenda Item L-5

Award Bid #05-159, Solid Waste Compactor, to the overall lowest responsive, responsible bidder Nortrax Equipment Company, for the price of \$363,740 (\$363,740 less \$32,500 for the trade in of a 200 Bomag - PN24500), a guaranteed maximum cost of repairs of \$30,500 and a guaranteed buy-back in the amount of \$78,000.

Agenda Item L-6

Approve Change Order #2 to Contract #05-051, West County Paving Program, to Ajax Paving Industries of Nokomis, FL, in the amount of \$162,325 with a revised total contract of \$10,485,278.

M. Human Resources

None.

N. Human Services

Agenda Item N-1

Grant #2005-016 re-enrollment application for Medicaid Waiver-Home and Community Based Services; Charlotte County authorizes approximately \$453,000 in Medicaid Waiver care plans serving approximately 75 clients and \$45,000 for case management/case aide services.

Agenda Item N-2

Approve appointment of Gail Buck, RN, to fill the voting membership vacancy in the Health Care Professionals category on the Indigent Health Care Advisory Board (IHCAB) formerly held by Dale Spears, pharmacist at the Wal-Mart Pharmacy.

Agenda Item N-3

Resolution #2005-067 approving revisions requested by Florida Housing Finance Corporation (FHFC) to Charlotte County's three-year Local Housing Assistance Plan (LHAP) for Fiscal Years 2005-2008.

Agenda Item N-4

Second Amendment to Agreement #2001-032 to allocate more SHIP funds and increase the number of homes to be built by adding \$200,000 and increasing the total number of homes required to be built to 30 in the Housing Construction Agreement with the Housing Corporation of Charlotte County (HCCC) to assist more low income families and individuals in replacing homes lost in Hurricane Charley.

P. Information Technology

None.

Q. Parks, Recreation & Cultural Resources

Agenda Item Q-1

Agreement #2005-015 between Charlotte County and the American Red Cross formalizing responsibilities of the Red Cross and County employees authorized as instructors of American National Red Cross Programs.

R. Public Safety

Agenda Item R-1

Resolution #2005-068 approving the Revised Local Mitigation Strategy to comply with the 2000 Federal Disaster Mitigation Action.

S. Public Works

Agenda Item S-1

Set a Public Hearing on May 10, 2005, at ~~2:00 P.M.~~ 10:00 A.M., or as soon thereafter as may be heard, to consider and adopt an ordinance amending Charlotte County Code, to establish the territory of the County-Wide Dredging MSBU/TU.

T. Real Estate Services

Agenda Item T-1

Resolution #2005-069 and County Deed releasing portions of two five (5) foot wide utility and drainage easements located in Lot 7, Block D, Charlotte Commercial Center to Richard I. Anderson and Ronald E. Scribner to allow encroachments of roof overhand, parking, and the required vegetation buffer at 8270 Burnt Store Road.

Agenda Item T-2

Resolution #2005-070 and County Deed releasing two ten (10) foot wide utility and drainage easements located in Lots 3 and 18, Block 2998, Port Charlotte Subdivision, Section Fifty-Five (55) to John D. Robinson and Audrea Robinson to use the two lots as a single building site for construction of a single-family residence.

Agenda Item T-3

Resolution #2005-071 and County Deed releasing portions of two ten (10) foot wide utility and drainage easements located in Lots 27 and 28, Block 629, Port Charlotte Subdivision, Section Forty-One (41) to Laura J. King to use the two lots as a single

building site for construction of a single-family residence at 2313 Como Street.

Agenda Item T-4

Resolution #2005-072 and County Deed releasing portions of two twenty (20) foot wide canal maintenance easements located in Lots 4 and 5, Block 564, Port Charlotte Subdivision, Section Thirteen (13) to Jeffrey C. Crocker and Marrie A. Crocker to clear title for an existing encroachment of pool, deck, and cage at 22461 Nyack Avenue constructed in 1975 prior to the time of ownership by the current owners.

Agenda Item T-5

Resolution #2005-073 and Agreement for Exchange of Real Property between the County and James M. Logan and Deborah D. Logan, Trustees under a Declaration of Trust entitled Logan Realty Trust, dated January 28, 1999 for Lot 15, Block 2357, Port Charlotte Subdivision, Section Thirty-Eight (38) owned by the County for Lot 16, Block 1258, Port Charlotte Subdivision, Section Thirty-Five (35) located in the Murdock Village Redevelopment area at a savings of over \$31,200 in direct acquisition costs.

V. Tourism Development

None.

W. Utilities

Agenda Item W-1

Assignment and Assumption entered into January 21, 2005, by Lemon Bay Golf Club, Inc. and Rotonda Golf Partners II, LLC, to the Replacement Reclaimed Water Supply Contract (Agreement #2003-013 between the County and Lemon Bay Golf Club, Inc. entered into on February 25, 2003) and the Consent to Assignment and Assumption of Replacement Reclaimed Water Supply Contract.

VI. REGULAR AGENDA

Agenda Item Y-2, Real Estate, Approve a Resolution authorizing the donation of certain real property owned by Charlotte County 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

Commissioner DeBoer stated, even though this item has been deleted from the agenda, he recalled two weeks ago at a Pre-Agenda Meeting, the County Attorney brought to his attention the lack of a policy on donations for not-for-profits and he believes this is a legitimate concern, as clarification to the newspaper editorial. **Commissioner DeBoer** questioned the impact approval of the donation might have on previously adopted policies to reduce density and how these policies would be integrated and used regarding acquired lots in swaps for mitigation purposes in the Community Redevelopment Area. **Commissioner DeBoer** recalled the editorial indicated that staff has answered all of his questions on this issue and reported staff has not done so. **Chairman Devos** stated the concerns are legitimate and, hopefully, they will be addressed by the next meeting.

