

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

JUNE 28, 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, Thomas C. D'Aprile and Matthew D. DeBoer. (**Commissioner Adam Cummings was not present for this portion of the meeting.**) 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 Diane Gant, Supervisor of Minutes Diane J. Nice and Minutes Secretary Gail Manley. The meeting was called to order at **9:03 A.M.**

The **invocation** was given by Dr. Sloan, Palm Tabernacle Ministries, Port Charlotte, Florida, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

CHANGES:

Consent
Agenda

Agenda Item F-2, b) Approve a date for a Revenue Workshop for the Board of County Commissioners, Monday, July 11, 2005 at 10:00 A.M. in Room #229 #119

Agenda Item L-7, Approve proposal for an experienced and qualified auditing firm to provide professional annual financial auditing services for ~~the Board of County Commissioners Elected Officials~~, consisting of ...

Agenda Item L-9 - Budgeted Action should read: Total estimated project expenditure, ~~\$15.7M~~ \$12.7M.

Regular
Business

Agenda Item ~~Y-1~~ changed to Z-1

Agenda Item ~~Z-1~~ changed to Z-2

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

SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING JUNE 28, 2005 AS "FAYE BREGG DAY" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). Faye Bregg accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE MONTH OF JULY, 2005 AS "RECREATION & PARKS MONTH" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS (4:0). "Two Unidentified Individuals" accepted the proclamation.

(Commissioner Cummings was present for the remainder of the meeting.)

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING JULY 1, 2005 AS "2-1-1 DAY IN CHARLOTTE COUNTY" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS (4:0). Human Services Information & Referral Supervisor Joy Duperault, United Way of Charlotte County CEO CeeCee Glenn, CARE, Inc. Executive Director Kay Tvaroch and Leadership Charlotte 2005 President Glenn Gould accepted the proclamation.

Presentations:

Victoria Carpenter, Human Services Director, accepted checks as donations for the support of 2-1-1 in Charlotte County from the United Way of Charlotte County CEO CeeCee Glenn in the amount of \$34,000 and Leadership Charlotte 2005 President Glenn Gould in the amount of \$20,900+.

Chairman Devos and Bruce D. Loucks, County Administrator, recognized the 15 participants who completed the fifth Charlotte Citizens' Academy: Robert W. Amory, Sr., Diane Gnemi, Phyllis Collis, Jack Hackett, Suzy Hackett, Patricia Harris, George Kearns, Frances Lethiecq, Christa Matos, Dianne McCombs, Sherry Montgomery, Stan Munson, Jean Nutter, Ruth Sargent and Ken Wilson.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Bill Dryburgh, Parks & Recreation Board Chairman, spoke in support of **Agenda Items L-9, Approve Start of Negotiations Mathews/Taylor Construction, LLC of Punta Gorda, FL, for RFP #05-223, Design/Build Services - Charlotte County Multi-Purpose Event Center** and **T-5, Approve the acquisition by any legal means of a property located in the Charlotte Harbor area adjacent to Bayshore Live Oak Park.**

Dick Loftus, Charlotte Harbor Community Redevelopment Agency Advisory (CRA) Advisory Board Chairman, voiced support of **Agenda Items T-5, Approve the acquisition by any legal means of a property located in the Charlotte Harbor area adjacent to Bayshore Live Oak Park** and **T-6, Approve acquisition by any legal means of a property located in the Middle of Bayshore Live Oak Park.**

Grace Amodeo agreed with the two previous speakers, spoke in support of **Agenda Item J-1, Approve to lend funds to the Lemon Bay Conservancy for the creation of an endowment fund for the Buck Creek Preserve Project** and requested Board approval of each of these items.

II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee

- one (1) Banking Industry Representative for two 2-year terms
- one (1) labor representative

Beaches & Shores Advisory Committee

- one (1) resident volunteer from District #5 to fill the unexpired term until December 31, 2006

Construction Industry Licensing Board

- one (1) Consumer Advocate volunteer for one position

Enterprise Charlotte Board

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

Gulf Cove Street & Drainage Advisory Committee

- one (1) member who must reside in Gulf Cove for two 2-year terms

Planning & Zoning Board Representative

- one (1) applicant who must reside in District #4 for a term that expires May, 2008

III. REPORTS RECEIVED AND FILED

None.

IV. CONSENT AGENDA

COMMISSIONER DeBOER MOVED APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER CUMMINGS. Chairman Devos pointed out the Revenue Workshop was scheduled in Room 229, said she had asked that it be changed to Room 119 so it could be televised and asked the Board to let her know of any other future workshops that need to be held in Room 119 so they can be televised as well. Commissioner DeBoer agreed. CALL ON THE MOTION: 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 June 8, 2005 through June 21, 2005 in the amount of \$11,703,892.05

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M., April 19, 2005 Land Use Public Hearings

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

No items.

D. Administration

No items.

E. County Attorney

Agenda Item E-1

Ordinance #2005-057 correcting a scrivener's error on Page 3, Ordinance 2004-064.

