

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

MAY 24, 2005

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Vice Chairman Thomas G. Moore and Commissioners Adam Cummings, Thomas C. D'Aprile and Matthew D. DeBoer. **(Chairman Devos was not present for this meeting.)** Also in attendance were Assistant County Administrator Roger Baltz, County Attorney Janette S. Knowlton, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board Bonnie Stoner, Supervisor of Minutes Diane J. Nice and Minutes Secretary Gail Manley. The meeting was called to order at **9:04 A.M.**

The **invocation** was given by Pastor Kenneth Redmond, Lutheran Church of the Cross, Port Charlotte, Florida, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

ADDITION:

Consent
Agenda

Agenda Item C-5, Approve scheduling a BCC Goal Setting Meeting on June 13, 2005 at 10:30 A.M. to be held at IMPAC University

CHANGE:

Consent
Agenda

Agenda Item C-4, Approve a resolution authorizing the execution of a lease agreement for Representative Michael Grant

COMMISSIONER CUMMINGS MOVED APPROVAL OF THE ADDITION AND CHANGE TO THE AGENDA, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0).

COMMISSIONER D'APRILE MOVED TO TAKE AGENDA ITEM AAA PRIOR TO PRECEEDING WITH THE 10:00 A.M. PUBLIC HEARINGS UNDER AGENDA ITEM Z, SECONDED BY COMMISSIONER DeBOER AND DELCLARED UNANIMOUS (4:0).

SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE WEEK OF JUNE 12, 2005 THROUGH JUNE 18, 2005 AS "RACE UNITY WEEK IN CHARLOTTE COUNTY" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). Albert B. Sudsley accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MAY 24, 2005 AS "DR. HARRY AGABEDIS DAY" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). Dr. Agabedis accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MAY 24, 2005 AS "EARL COLEMAN DAY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). Earl Coleman accepted the proclamation.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

None.

II. COMMITTEE VACANCIES

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

Construction Industry Licensing Board

- one (1) consumer advocate position

Affordable Housing Advisory Committee

- one (1) volunteer for a two (2) year term as a Banking Industry Representative

Enterprise Charlotte Board

- one (1) volunteer to fill the unexpired term of a Community-at-Large Member until December 31, 2006

Code Enforcement Board

- one (1) qualified volunteer representing the General Contractor position - three (3) year term

South Gulf Cove Advisory Committee

- five (5) volunteers who either reside in or own property within the boundaries of South Gulf Cove for a two (2) year term; present members are eligible for reappointment

Little Gasparilla Island Steering Committee

- One (1) at-large member to fill the unexpired term of a resigned member - the position extends through January of 2006

III. REPORTS RECEIVED AND FILED

1. Charlotte Harbor Community Redevelopment Agency Advisory Committee (CRAAC) Minutes - February 24, 2005
2. Charlotte Harbor Community Redevelopment Agency Advisory Committee (CRAAC) Minutes - March 24, 2005

IV. CONSENT AGENDA

COMMISSIONER CUMMINGS MOVED APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER DeBOER 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 May 4, 2005 through May 17, 2005 in the amount of \$8,316,216.30

B. Minutes Division

Agenda Item B-1, Approval of Minutes

No items.

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint Joseph Gentry to the Construction Industry Licensing Board (CILB) representing the licensed mechanical contractor category for a four-year term.

Agenda Item C-2

Reappoint Brenda Bossman to the Planning and Zoning (P&Z) Board - District 3 for a term effective from June 2005 to June 2009.

Agenda Item C-3

Cancel the regular meeting of the Board of County Commissioners on July 26, 2005.

Agenda Item C-4

Resolution #2005-083 authorizing the execution of **Agreement #2004-017**, a lease agreement for Representative Michael Grant.

Agenda Item C-5

Set a BCC Goal Setting Meeting on June 13, 2005 at 10:30 A.M. to be held at IMPAC University.

D. Administration

Agenda Item D-1

No items.

E. County Attorney

No items.

F. Budget Office

No items.

G. Community Development

Agenda Item G-1

Resolution #2005-084 granting Page, L.L.C. Final Detail Plan Approval (DRC-PD-03-01) to construct Boulder Pointe Condominiums, a previously approved Planned Development (PD).