Agenda Item Y-1, Risk Management, Require approval to proceed in Setting up the Retirement Health Savings Account Option for County Employees

Bob J. Pryor, Risk Management Division Manager, introduced Kurt Gehring to present an optional benefit for County employees, a health insurance loss update, and property and casualty funds received as a result of Hurricane Charley. Kurt Gehring, Gehring Group President, gave a slide presentation on the VantageCare Retirement Health Savings (RHS) Plan, an employer-sponsored health benefit savings mechanism that allows employees to accumulate assets (sick and vacation lump sum payments and/or salary deferrals) to pay for medical expenses for themselves, spouses, and dependents in retirement on a tax-free basis; RHS is administered by ICMA Retirement Corporation, which already provides the County with Deferred Compensation; RHS was made available on a National basis in 2000, there are 35 RHS plans with 29 employers in Florida, 477 RHS plans with 338 employers

in the Nation, and \$44.7 million in assets; benefits of the VantageCare RHS Plan include FICA savings to the County, FICA and Income Tax savings to employees, tax free reimbursement for qualified medical and dental expenses during retirement, accumulation of funds for health care costs during retirement, reimbursement of medical and dental costs for dependents, and continued use for reimbursement of medical and dental costs by survivors; types of RHS contributions include employer, mandatory contributions of accrued leave (sick or vacation), mandatory contributions of salary, annual elective contributions of accrued leave, elective pre-tax contributions of salary, and voluntary post-tax contributions; RHS Plan participation is irrevocable during employees' tenure of employment with the County; and the most popular options staff is looking at is annual elective contributions of accrued leave and elective pre-tax contributions of salary. **Commissioner DeBoer** requested who controls the account the funds are deposited in. Mr. Gehring explained it is administered and managed by ICMA and employees have the ability to select the allocation of funds as in deferred compensation. **Commissioner DeBoer** questioned if the accounts would transfer in the event of a change to another provider. Mr. Gehring stated this is a specialized product available through ICMA as an integral part trust and there are a couple investment companies coming out with similar plans. Angel Guerra, Retirement Plan Specialist of ICMA Retirement Corporation, explained this is a fairly new product established through an Internal Revenue Service private letter ruling; the first plan was implemented in 2000 with Long Beach, California and ICMA has received guidance as new products are made available; very few companies are providing this type of plan to the public sector; and the assets could be rolled over to a twin government integral part trust contingent upon specifics relating to the County plan and the new provider plan. **Commissioner DeBoer** stated he wants to make sure that the funds would still be available to employees should the Board decide on a new provider. Mr. Guerra stated a new and separate administrative services agreement would be established for the RHS and it would continue even if the deferred compensation plan were transferred to a new provider. **Commissioner DeBoer** questioned the County's ability to control the accounts if ICMA were not administering the accounts. Mr. Guerra stated trusts could be dissolved. Mr. Gehring explained accounts and administrative funds would stay with employees and another

integral part trust would have to be established for the same purpose i.e. reimbursement of medical and dental costs. Mr. Guerra stated the account holder would be the specific participant and the accounts are segregated to named participants. Mr. Gehring continued the presentation with an Insurance Update which comes up for renewal on January 1st; there was no rate increase for the current year based on claims experience up to approximately August; the Insurance Committee meets monthly and the Board will be kept apprised; opined a favorable renewal is anticipated based upon the continued claims experience and losses; pointed out the County was insured by CIGNA in 2001, 2002, and 2003 and the total claims dropped in 2004 after Blue Cross/Blue Shield took over as a result of 10% claim discounts, the Health Insurance Utilization and Trend on a Nationwide basis is decreasing i.e. 18% a year ago and 12% to 10% now, and Charlotte County employees are healthier. Mr. Gehring stated \$25 million worth of claims have been processed and reimbursed to the County from Property and Casualty Insurance carriers and there is another \$15 million worth of claims to be processed from First Specialty. **Commissioner D'Aprile** concluded the County has \$25 million to use for reconstruction from the damages received from Charley and another \$25 million at a future date. Mr. Gehring stated all of the companies have released the money and recalled Lexington Insurance Company paid \$2.5 million just two weeks after Charley. **Commissioner DeBoer** stated the 56% loss ratio at this point is very attractive, recalled a conversation on possibly reducing rates for the 2006 renewal and what would be done if the rates are reduced. **Commissioner DeBoer** recalled the internal self-insurance debt is still not paid off and stated, even though it is attractive to lower the rates, the Board should be fiscally conservative and capture dollars to repay the debt and establish a mitigation fund to avoid extreme increases as in the past. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO PROCEED IN SETTING UP THE RETIREMENT HEALTH SAVINGS ACCOUNTS OPTION FOR COUNTY EMPLOYEES, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.**

RECESS: 10:05 A.M. - 10:15 A.M.

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1, Administration, Community Development Block Grant (first of two public hearings) (Proof of Publication was in order)

Robert Hebert, Recovery Director, explained this is the first public hearing on the CDBG applications dealing with the Airport Commerce Park for \$750,000 to promote investment and private capital retention for local businesses, expanding local tax basis, and providing for long-term jobs for low to moderate income persons; the activities allowed are acquisition of real property, acquisition, construction and rehabilitation of commercial industrial buildings and structures, purchase of capitalized equipment and machinery with a useful life of at least five years, construction and reconstruction of infrastructure needed to locate a returning business including water, sewer, and utilities services to allow removal of restrictions that limit access to public and privately owned building for elderly and handicap citizens, to provide job training, placement, and other job services; beneficiaries of economic and development grants are measured in terms of jobs created and retained; and at least 51% of the jobs created must be to low to moderate income persons. **Chairman Devos** announced public input procedures. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED FOR APPROVAL TO AUTHORIZE STAFF TO PROCEED WITH THE APPLICATION, SECONDED BY COMMISSIONER D'APRILE. Commissioner Cummings** acknowledged staff's efforts in securing the CDBG block grant. Mr. Hebert advised the second public hearing on May 10, 2005 would be more specific regarding funding and expenditures. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Mr. Hebert reported the second application is a County-wide housing grant administered through the Department of Community Affairs (DCA) to address housing needs of very low, low, and moderate income citizens including rehabilitation of housing, demolition and relocation of residents to replacement housing, installation of wells and septic for potable water or sewer services, mitigation of future natural disaster hazards in

housing; and a \$750,000 grant that may be applied to damaged housing as a result of the hurricanes. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO AUTHORIZE STAFF TO PROCEED WITH THE GRANT APPLICATION, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.** Mr. Hebert explained the CDBG requires two separate grants i.e. economic development and housing. Mr. Hebert pointed out the deadline for the housing grant on May 19, 2005 and the economic development grant does not have a deadline but staff will file the application as soon as possible.