Agenda Item E-2

Resolution #2005-107 authorizing the Chair to approve a Local Rule Review Committee for Manatee Protection tasked with reviewing the State of Florida proposed rule governing local speed and operation of motorboats for purposes of manatee protection.

Agenda Item E-3

Agreement #2005-024 with Michael M. Wilson, Esq., to provide legal representation to the Code Enforcement Board.

F. Budget Office

Agenda Item F-1

MSBU assessment rates to be included in the TRIM (Truth in Millage) Notices.

Agenda Item F-2

Reschedule Tentative Budget Meeting from Friday, July 15, 2005 to Tuesday, July 19, 2005 at 2:00 P.M. in Room #119 (if needed) and Set a Revenue Workshop for Monday, July 11, 2005 at 10:00 A.M. in Room 119.

G. Community Development

Agenda Item G-1

Final Plat, Petition #PP-04-06-11, for HLA Holdings, LLP for Heritage Lake Park Residential Subdivision for 44 single family lots.

H. Economic Development

No items.

K. Facilities Construction and Maintenance

No items.

L. General Services

Agenda Item L-1

Bid #05-247, Lift Station Odor Control - Lift Station #52 & Lift Station #70 to TLC Diversified, Inc., Palmetto, FL in the amount of \$95,340.

Agenda Item L-2

Bid #05-284, East Port Wastewater Reclamation Facility Sludge Dewatering to RTD Construction, Inc., Zephyrhills, FL in the amount of \$227,116.05.

Agenda Item L-3

Change Order #1 to Bid #05-205, Storm Debris Clearing - Primary Drainage Ditches with W. E. Blackmon Construction Co. Inc., Smithfield, NC in the amount of \$236,909 with a revised total of \$1,091,118.78.

Agenda Item L-5

Bid #05-323, Bleachers to Contract Connection, Inc. for a total cost of \$95,478 for 25 bleachers to replace those lost and/or damaged by Hurricane Charley.

Agenda Item L-6

Request for Proposal #05-277, Annual Financial Audit - Board of County Commissioners to start negotiations with Cherry Bekaert & Holland, St. Petersburg, FL; **Authorize** the Chair to sign the Contract upon successful negotiations provided the Contract does not exceed \$180,000 for the first fiscal year audit with an adjustment per CPI index for future audit years under the Contract; and **Authorize** the Administrator to approve Contract renewal periods for two (2) additional one (1) year terms.

Agenda Item L-7

Request for Proposal #05-278, Annual Financial Audit - Elected Officials to start negotiations with the firm of Donald W. Ashley, P.A., Punta Gorda, FL; **Authorize** the Chair to sign the Contract upon successful negotiations provided the Contract does not exceed \$87,000 for the first fiscal year audit with an adjustment per CPI index for future audit years under the Contract; and **Authorize** the Administrator to approve the Contract renewal periods for two (2) additional one (1) year terms.

Agenda Item L-8

File #05-290, Burnt Store Deep Well Injection, Work Order #12 to Contract #05-042, Engineers of Record with Malcolm Pirnie, Inc., Tampa, FL for the not-to-exceed amount of \$133,536.

M. Human Resources

No items.

N. Human Services

No items.

P. Information Technology

No items.

Q. Parks, Recreation & Cultural Resources

No items.

R. Public Safety

No items.

S. Public Works

Agenda Item S-1

Set a Public Hearing on July 12, 2005 at 10:00 A.M., or as soon thereafter as it may be heard, to approve an Ordinance amending the purpose of the Gulf Cove Street and Drainage Unit to permit funds derived from the Unit to be used for beautification and landscaping of the rights-of-way (ROWS) within the boundaries of the Unit.

Agenda Item S-2

Set a Public Hearing on July 12, 2005 at 10:00 A.M., or as soon thereafter as it may be heard, to consider and adopt a Resolution releasing a drainage easement along the perimeters of the golf course property within the Rotonda West Long Meadow and White Marsh subdivisions.

T. Real Estate Services

Agenda Item T-1

Resolution #2005-108 authorizing the Chairman to execute a County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 16, Block 4591, Port Charlotte Subdivision, Section 85 in Charlotte County, Florida to Robert C. Husbands.

Agenda Item T-2

Resolution #2005-109 authorizing the Chairman to execute a County Deed releasing a portion of a ten (10) foot wide utility and drainage easement and a portion of a twenty (20) foot wide canal maintenance easement, both located in Lot 56, Block 619, Port Charlotte Subdivision, Section 41 in Charlotte County, Florida to William A. Rooney and Dorothy Rooney.

Agenda Item T-3

Resolution #2005-110 authorizing the Chairman to execute a County Deed releasing a portion of a ten (10) foot wide utility and drainage easement located in Lot 22, Block 674, Punta Gorda Isles, Section 23, in Charlotte County, Florida to Cynthia A. Niccolls.

Agenda Item T-4

Resolution #2005-111 authorizing the Chairman to execute a County Deed releasing a ten (10) foot wide utility and drainage easement located in Lot 4, Block 1084, Port Charlotte Subdivision, Section 16, in Charlotte County, Florida to David Reeves.