H. Economic Development

No items.

J. Environmental Services

Agenda Item J-1

Grant #2005-018 with the Caribbean Conservation Corporation for the Manasota Key Roadway Lighting Project.

K. Facilities Construction and Maintenance

No items.

L. General Services

Agenda Item L-1

Change Order #1 to Bid #05-104, Harbor Boulevard/Aaron Street Sidewalk Connections with C² Certified General Contractors, Inc. of Bradenton, FL in the amount of \$46,047 and an increase to the completion time of an additional 30 days with a revised cost of \$186,743.

Agenda Item L-2

Bid #05-249, Rehabilitation of Life Station #14 to Strickler Bros., Inc. of Ft. Myers, FL in the amount of \$177,828 to replace an existing dry pit lift station with a submersible lift station.

Agenda Item L-3

Bid #05-246, Articulating Dump Truck to Nortrax Equipment Company of Ft. Myers, FL for the price of \$404,714, a guaranteed maximum cost of repairs of \$49,680 and a guaranteed buy-back price in the amount of \$160,689; and **Exercise** the guaranteed buy-back price from **Bid #98-136, Earthmover - Landfill** (1998 Caterpillar - P/N 23477) with Kelly Tractor Company for the amount of \$63,000.

Agenda Item L-4

Change Order #1 to Bid #04-264, Airport Road and Taylor Road Intersection Improvements to General Contracting Services in the amount of \$305,265 with a revised total of \$2,682,241 with an additional 204 calendar day extension.

Agenda Item L-5

Bid #05-208, Fencing - Maintenance & Repairs as follows: Groups 1, 3, and 4 to Sunrise Fence & Construction Company of S.W. Florida in the amount of \$432,766; Group 2 to Stewart Tennis Courts & Fencing Inc. in the amount of \$16,783; the **Annual Maintenance and Repairs Contract** to Stewart Tennis Courts & Fencing Company; and **Authorize** the County Administrator to approve renewal options up to two additional one-year terms. The contract period will be effective immediately through and including December 31, 2006.

Agenda Item L-6

Request for Proposal #04-232, Enterprise Asset Management Solution Software (EAMS/CMMS) to start negotiations with the following firms: Data Stream Systems, Inc. of Greenville, SC for the Enterprise Package; and MaintStar of Irvine, CA for the

replacement of the existing Burke CMMS software used by Public Works.

Agenda Item L-7

Change Order #13 to Contract #03-484, North County Paving Program with Ajax, Inc. of Nokomis, FL for the additional asphalt needed for paving of the roadways of the Gardens of Gulf Cove in the amount of \$138,500.

Agenda Item L-8

Change Order #2 to Contract #05-149, South County Paving Program with Apac-Southeast, Inc. in the amount of \$224,687 for a total revised contract amount of \$5,608,096.

Agenda Item L-9

Change Order #1 to Bid #05-022, Life Station No. 803 Rehabilitation with Strickler Brothers, Inc. of Ft. Myers, FL in the amount of \$9,436 with a revised total of \$101,101.

Agenda Item 10

Change Order #1 to Contract #03-465, South Gulf Cove Boat Ramp with Kelly Brothers, Inc. of Ft. Myers, FL in the amount of \$65,210 to provide for a ten-foot extension of the boat ramp with a revised total contract amount of \$370,490.

M. Human Resources

No items.

N. Human Services

Agenda Item N-1

Resolution #2005-085 authorizing the filing of **Grant #2005-019** a Transportation Disadvantaged Trust Fund Grant.

Agenda Item N-2

Agreement #2005-018 providing State Housing Initiatives Partnership (SHIP) funds of \$450,000 to assist the Punta Gorda Housing Authority to rebuild Dolphin Villas, Gulf Breeze Apartments and Riverside Gardens destroyed by Hurricane Charley.

Agenda Item N-3

Set a Housing Workshop for June 28, 2005 at 2:00 P.M.

P. Information Technology

No items.

Q. Parks, Recreation & Cultural Resources

No items.

R. Public Safety

Agenda Item R-1

Resolution #2005-086 providing for changes to ambulance and associated service fees charged by the Charlotte County Fire and EMS Department.