Agenda Item Z-2, Economic Development, Economic Incentive Development Code (Proof of Publication was in order)

Betty Williams, Economic Development Manager, recommended changes in the Economic Incentive Development program, three of which are for clarification i.e. the Charlotte County average wage is established by the State of Florida Incentives Average Wage Requirements that are published and updated annually by Enterprise Florida based upon data from the U.S. Department of Labor and State of Florida Agency for Workforce Innovation; targeted industries are those specifically identified by Enterprise Florida, Inc. for eligibility; Enterprise Charlotte has recommended a change in the program name to the Economic Development Incentive Program; and incentives of \$1,000 be paid on tangible personal property for every \$100,000 invested on tangible personal property tied in with wages and job creation. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED FOR APPROVAL TO ENACT ORDINANCE #2005-028, SECONDED BY COMMISSIONER MOORE.** Commissioner Cummings expressed support for the motion and suggested adding an export requirement focused on businesses that bring money from outside of the County to increase economic development. **Commissioner D'Aprile** expressed appreciation to Ms. Williams for all her efforts on this project. **CALL ON THE MOTION: DECLARED UNANIMOUS.** **Chairman Devos** referenced a proposed Bill. Ms. Williams stated the Bill was proposed by Representative Pruitt for St. Lucie County and Representative Grant forwarded it to her office for review by Enterprise Charlotte. Ms. Williams explained a tax would be assessed on transfers of commercial properties with certain values and sizes to be used for research and educational

purposes; St. Lucie County has acquired acreage to develop a research and development park tied in with educational partnerships and developers to construct buildings for research companies; and indicated a review will be done to determine the feasibility for the Charlotte County. **Chairman Devos** recalled discussions with the School Board prior to Hurricane Charley concerning an economic development campus and questioned using these funds for such a campus. Ms. Williams responded affirmatively and stated discussions will commence on this issue at the Enterprise Charlotte meeting tomorrow afternoon. **Commissioner DeBoer** suggested sharing it with Edison Community College and Florida Gulf Coast University and stated he is working on an approximately 100 acre project near the Airport. **Chairman Devos** pointed out Florida Gulf Coast University is working with the Charlotte Harbor Environmental Center.

Agenda Item Z-3, Public Works, South Punta Gorda Heights Street and Drainage MSBU (Proof of Publication was in order)

Judy Hunter, Municipal Services District Representative, requested an amendment to Charlotte County Code Section 4-6-316, to add lands within the Unit's boundaries that have not been previously assessed but do receive benefits from the purpose and work completed in the Unit. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. COMMISSIONER D'APRILE MOVED FOR APPROVAL TO ENACT ORDINANCE #2005-029, SECONDED BY COMMISSIONER DeBOER. Commissioner Cummings** indicated a citizen has expressed concerns about hurricane debris in the primary outfall ditch along the railroad and requested removal of the debris if there are sufficient funds. Mr. Hunter responded affirmatively. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Z-4, Public Works, Buena Vista, Grassy Point, Edgewater-Lister to Free Court Waterway Unit (Proof of Publication was in order)

Ms. Hunter requested an amendment to Section 4-7-217 to add properties north of Edgewater Drive from the Sunrise Waterway to the Olmam Waterway into the MSBU; reported two or three dredges have been done on channels of Charlotte Harbor south of Edgewater Drive; staff has received telephone calls and a petition from Sunrise Waterway residents requesting a dredge be

done of the waterways; and this amendment will allow that to occur. Bud Pierce, Chairman of the Buena Vista-Grassy Point and ELF Waterways, advised the MSBU Advisory Committee voted unanimously in support of adding the properties north of Edgewater Drive and recalled no assessments have been levied in the MSBU from the mid 1990's to 2001 and no projects were done during that time. Russ Walla stated he recently purchased a home on the combination waterway at Sunrise, swamp, and septic which is a health hazard; there is a lot of debris including sheds in the waterway; he has cleaner water in his toilet than in the waterway; commented on the medians on US 41 from Punta Gorda to Venice; and stated the Port Charlotte segment is the worst of all. Robert Osborne, a Peckman Street SW resident and President of the Buena Vista Property Owners Association, stated dredging is discussed at each of the Association meetings; \$100 assessment has been levied but only a certain percentage of the work can be done at that cost; according to information from Ms. Hunter, there are approximately 80,000 cubic yards of silt north of Edgewater Drive and 20,000 cubic yards of debris and silt south of Edgewater Drive; and the waterways need to be cleaned to eliminate health and navigation hazards. Howard Baxler presented a petition requesting the Sunrise Waterway be cleaned, stated the canal should be cleaned prior to dredging, **Commissioner D'Aprile** visited and saw the condition and smelled the odors from the canal, pointed out Port Charlotte Beach has been shut down on three occasions this year due to pollution, something has to be done, he is willing to pay to dredge his canal but waterfront residents should not have to pay to remove pollutants coming from Arcadia and surrounding areas. Bill Gaines stated there is no question that the canals need to be dredged and cleaned, the longer we wait the more it will cost, expressed concern about accountability for taxes paid over the last 30 to 40 years, the \$600+ proposed assessment, and future assessments. Katheryn Ware, a Sunrise Waterway resident, questioned the status of County-wide dredging; opined canals are beneficial to everyone in the County and bring in tourists but the canals have now turned into cesspools; waterfront homeowners should not have to pay for 40 years worth of clean up and dredging when the canals benefit everyone; and canals are used by other than residents i.e. boaters and fishermen. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.** **Commissioner D'Aprile** stated the Waterway smells are terrible, he received an e-mail sometime

ago from the Health Department that septic systems in that area are draining into the canal, it has created a health and safety issue, suggested staff ascertain whether or not septics in the area are creating pollution, and it is the responsibility of homeowners to replace septics. **CALL ON THE MOTION: DECLARED UNANIMOUS. COMMISSIONER D'APRILE MOVED FOR APPROVAL TO ENACT ORDINANCE #2005-030, SECONDED BY COMMISSIONER DeBOER.** Ms. Hunter explained Public Works has not been able to do maintenance on canals north of Edgewater Drive because there is no funding source, this action is the first step to resolving that problem and then public hearings will be held in July 2005 to establish the assessment rate; stated she will contact the Health Department representative for guidance on identifying pollutant sources in canals and she may contact Charlotte County Utilities to ascertain the need for installing sewers and abolishing septics in that area; she received page two of a letter from Mr. Baxler who received it from someone at the State level on DMLs, MPDES and work to be done in the County area for water quality purposes; she will coordinate efforts to make sure moneys expended will benefit the area; outfall pipes draining into waterways do bring in a certain amount of road debris and dredging will improve water quality; commercial properties pay just like residential properties; Public Works dredge main channels not around docks due to possible failures but property owners are allowed to make a deal with the on-site contractor to perform dredging around docks and seawalls; and she will also seek guidance from Ms. Bixford on pollutant issues other than septics. Ms. Hunter reported she presented her business card to Bill Gaines to discuss issues on a one-to-one basis; US 41 has been widened in the last 40 years as well as pipe replacements but she does not believe that waterway has been dredged since construction by General Development Corporation; staff has many levels of accountability for collection and expenditures relating to assessments; Punta Gorda Isles residents have been paying assessments for many years whereas residents in this area have not been assessed on a continuing basis; the County-wide Dredging will be brought to the Board sometime in May; dredging south of Edgewater Drive has always been in the channels and there has not been sufficient monies to dredge the manmade canals; Florida Statutes designate canals has public waterways that cannot be blocked; pointed out Tax Bills include assessments for the West Coast Inland Navigation District (WCIND), grants from the Florida Boating Improvement Fund offset

waterway costs; grants are few and far between; and staff tries to secure the maximum number of grants. **Chairman Devos** stated Ms. Hunter has done an excellent job. **Chairman Devos** requested information on debris in waterways. Dan Quick, County Engineer, stated the canal debris removal program in the Greater Port Charlotte area, from Kings Highway to the Murdock area, is approximately 50% complete; the salt water tidal canal clean up program is scheduled to commence about May 1st with several crews to get the work done within the time frame of the contract; the Board recently approved a contract for debris removal in primary ditches in South County and Mid-County and it is scheduled to be done very soon; according to the agreement between the County and the U.S. Department of Agriculture, all of this work has to be done by September 30, 2005; and he is optimistic that the time frame and schedule will be met. **Commissioner Cummings** asked if the source of funding for the canal clean up is the U.S. Department of Agriculture and requested the level of contribution from WCIND. Mr. Quick responded affirmatively. Ms. Hunter explained staff would be coming back in July for \$31+ increase in the Pirate Harbor assessment of \$653 to dredge 2,300 feet. **Commissioner Cummings** requested the percentage of grant funding. Ms. Hunter stated grant funding is very low, on a \$500,000 it would probably be less than 1%, and explained grants depend on the level of priority. **Commissioner Cummings** commented on the County-wide Dredging Program and contributions from waterfront and non-waterfront owners; stated value taxes go into ad valorem funds and the County's General Fund and the accountability is in the annual budget whereas MSBU monies are used in specific areas; recalled a septic monitoring program was initiated as part of the platted lands strategy; 12 mini-expansions have been completed and stated refit of the Infill Areas was to be done; and a pilot water quality program was proposed in conjunction with the lock removal to establish a wetlands system to improve canal water quality. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Z-5, Public Works, South Gulf Cove Waterway Unit
(Proof of Publication was in order)

Ms. Hunter requested amendment to Charlotte Code Section 4-7-303 to include lands that derive a benefit from work performed within the Unit but do not currently pay into the Unit. **Commissioner Cummings** recalled the land swap at the Village of

Holiday Lakes and direction that some level of contribution was to be made by the Village of Holiday Lakes towards the South Punta Heights Waterway Unit because there would no question that they had waterfront access. Ms. Hunter expressed uncertainty of the land swap completion and questioned ownership of the boat ramp. **Commissioner Cummings** stated the property would be theirs. Ms. Hunter recalled General Development Corporation gave the Village of Holiday Lakes a tract of land along Marathon Boulevard and Santa Cruz Waterway, the Village of Holiday Lakes constructed a boat ramp, although this piece of land receives a benefit from the efforts of the Unit it has never paid into the Unit, stated there are 551 homes in the Village of Holiday Lakes and all of them benefit as a result of the boat ramp, there was 2003 Legislation that prohibits assessments or taxes on Common Lands but usage of the land with the boat dock would be Common Lands to all park owners. **Commissioner Cummings** stated if the land swap has been completed and the Board gave that direction, then it would have been an oversight on the map that needs to be addressed. Ms. Hunter suggested continuing this item until the next Board meeting in order to bring back a revised ordinance. **Commissioner DeBoer** recalled the land swap was completed, pointed out on the black and white map the salt water flats that were involved in the exchange, the exchange has been consummated with the State of Florida and made certain parcels public lands, a problem exists because the deeds have not been recorded, stated some of the land owned by Southwest Florida Water Management District (SWFWMD) was part of the swap with the land holding company, there would be more taxable property if the deeds are recorded, the swap of a certain parcel was done to obtain the salt water flats intended for expansion of the Lagoon and mitigate all of the canals. **Commissioner Moore** requested Ms. Hunter's opinion on moving forward with the proposed ordinance today and addressing other concerns in the future. Ms. Hunter stated piece-meal is fine i.e. approve the proposed ordinance and then she can meet with Board Members and Mr. Loucks regarding the land swap prior to bringing back an amendment. **Commissioner Moore** requested the number of property owners to be added under the proposed ordinance. Ms. Hunter advised Mr. Fullenkamp, Charlotte Sarasota Holdings, and the tower and explained ownership of the lands by the State of Florida will clean up the Unit's boundaries but if Mr. Fullenkamp owns the property, he should get a tax bill. **Commissioner DeBoer** recalled owners of property sold to Mr.