S. Public Works

No items.

T. Real Estate Services

Agenda Item T-1

Resolution #2005-087 authorizing the Chairman to execute a County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 368 and 369, Block 1998, Port Charlotte Subdivision, Section 60 in Charlotte County, Florida to Charles M. Saggio.

Agenda Item T-2

Resolution #2005-088 authorizing the Chairman to execute a County Deed releasing a portion of a ten (10) foot wide utility and drainage easement located in Lot 18, Block 2764, Port Charlotte Subdivision, Section 33 in Charlotte County, Florida to William P. Dewitt and Emma J. Dewitt.

Agenda Item T-3

Resolution #2005-089 authorizing the Chairman to execute a County Deed releasing a portion of a ten (10) foot wide drainage easement located in Lot 14, Block 3291, Port Charlotte Subdivision, Section 44 in Charlotte County, Florida to Bruce D. Heinel and Pamela J. Heinel.

Agenda Item T-4

Resolution #2005-090 authorizing the Chairman to execute a County Deed releasing a portion of a twenty-five (25) foot wide canal maintenance easement located in Lot 1, Block 3294, Port Charlotte Subdivision, Section 44 in Charlotte County, Florida to Donald B. Mitchell and Linda T. Mitchell.

Agenda Item T-5

Resolution #2005-091 authorizing the Chairman to approve and ratify a temporary lease for an aircraft hangar located at the Charlotte County Airport for use by the Sheriff's Department and Mosquito Control.

V. Tourism Development

No items.

W. Utilities

No items.

(Chief Deputy Board Services Tommy Q. White was not present for this portion of the meeting.)

V. REGULAR AGENDA

Y. Regular Agenda

Agenda Item Y-1, Environmental Services/Real Estate Services - Approve a resolution authorizing and directing the acquisition of real property by any legal means for the Tippecanoe Scrub Environmental Park II project area for Florida Scrub-Jay habitat mitigation and conservation necessitated by the widening and/or extension of Edgewater Drive and Flamingo Boulevard (Proof of Publication was in order.)

Cathy Olson, Environmental Specialist II, explained this item was for Scrub-Jay mitigation of the Flamingo/Edgewater Corridor, the proposed road alignment will impact approximately six family groups of Florida Scrub-Jays, 150 acres of land must be assembled for this impact and reviewed the five potential mitigation areas. Ms. Olson stated the proposed mitigation site was located within the Tippecanoe Scrub Environmental Park II project area, it was adjacent to State and County managed preserved land, the site has the most Florida Scrub-Jay family groups which will be preserved by the acquisition of the mitigation land, there was relatively low housing density and they will be able to use prescribed fire to manage the site, both of which represent a cost savings. **(Chief Deputy Board Services Tommy Q. White was present for this portion of the meeting.)** Ms. Olson explained the final stages of the acquisition process will necessitate using eminent domain to assemble the rest of the lots and noted the park land will be open for extremely passive recreation once it gets under public ownership. Brian Barnes, Capital Road Projects Manager, briefly commented on the road alignment process which resulted in the final alignment approved by the Board in June of 2004. **Commissioner DeBoer** asked the annual budgeted amount for the purchase of the properties and the timing. J. Paul Payette, Real Estate Services Manager, said the Tippecanoe II land acquisition program will cost about \$9 million and should be wrapped up by the end of the calendar year. **Commissioner Cummings** opined they need to proceed as expeditiously as possible because, as they've learned in the past, the costs just keep escalating. **Commissioner D'Aprile** asked the number of homes involved. Ms. Olson said within the boundary there were three existing homes but the boundary was redrawn to exclude

those homes so they will only be acquiring vacant land for mitigation. **Commissioner D'Aprile** asked the timing of the road project. Mr. Barnes explained they were advertising for a design engineer to start the design of the four-lane section from Collingswood Boulevard to S.R. 776, similar to Veterans Boulevard they would build two of the four lanes now then drop back to Harbor Boulevard and start the four-laning of Edgewater Drive in a sequential manner until they get to S.R. 776, as traffic builds on it they will bring the four lanes online and he believed the four lanes were in the Capital Improvements Program (CIP) budget within the next two years. Thomas F. O'Kane, Jr., P.E., Public Works Director, clarified the next CIP brought to the Board for evaluation which he thought would be in June would include the phasing of Edgewater Drive and Flamingo Boulevard, both the extension and the widening. **Commissioner D'Aprile** said this extension was a priority to him. **COMMISSIONER DeBOER MOVED APPROVAL TO ADOPT RESOLUTION #2005-092, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).**

VIII. PRESENTATION AGENDA

AAA. 10:00 A.M.