Fullenkamp received tax bills and complained to him about being taxed on lands that had no value but in the interim those same lands were sold for millions of dollars and stated James Dossett recommended against the vacation on lands used in the swap because the deeds had never been recorded. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED FOR APPROVAL TO ENACT ORDINANCE #2005-031, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item Z-6, Public Works, South Burnt Store Street and Drainage Unit (Proof of Publication was in order)

Ms. Hunter requested an amendment to Charlotte County Code Section 4-6-632 to add lands that derive a benefit from work performed within the Unit but do not currently pay an assessment. **Commissioner DeBoer** requested clarification on two parcels in the corner on the map of Pirate Harbor, civic center and marina, is shown as government accounts. Ms. Hunter reported there is no civic center or marina in Pirate Harbor, those are government lands. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED FOR APPROVAL TO ENACT ORDINANCE #2005-032, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

VIII. PRESENTATION AGENDA

None.

IX. CITIZEN INPUT - ANY SUBJECT

None.

BB. County Administrator

Mr. Loucks related a request received from the City of Punta Gorda on acquiring land east of the Court House for a parking lot. **Commissioner DeBoer** expressed an interest in discussing the City's acquisition of land east of the Courthouse to construct parking facilities and suggested the monies be used to mitigate Courthouse restoration costs. **Chairman Devos** recommended the item be placed on the next meeting agenda. Mr.

Loucks stated it would be on the meeting agenda for the second week in May.

CC. County Attorney

Janette S. Knowlton, County Attorney, stated a letter has been received requesting reconsideration of the action taken on March 15, 2005 on the McDaniel Condominium petition based upon staff's recalculation of the number of dwelling units from two to three units pursuant to the request for an exception from the Interim Development Controls for McDaniel Condominium a/k/a Beachcomber at Manasota Key; stated at the March 15, 2005 hearing, **Commissioner D'Aprile** recused himself since he was not present for the entire hearing, **Commissioner DeBoer** wanted to remand it to staff for additional review, and remaining Commissioners voted in favor of denial; and unresolved issues include the driveway, parking, and the elevator tower that exceeds the 52 feet height limit. **Chairman Devos** recalled she did not object to three units. **Commissioner DeBoer** stated if the only issue were the additional development, he would support reconsidering an exception; at this point, petitioner can either come back for the extra unit and comply with the remainder of the ordinance or he is willing to work on allowing petitioner to sell the development unit off of the Island as mitigation. **Commissioner Cummings** stated he is reluctant since other petitions approved complied with height restrictions and he will need justification from staff that petitioner has completely met the intent of the ordinance. **Commissioner Moore** expressed no objection to reconsidering the petition because a fact was incorrect but this does not mean he will change his position. **Chairman Devos** concurred with **Commissioner Moore**. **Commissioner DeBoer** agreed with **Commissioner Cummings'** position. **Commissioner D'Aprile** expressed a preference for remanding it back to staff and bringing it back with clarification.

Attorney Knowlton stated the permit regarding Edgewater 2000 Condominiums in Englewood has been ready for pick up, provisions in the settlement agreement are contingent upon the pick up of the permit, she has spoken with Attorney Haymans who related the developer has contracted with Gulf Shore LLC in Grove City, and the permit will be picked up within four weeks. Attorney Knowlton advised she would review the settlement agreement to tighten the controls since it was not the intent to allow this

matter to drag on this long. **Commissioner Cummings** expressed an interest in identifying incentives for the developer of the Beirut building to move forward, even before the four weeks time line. **Commissioner DeBoer** requested the County Attorney to review the minutes concerning approval of the project, specifically comments on the unacceptability of intentional circumvention of the time frames and questioned the validity of the permit. **Chairman Devos** stated the Board's intent was to make sure that every possible circumstance was covered, agreed with **Commissioner DeBoer's** request for review, and recalled the developer's attorney agreed to and had a clear understanding of the timeline and promises. **Commissioner D'Aprile** stated a decision has to be made to get the developer to finish the project or tear it down.

DD. Commissioner Comments

Commissioner D'Aprile stated current ordinances need to be revised where a developer and staff have different interpretations but both parties are correct based on Code provisions; an issue has been brought to his attention regarding businesses with residential space above in West County i.e. according to the Code every business owner has the right to have his residence within and permitted uses of the property have nothing to do with stated accessory uses; no business owner has bought density in the County in order to have his residence within the business; this type of business/residence will reduce traffic; and requested staff to re-evaluate the Code on accessory uses. Mr. Loucks reported Community Development staff has acknowledged the need to update the Land Development Code and a contract will be brought back to the Board to get the update done quickly. Mr. Loucks suggested scheduling the issue on the May 17, 2005 land use hearings. **Commissioner Moore** stated this is the third time the developer has run into a stone wall and agreed on the need to clarify the Code to alleviate misunderstandings. **Chairman Devos** expressed reservations about scheduling the issue on the land use hearing agenda and the Board being placed in the position of arbitrator and agreed on the need for a consultant to re-evaluate the Land Development Code. **Commissioner DeBoer** suggested the entire Land Development Code be re-evaluated so the Board will not have to address issues on a case-by-case basis; concluded the issues are whether residential density goes along with Commercial General zoning,

if not, does the developer need to pay to transfer development units, whether to allow a residential unit for each store front, and how to regulate who may occupy the residence. **Commissioner D'Aprile** advised the ordinance specifically indicates that a residence above is allowed if the commercial units are separate buildings but it is not allowed if the commercial units are consolidated into one structure. **Chairman Devos** expressed frustration regarding different interpretations of the Code, commented on the intent to move towards mixed-use development, and stated it is not good practice to make decisions independent of the Code. **Commissioner Cummings** stated the Code should be re-evaluated to more effectively implement the Comprehensive Plan, the concept of development units will provide a tool to better promote and manage compact contiguous growth, and commented on the need to establish a mechanism to measure the impacts of commercial development in residential areas. **Commissioner D'Aprile** stated it would be premature to place this matter on the May 17, 2005 Land Use Hearings and suggested scheduling a workshop. **Chairman Devos** requested the workshop encompass numerous land use issues. **Commissioner Cummings** pointed out staff is trying to follow Board direction towards implementing the Comprehensive Plan. **Commissioner Cummings** opined the Babcock Ranch acquisition is not over until the Family has received the money; requested staff be allowed to gather expertise to obtain estimates on the present value of the net income of Babcock Ranch i.e. the value of the area as a mitigation/TDU bank and ranching, selective logging, sod, mining, and eco-tourism operations for use as a gap analysis; expressed the belief that the net income of the Ranch would fund the acquisition of the Ranch and the present value of the net income will provide information to allow the County to be an effective participant in negotiations; stated he needs more specific financial data on the assets; and indicated his intent is to use the minimal amount of taxpayer monies necessary to maintain the status quo since no major problem has arisen with the operations. **Commissioner Moore** expressed uncertainty about placing such a burden on staff during the budget process. **Commissioner DeBoer** pointed out staff does not have the expertise and probably a consultant would need to be retained; he is in the process of gathering volunteers through the Agriculture and Natural Resources Advisory Committee (ANRAC) to compile the information; he is doing everything he can to open doors and collect information; he has requested the Governor

provide access to participants in the negotiations to this point in order to eliminate duplication of efforts; and a team needs to be established to approach the matter under private business practices. **Commissioner Cummings** agreed and advised he will be talking to Andy Dodd about the mitigation/TDU bank and staff should facilitate and coordinate the process. **Chairman Devos** suggested staff bring back options to facilitate the County's position. **Commissioner Cummings** stated he wants to know the amount of money the County will need to develop the water resource. **Commissioner D'Aprile** reported he has written to Bill Gates requesting money for buying the entire preserve. **Commissioner DeBoer** expressed a willingness to step aside if this matter is to be brought back into this arena for Board action since he has been utilizing his personal contacts. **Chairman Devos** stated the Board should have a collective approach and a discussion is necessary to delineate the Board's position on the acquisition. **Commissioner Moore** suggested waiting on future developments and stated a decision does not have to be made this instant. **Commissioner D'Aprile** has no objection to **Commissioners DeBoer and Cummings** working from different aspects. **Chairman Devos** requested agenda items for the joint meeting with the City of North Port and thanked **Commissioner Moore** for his response. **Chairman Devos** asked for issues and concerns from staff especially Public Works. **Chairman Devos** related a request from Paula Hess for the P&Z Board, Tom Cookingham, staff, and the Port Charlotte Chamber of Commerce to hold a town hall meeting in Room 119, in the evening prior to May 17, 2005, to educate the public regarding the US 41 Overlay including the planning concepts, expansion, and improvements. **Commissioner D'Aprile** commented on the need to educate the public and suggested the Communications and Marketing Department provide more information. **Chairman Devos** stated the project is still a work in progress. **Commissioner DeBoer** stated let them hold the meeting. **Chairman Devos** advised a request has been made by the Executive Republican Committee to use the Library Conference Room to hold monthly meetings. **Commissioner Cummings** expressed concern about setting a precedent. Mr. Loucks advised Lee County allows its public facilities to be used in the evenings or off hours with a fee and suggested the Board establish a policy. **Commissioner DeBoer** stated the Library Conference Room is not large enough to accommodate the Republican Executive Committee, the Committee would have to use Room 119, and someone would have to come in to

open and close the buildings. **Chairman Devos** stated she would refer them to the School Board since they have a policy. **Commissioner DeBoer** recalled the Committee used the Port Charlotte Beach Complex and a fee would have been charged. **Chairman Devos** reported the School Board does have a fee structure for facility use. **Commissioner Cummings** stated a discussion should be scheduled on rentals and fees for use of public facilities to non-profit and for-profit organizations. **Chairman Devos** advised she will not be attending the May 24, 2005 Board meeting.

RECESS: 12:25 P.M. - 2:02 P.M.

VII. PUBLIC WORKSHOP AGENDA

AA. 2:00 P.M.

Agenda Item AA-1, Community Development, Discussion of Height Restrictions

Tom Cookingham, Planning Services Manager, stated the purpose of the workshop is to review current County height restrictions, buildings in the County, the need to revise existing standards, and staff direction. Mr. Cookingham introduced Joe McHarris, of McHarris Planning and Design Group, to focus on design elements of various heights. Mr. Cookingham explained the specific height requirements were implemented in residential, commercial, and industrial zoning districts and pursuant to the Gasparilla Island Act, waterfront property development standards, Special Overlay Districts including Enterprise Charlotte Airport Park (ECAP) and US 41, Charlotte Harbor and Murdock Village Community Redevelopment Areas, and Manasota Sandpiper Key Community Planning Areas. Mr. Cookingham gave a slide presentation focused on waterfront property height requirements that are governed by Section 3-9-98 of the County Code when residential areas are within 1,200 feet of identified water bodies, the height is not to exceed 35 feet; photographs of buildings under current zoning regulations i.e. single family and agricultural areas with 38 feet restrictions; special exceptions in ECAP from 60 feet to 90 feet; and most of the allowable height is concentrated around urban and commercial areas at 60 feet. Mr. Cookingham reviewed slides of the Justice Center, condominiums in the City of Punta Gorda along the Peace River some of which