Agenda Item AAA-1, Presentation by Steve Larson, Southwest Florida Disabilities Group - Shelter needs for people with disabilities

Steve Larson, Southwest Florida Disabilities Group President, gave a brief slide presentation titled Charlotte County Disability Center which paralleled the material and detailed the following: Our Mission; Specific Activities Covered in Our Mission; Introduction S W Florida Disability, Inc.; Uses for the facility; Cost; This Facility and the Groups Within Offer the Community-; and Summary. **Commissioner D'Aprile** summarized what was being requested was not financial help from the community or the government itself for building construction or operating costs but for Charlotte County to donate land on which the facility would be constructed and voiced support for this program. **Commissioner Cummings** said he was pleased to see that St. Vincent DePaul Pharmacy was being included in this along with many other groups such as the Visually Impaired Persons (VIP) and Hearing Impaired Persons (HIP). Mr. Lawson clarified

they were trying to get all groups under one building which would cut costs for all the organizations. **Commissioner Cummings** said he would like to have staff look through this to determine what the possibilities were, look at what properties were preferably within the infill area but outside Category 3 Storm Surge and determine the budget impacts for these organizations, i.e., will this help them deliver their services more cost effectively. Mr. Lawson concurred and said they would be willing to work with the Board and County staff. **Commissioner DeBoer** opined this should be a regional facility for the tri-county area to use in case of a disaster, and they should set a regional summit to identify all the people on special needs and get them registered with Emergency Management. Mr. Lawson agreed, said they sent out flier and they were trying to get specific information placed in the newspaper with regard to registering. Mark Asperilla, M.D. commented on preparedness issues dealing with who and what the individual special needs were including prescription drug needs, transportation needs, and personal care requirements, and said they were trying to coordinate with the Red Cross regarding shelter and care. Dr. Asperilla said these preparedness issues need to be addressed on both a short-term and long-term basis and noted that long-term disabilities will increase 15% over the next five years. David Klein, M.D. commented on the effectiveness of the disaster plan at the Medical Society which worked really well after Charley. **Commissioner D'Aprile** suggested Mr. Lawson set up an advisory group to work with staff to expedite the project. Mr. Lawson agreed.

RECESS: 10:10 A.M. - 10:20 A.M.

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1, Public Works - Rotonda West Street and Drainage Unit (Proof of Publication was in order.)

Judy Hunter, Municipal Services District Representative, explained the goal has been to consolidate the various Rotonda MSBUs once parity had been achieved, both staff and the advisory committees agree the unit can be managed under one MSBU and requested approval of the proposed ordinance. **THERE BEING NO**

ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER DeBOER MOVED APPROVAL TO ENACT ORDINANCE #2005-047, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).

Agenda Item Z-2, Public Works - Placida Street and Drainage Unit (Proof of Publication was in order.)

Mrs. Hunter explained the proposed ordinance was an amendment to the territory of this Unit, a portion of Cape Haze Drive was taken out of the Placida Unit and incorporated into the new Rotonda West Unit just approved by the Board because it was a gateway to the circle of Rotonda and requested approval in order to align all of the lands within both. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2005-048, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0).**

Agenda Item Z-3, Public Works - Rotonda Heights Street and Drainage Unit (Proof of Publication was in order.)

Mrs. Hunter explained the proposed ordinance was an amendment to the territory of this Unit, three cul-de-sacs off of Rotonda West Boulevard were taken out of the Rotonda Heights Unit and incorporated into the new Rotonda West Unit just approved by the Board because Rotonda West Boulevard was a gateway to the circle of Rotonda and requested approval. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0). COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2005-049, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0).**

Agenda Item Z-4, Public Works - South Punta Gorda Heights East Street and Drainage Unit (Proof of Publication was in order.)

Dawn Harrison, Municipal Services District Representative, explained the proposed ordinance was an amendment to the territory of this Unit to add properties not included nor previously assessed. **THERE BEING NO ONE WISHING TO SPEAK FOR OR**

AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER DeBOER MOVED APPROVAL TO ENACT ORDINANCE #2005-050, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).

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

Mrs. Hunter explained the proposed ordinance was an amendment to the territory of this Unit to add lands within The Village of Holiday Lakes that derive a benefit from the work performed by the Unit but have not previously been assessed. Ray Warner spoke on behalf of the South Gulf Cove Waterway MSBU Committee in support of the proposed amending ordinance, requested any existing unpermitted docks be removed and all future docks be permitted and assessed by the County. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER DeBOER MOVED APPROVAL TO ENACT ORDINANCE #2005-051, SECONDED BY COMMISSIONER D'APRILE.** Commissioner D'Aprile requested clarification of the unpermitted or nonconforming docks. Mrs. Hunter explained a couple years ago landowners within The Village of Holiday Lakes constructed boat docks along the Butterford Waterway without permits and clarified the issue of removal of the unpermitted docks doesn't require an ordinance but the Board could give staff direction that the docks should be removed. **Commissioner DeBoer** said when they did the land swap with the people of The Village of Holiday Lakes this was discussed and taken care of, there already was a Code Enforcement action underway against those particular docks and recalled the people in The Village of Holiday Lakes told the Board they supported the County's efforts to get those docks out. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

Agenda Item Z-6, Public Works - Countywide Dredging MSBU/TU (Proof of Publication was in order.)

Danny Quick, P.E., County Engineer, explained the proposed ordinance would establish a Countywide MSBU/TU Maintenance Dredging Unit, recalled at the May 10, 2005 meeting the Board directed staff to determine an assessment for the consolidation of all waterways not currently in an existing waterway unit, reported the total estimated construction and administrative

costs were \$8 million and there would be approximately 1,567 ERU's in this new unit with a total estimated assessment of approximately \$5,100 per ERU. Mr. Quick said staff felt those costs were excessive and the recommendation was for the Board to reconsider the ordinance brought to the Board at their May 10, 2005 meeting which would consolidate all waterways, including those within existing waterway units, into a single MSBU and it was that ordinance that was being submitted to the Board for consideration today. Ray Warner spoke on behalf of the South Gulf Cove MSBU Waterway Committee, stated there were 5,000 waterfront lots, 10,000 dry lots, and according to staff there were 15,578 existing waterway ERU's but 14,191 do not want to be part of this ordinance because they would be paying for the mess created by only 1,567 lot owners who never made any effort to fund an MSBU or maintain their own canals. Mr. Warner said the people of South Gulf Cove refer to their MSBU as waterway maintenance, there was more to maintaining a waterway than dredging, voiced objection to being included in the countywide dredging ordinance and requested they be allowed to opt out of the countywide dredging. Jeff Richards, Ackerman Waterway Improvement Association President, said they've been working with the Manchester Waterway Association to identify problem areas for dredging of which there are three, they were taxing themselves to get this dredged, they don't see the benefit of participating in a countywide dredging, their estimated canal maintenance cost was \$30 to \$40 per unit and requested to opt out of the countywide dredging. Peter Wiersma said he will soon be a new resident of South Gulf Cove and agreed with Mr. Warner that they should be allowed to opt out of countywide dredging. Dennis Peck, Manchester Waterway Advisory MSBU Chairman, referred to their letter to the Board to opt out of the countywide dredging program not because of an issue of control but one of getting the job done at a reasonable cost, their MSBU maintains the area at the reasonable cost of \$25 annually and advised that only waterfront lots pay for maintenance even though the inland lots benefit from the drainage system. Denny Curtis, South Gulf Cove Homeowners Association President, said he represents over 1,100 resident and non-resident members and voiced support to maintain the May 10, 2005 vote and allow them to opt out. Joe Fleming, Harbour Heights Waterway Maintenance Association President, said when he was in charge of the 1997 dredging of the San Marino Canal two-thirds of the costs were administrative and permitting and all of the members were in