are four stories over parking and a roof structure which are between 55 feet and 60 feet high, pointed out vegetation tends to break up the mass of the building by giving structures definition, most of the existing canopies are around 40 feet, a new office building along Olympia Avenue, single family units on stilts within the canopy layer, the Peace River Preserve that received an exception for 3 feet above the 35 feet height limit, Boca Vista in West County, multi and single family units, the Hilton Hotel in North Ft. Myers on the River, structures along the River in North Ft. Myers showing taller buildings moving away from the waterfront, and groups of buildings as high as 100 feet. **Commissioner Cummings** requested setbacks regarding condominiums, hotels, and commercial establishments. Mr. Cookingham stated generally 7.5 feet side yard setbacks and 20 feet front yard setbacks but it depends on the zoning. **Commissioner Cummings** questioned the placement of parking closest to the road at the front. Mr. Cookingham advised parking closest to the road is convenient but it is not a requirement. **Commissioner Cummings** asked for the typical setback from the road. Mr. Cookingham stated it would depend on the site but there are a lot of underneath building parking. Joseph M. McHarris, McHarris Planning and Design Group, gave a slide presentation reflecting his analysis of height restrictions including concept implications for vertical and horizontal land planning and design issues including contextual response and height for in-scale development with existing structures, out-of-scale between existing and new development, and transitional scale development to free up space on the sides; height can create a very negative impact on a site or a transitional impact to an area; height can also provide benefits; taller buildings can provide view corridors and vistas to waterfront areas whereas horizontal structures reduce the amount of open space and views; a variation in height and mass restrictions will allow structures to articulate more creative and flexible designs to open up view corridors, and add architectural details and more open and useable space; stated a height case study performed on Captiva over the last 15 years showed reductions in building heights caused architectural and design aspects to suffer more than the density; and summarized that height restriction is not a one size fits all concept and should not be implemented as such. Richard Flint, a Friends of Cape Haze Steering Committee member, explained the Committee represents more than 25 condominium associations and businesses

and more than 20,000 people in West County; asked the Board to enforce the existing height ordinances especially since there are no density requirements for hotels; stated high rise development will destroy the life style, character, and ecology of the area; and commented on impacts as a result of the widening of Placida Road from two to four lanes and Placida Point at the south end of Placida Road. Dick Loftus, Charlotte Harbor Community Redevelopment Agency (CRA) Advisory Committee, reported the Committee recognizes the importance of developing the area adjacent to the bridge in concert with the Punta Gorda CRA; the 35 feet height restriction within 1,200 feet of the Harbor; explained a Riverwalk area has been designated from Breaker's Restaurant, under the bridge to Melbourne Street, the Charlotte Harbor Preserve, and up US 41 to Dick Flowers Bakery; and recommended that a height performance plan be incorporated into the Charlotte Harbor Redevelopment Overlay that corresponds to the Riverwalk District area with maximum heights complimentary to Punta Gorda's Riverwalk development; to participate in the height plan a development would require Planned Development (PD) or site plan approval; to increase the height above 35 feet would require compliance with certain performance standards: the more height, the greater the performance standards including enhancement of architectural and landscaping requirements, public access for mixed use development i.e. restaurants, participation in the Riverwalk Construction Fund to cover construction and maintenance costs based on height and lot size, participation in the US 41 Revitalization Program by property owners that have land abutting US 41 based on lineal foot along US 41; and concurred with more green space instead of a wall of buildings. Peg Varga, resident and property owner at Burnt Store Lakes north of the Lee County line, requested height changes be addressed on a case-by-case basis and commented in opposition to high-rise development adjacent to her residential deed restricted community area. Cappy Warner, Gasparilla Island Conservation and Improvement Association (GICIA) President, read a letter by GICIA Vice President Lynne Seibert, on limiting density in Coastal High Hazard and Category I Hurricane Vulnerability Areas pursuant to the Future Land Use Element, Goals, Objectives, and Policies of the Comprehensive Plan and requested the Board regulate the use of land and protect residents from a concrete wall of high rises that would create environmental, public safety, infrastructure, and aesthetic disasters. Janet Hughes

appeared on behalf of the two units at the Sanctuary at Cape Haze Sanctuary; expressed opposition to additional height variations due to public safety hazards as a result of development on existing infrastructure including utilities, traffic; and requested heights and development be limited until infrastructure is constructed to meet growth demands or plans are made for developers to share or pay costs. Michael Haymans, personally, stated increased height restrictions would create more open space which benefit critters and the quality of life; development is sprawled throughout the County and is not sufficient, without creating nodes of density by relieving height limitations, to support long-term transportation planning; waterfront height restrictions should be considered in context with vegetation, tree canopies, and surrounding buildings; stated the tallest manmade structure in the County is the landfill which is close to 10 stories; and there are some other areas in the County that can handle 10 story buildings. John Taylor, a retired marine biologist, recalled he formerly conducted eco-tours in Placida in 1999; stated a lot of development has occurred that has detracted from the character and community life style of the County; increases in density in the Placida area will destroy natural resources; and requested density be limited along the sea coast by restricting heights and development. Geri Waksler, of Moore & Waksler, appeared as a land use attorney, stated height is not an issue of density, it is an issue of development uses; density is determined by the land use plan and zoning; increasing height restrictions will not necessarily mean an increase in density; density may be designed outward or upward; if a developer is allowed to increase the height then the County should receive more open space that can be achieved through greater side setbacks or building separations in conjunction with architectural standards including roof variations and staggered heights; an ordinance that provides give and take will ensure compatibility in the County and maintain light and air around buildings and views to and from the waterfront; and requested height restrictions be increased to provide benefits to developers and the community. Jerry Dupper, Charlotte Harbor CRA Advisory Committee member, agreed with Mr. Loftus' comments; stated the Committee is looking for a height performance plan to allow development with more height along Melbourne up to US 41, around the bridge to Bayshore, incorporating the extension of Riverwalk which is not in the plan for Bayshore Park, and allowing multiple multi-