support of the countywide dredging program. Eric Frohn voiced general support of the Countywide MSBU/TU, said he had some concerns regarding the lack of accountability and control of the revenue collected but he does see this as a general benefit, the canals serve to manage stormwater runoff as well as provide navigation and he thought providing people to opt out was a good idea. Ken Nelson, South Gulf Cove Waterway Committee former Chairman, said General Development Corporation (GDC) put in earth dams at the end of each canal but never cleaned up, this is a closed system and these canals won't need dredging for a number of years. Sandy Slater, South Gulf Cove Advisory Committee Chair, said their community wanted to thank the Board for their decision two weeks ago to allow South Gulf Cove to remain an independent waterway unit, they were not opposed to the concept of countywide dredging but they do want it fair and equitable, and commented on how Lee and Sarasota Counties manage their dredging and canal maintenance. Ms. Slater opined the proposal wasn't equitable, South Gulf Cove doesn't want to get lost in a single big MSBU and reiterated they want to opt out. Al Cheatham said he resided in northeastern Charlotte County nowhere near a canal or waterway, questioned the benefit to land owners like him who reside in a landlocked community 15 to 18 miles from any canal, disagreed that this program would increase his property valuation, and said though he felt the canals need to be dredged it needs to be equitably and fairly assessed. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0).** **Commissioner DeBoer** said there were two separate issues - one was a countywide taxing unit and the other was a countywide dredging program. **Commissioner DeBoer** said he didn't see why they couldn't run a countywide dredging program without having everybody in one taxing unit, noted the countywide paving program has separate units for different levels of service, opined they could create a cyclical operation such as dredging or paving with individual taxing units where people self-determine the level of service they want, the County would still be able to capture the financial benefits of a bigger program and said he felt most of people should keep their independence and be kept out of this. **Commissioner Cummings** recalled at the May 10, 2005 Board meeting he asked if they could still have separate MSBUs and still have a countywide system that would be able to keep at least one unit working steadily to reduce the mobilization and permitting costs. Mr. Quick responded yes it

was be possible. **Commissioner Cummings** said that was a real critical element for him to make this work, opined they need a comprehensive management program to reduce both permitting and mobilization costs and the revenue source for maintaining the infrastructure was not as critical as having the management program. **Commissioner Cummings** stated most of the objections seem to deal with the issue of equity and just because there would be one MSBU it didn't mean they had to have just one MSBU rate but he was also okay with separate MSBUs. **Commissioner Cummings** opined if they change nothing in their structure and if they have totally separate MSBUs and totally voluntary levels of participation as to what work was or was not done, they should expect 10 years from now to be in the exact position they were in today. **Commissioner Cummings** summarized separate MSBUs were okay but not voluntary ones, the answer probably lies in establishing a base level of service as they've done with the street and drainage districts, they need to address the issues of equity and expense reduction, Mr. Cheatham brought up a legitimate issue regarding non-waterfront properties and perhaps they should confine it to the Urban Service Area. **Commissioner D'Aprile** said he felt a countywide dredging program was needed, they should let units opt out but also allow them to opt back in later and asked if a special permit would be needed for each separate dredge or could they use the County permit. Mr. Quick responded they could use the existing permit and the County has all the necessary permits in-hand to do the work at any time. **Commissioner D'Aprile** said everyone needs to help one another and he would like to see some sort of commitment from these other organizations or MSBUs that do not want to be included but would consider rejoining at a later time. **Vice Chairman Moore** said the countywide dredging concept was a good idea, he understands South Gulf Cove's point of view, he cannot support the program as presented today and he wants to confer with the people in West County before doing anything. **Commissioner DeBoer** stated he believes if they start a cyclical program eventually all units will see the benefits but he does like a process that allows people to get there in their own time. **COMMISSIONER DeBOER MOVED DENIAL OF THE PROPOSED COUNTYWIDE DREDGING ORDINANCE, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).**

BB. County Administrator

No items.

CC. County Attorney

Janette S. Knowlton, County Attorney, said the Edgewater 2000 LLC picked up their permit last Friday May 20, 2005 so the clock was now ticking, and they must complete the exterior of the building by February 20, 2006 and be ready for occupancy on May 20, 2006.