tiered buildings with green space between structures; and this is an opportunity to rebuild a gorgeous area with a focal point while providing green space and waterfront access through restaurants and retail facilities. Walter Busker, a Placida resident, expressed concern about development as high as 60 feet instead of 35 feet and within 1,200 feet of a water body; stated the ordinance is not explicit about the measurement of the 35 feet i.e. from mean-high water line, grade, or living level; he does not want to see another Boca Vista; requested enforcement of the 35 feet height restriction; and opined Cape Haze and Gasparilla should be considered separate from Punta Gorda and Charlotte Harbor. Scott Roberts, of Placida Point on CR 775, expressed concern about what will happen with infrastructure 10 years from now; especially the impact of development on water supplies and resources and sewer facilities; stated the Englewood Water District was faced with paying a \$450,000 fine because of pumping wells at three times the allowable amount; water, traffic, and density will need to be considered; and requested a review of the deteriorated pilings of the bridge over Coral Creek, going down CR 771. Charlotte Ventola, Charlotte Harbor CRA Advisory Committee Member, suggested the existing height restrictions be enforced on a case-by-case basis. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.** **Commissioner D'Aprile** stated in certain areas height restrictions should be allowed based on the type of businesses required and needed in the community i.e. hotels, condominiums; the buildings should be structured to provide green spaces and views; the Charlotte Harbor CRA Advisory group has been working to provide a more pleasant view, Bayshore Park is a beginning; opined larger buildings should be incorporated in this area as was done with the Peace River Preserve; and commented in support of moving forward to identify specific areas for increased height restrictions. **Commissioner Cummings** stated people do not want a wall of buildings to look like the East Coast and steps need to be taken to eliminate that possibility; commented on the need to reduce potential development in the time frame that existing growth is occurring; the presentation gave him some good ideas on developing performance based height restrictions including more green space, tree canopy, and landscaping; he does not have a problem with tall buildings in Murdock Village and he does not object to transferring development units into that area; the Charlotte Harbor CRA and the Burnt Store Sector

Plan represent areas that anthropogenic impacts might be minimized; and expressed support for moving forward to pursue height restrictions to further implement the Comprehensive Plan. **Commissioner DeBoer** stated he would consider height variations within the Charlotte Harbor and Murdock Village CRAs but he is not interested in allowing development in excess of the current height limitations on a County-wide basis and pointed out performance base height restrictions are already in effect in the Enterprise Charlotte Airport Park i.e. for every vertical foot over the height limitation, two horizontal feet in green space is required. **Commissioner Moore** indicated the workshop has provided a good exchange of ideas as a basis to building a consensus on future development strategy by working diligently together with the public and developers, as a team effort, and caution should be exercised to control building heights to assure waterfront views. **Chairman Devos** stated a broad County-wide change would be very difficult, it would be much easier to change and implement height restrictions in CRAs; she very highly values the calming effect and beauty of water bodies; a lot of changes have occurred during her 29-year residency; opined increases in height limitations do not mean increases in density but it does provide an opportunity to preserve and protect the character of the County; expressed the belief that everyone wants structures that are esthetically pleasing; she likes the concept of developing a performance plan; the Burnt Store Road Sector Plan is providing a opportunity to make positive changes; the Preserve in Charlotte Harbor will be an attractive addition but more height would have provided more open space and water views; and expressed a preference for allowing flexible heights in selective areas. **Commissioner D'Aprile** suggested concentrating on heights in specific areas i.e. Charlotte Harbor and Murdock Village CRAs and the Enterprise Charlotte Airport Park and pointed out height limitations include 38 feet in residential areas and 60 feet for multi-family structures. **Chairman Devos** explained 60 feet high structures must be 1,200 feet from waterfront. **Commissioner Cummings** requested clarification of the areas to consider increased height limitations; the Enterprise Charlotte Airport Park height restrictions may be imposed pursuant to Federal Aviation Agency standards; suggested heights be considered in the Burnt Store Road Corridor/Tern Bay and US 41 Overlay areas; and opined market impacts on property adjacent to I-75 may provide opportunities for height increases to intensify uses and

create commercial nodes with access from residential areas. **Commissioner Moore** reported construction on the new Placida Bridge is scheduled to commence this fall. **Commissioner D'Aprile** expressed support for developing increased height limitations within the CRAs and the Enterprise Charlotte Airport Park. **Commissioners Moore** agreed with **Commissioner D'Aprile**. **Commissioner DeBoer** concurred with **Commissioners D'Aprile and Moore**. **Chairman Devos** concluded staff has direction. Mr. Cookingham stated this will be a good starting point and staff will be back before the Board on developing new performance based regulations. **Commissioner D'Aprile** requested an explanation on the height determination. Mr. Cookingham advised criteria needs to be established to allow height increases in conjunction with increased open space, landscaping, and buffering and the regulations may only apply to a minimum site size. **Chairman Devos** stated there are a limited number of large parcels with available density in the Charlotte Harbor CRA where a developer could argue for increased height. Mr. Cookingham stated the development push for increased building heights is along the waterfront and a lot of the properties in the CRA are small. **Commissioner DeBoer** requested assistance from the public and groups in relation to growth paying for itself because Senator Bennett has a Senate Bill that will strip or severely restrict counties of the ability to impose impact fees on new development that will eliminate revenues that are used to pay for growth even though the State has directed counties to better manage growth and suggested everyone send e-mails or letters to Senator Bennett.

MEETING ADJOURNED: 4:50 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**

djn