XI. CITIZEN INPUT - ANY SUBJECT

None.

DD. Commissioner Comments

Commissioner Cummings reported they have received additional help on the phosphate issue, recalled the Peace River Water Supply Authority finally agreed they would not make further withdrawals out of the Peace River until minimum flows and levels were set all the way down to I-75, said the way Charlotte County handled this changed the way the State of Florida does business and now minimum flows and levels were being set state-wide. **Commissioner Cummings** noted the Peace River/Charlotte Harbor Basin generates \$5 billion annually, Charlotte County has made progress, standards have been improved, and though they still haven't managed to get to that moment when they change the way people think about this issue, they were getting closer. **Commissioner Cummings** recalled just during Hurricane Francis last year there was a spill that sent 60 million gallons of wastewater downstream into Tampa Bay and pointed out the only place in the Peace River that goes dry during a drought was in the middle of the Peace River where there's strip mining but DEP has never done a study on it which he felt was borderline criminally negligent. **Commissioner Cummings** said Lee County has been matching us dollar for dollar for the last two years and they've had help to a lesser degree from Sarasota County and the Water Authority. **Commissioner Cummings** commented on a letter he received from the Greater Yellowstone Coalition in Idaho, said they may finally be at a turning point in getting people to realize phosphate mining is a national issue and these folks

have come onboard and helped redo Charlotte County's website at www.thephosphaterisk.com. **Commissioner Cummings** stated the Peace River was now recognized as the 8th most endangered river in the United States specifically because of the threat posed by phosphate mining. **Commissioner Cummings** commented on another letter he received from the Sierra Club stating they were fully committed to helping with public relations, lobbying and legal efforts as well. **Commissioner Cummings** summarized finally the tide was turning, national recognition was finally being realized, they were no longer alone, the reinforcements were here and all of this brings much relief in their efforts to protect this treasure.

RECESS: 11:35 A.M. - 2:04 P.M.

(Commissioner Cummings was not present for this portion of the meeting.)

VII. PUBLIC WORKSHOP AGENDA

AA. 2:00 P.M.

No items.

VIII. PRESENTATION AGENDA (Continued)

AAA. 2:00 P.M.

Agenda Item AAA-2, Presentation by Bitner & Associates - Update on 2005 Legislative Session

David Bitner gave a brief overview and reviewed his report titled Report to Charlotte County Board of County Commissioners 2005 Legislative Session Summary which detailed the following:

- Growth Management - CS/CS/CS/SB 360
- Waterfront Property - HB 955
- Water Supply - CS/CS/CS SB 444
- Building Safety - CS/CS/CS/CS/SB 442
- Wind-Protection/Florida Building Code - HB 835
- Public Housing - CS/CS/SBB 334
- Affordable Housing/Elderly - SB 724
- Property Tax Exemption/Disabled Veterans - SB 550

- Homestead Assessments - CS/SB 1194
- Auditor Selection Procedures - HB 349
- Environmental Permitting Programs - HB 759
- Contamination Notification - HB 937
- Beach Safety - HB 1395
- Florida Kidcare Program - HB 569
- Medicaid - CS/CS/SB 838
- Transportation Disadvantaged - CS/CS/SB 1168
- Liability/Street Providers - HB 135
- Municipal Personnel/Annuities - SB 252
- Public Records/Meetings Exemptions - CS/SB 1922
- Florida Retirement System - HB 1159
- Wireless Emergency Telephone System - CS/CS/SB 620
- Article V - State Judicial System - HB 1935
- Legislation Which Failed

(Discussion ensued regarding establishing a formula for impact fees with a cap, difficulty in obtaining required permits and disappointment with Florida Association of Counties' attitude.) (Commissioner Cummings was present for the remainder of the meeting.) (Discussion continued regarding the County's inability to comply with deadline for issuing building permits and applications, annexation, possible imposition of cable and telephone franchise fees, and the Hurricane Task Force.)

MEETING ADJOURNED: 2:50 P.M.

Signature on file in Commission Minutes

Thomas G. Moore
Vice Chairman

ATTEST:

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

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

/ksm