Agenda Item T-5

CIP Amendment #05-C09 amending the land acquisition and professional services costs to add additional dollars for acquisition of two properties located in the Charlotte Harbor area; **Budget Amendment #05-A30** and **Budget Transfer #05-017** to approve necessary funding including an internal loan from the Landfill of \$1.575 million; and **Resolution #2005-112** authorizing

and ratifying an agreement for the purchase and sale of real property located at 22995 Bayshore Road.

Agenda Item T-6

Resolution #2005-113 authorizing and directing acquisition by any legal means of fee simple interest in certain real property known as Lots 5 and 6, Block 5 of Charlotte Harbor also known as Charlotte Bay Resort and Club Time-Share Phase 1.

V. Tourism Development

No items.

W. Utilities

No items.

ITEMS FOR DISCUSSION

J. Environmental & Extension Services

Agenda Item J-1, Approve adoption of a resolution to lend the Lemon Bay Conservancy up to \$660,000 for the creation of an endowment fund for the Buck Creek Preserve Project

Commissioner DeBoer asked who will have the title to the property and if the loan will be secured with the title. **Laura Kleiss Hoeft**, Parks, Recreation & Cultural Resources Director, responded the deed will be held by the Lemon Bay Conservancy, recalled in February the Board committed that the County would be their partner and doing the environmental land management of this environmental parcel and if something happened to the Lemon Bay Conservancy the title/land would come over to the County. **COMMISSIONER DeBOER MOVED APPROVAL TO ADOPT RESOLUTION #2005-114, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

G. General Services

Agenda Item L-4, Approve Award of Bid #05-182, Care Facility Expansion, to the sole responsive, responsible bidder, Made in Rio, Inc., Ft. Myers, FL at the Base Bid price of \$308,040.91, plus Alternate #1 in the amount of \$12,500 for a total project cost of \$320,540.91

Commissioner DeBoer said he's expressed his concern before, this was a project originally budgeted at \$149,000 that was now \$320,541, he knows construction costs have increased but instead of having projects come forward with funding transfers out of the General Fund Contingency where the money was needed the most they need to update their projects in a setting where the Board can set priorities, and reiterated they need to update all of their estimates if they're this far off. **COMMISSIONER DeBOER MOVED APPROVAL OF L-4, SECONDED BY COMMISSIONER MOORE. Chairman Devos** said she couldn't agree more, not only on issues like this but they've been begging for that on the penny tax and they've got to have a more realistic cost attached so the Board can prioritize them. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item L-9, Approve Start of Negotiations with the first ranked firm, Mathews/Taylor Construction, LLC of Punta Gorda, FL, for RFP #05-223, Design/Build Services - Charlotte County Event Center (located on the site previously occupied by the Charlotte County Memorial Auditorium - Total estimated project expenditure \$12.7 million)

Commissioner DeBoer expressed concern about the expectation that the building would be designed differently than proposed by the County, said he wouldn't be opposed to donating the site back to the City along with the \$3 million in sales tax money if the City wants to build something different than what the County wants and he felt they need to clearly express in a letter to the City that if the City intends to have the County build something other than what the County intends to build then the City needs to be ready to come to the table with some money. **Chairman Devos** agreed regarding donating the site and the money to the City and said they need to have a serious discussion with the City on what the design will be. **Commissioner Cummings** said he didn't have strong feelings either way on who owns the auditorium as long as it was done in partnership with the City,

the Board hasn't made a decision on the architecture only that the new facility needs to be bigger and better, and he was open to all considerations. Bruce D. Loucks, County Administrator, responded there would be a lot of public participation and staff will draft a letter to the City for the Chair's signature clarifying the County's position. **Chairman Devos** noted Councilman Phelen was in the audience and asked him to take back to the Council the Board's concerns and though the Board has an open mind they don't have a blank check. **Council Member Phelen** clarified the Team Punta Gorda master plan presented to the City has not been adopted by them nor at this stage was the City pursuing any special course of action, the current drawings were conceptual rather than factual, he assumed later this month they will finally receive a final document, he didn't believe the City has any concept of what that should be and they don't anticipate any new conversations than what's already taken place so the door was wide open for everyone to participate. **Commissioner D'Aprile** said years ago he felt the auditorium should be build in the Murdock area and though he doubted that would happen even now he felt it was something they should consider. **Commissioner D'Aprile** said he was very interested in looking at the plans, money was a very important issue, he felt everyone should take responsibility and he was looking forward to seeing the end results of the study. **Commissioner DeBoer** recalled they'd said they were going to design the auditorium based on proposed uses and unmet needs specifically in terms of break-out rooms but the discussion didn't go any further than that and said his concern was to ensure there was an understanding between the Board and the City to avoid getting into a contest as happened with the Justice Center. **Commissioner DeBoer** stated County government usually builds institutional buildings to provide needs, one of the reasons they fund a CRA was for those things that go beyond that and he felt it was appropriate for the Board to say that if the desire was to go beyond what the County government provides then CRA funding should be used to provide the gingerbread type things that fit an architectural standard. **COMMISSIONER DeBOER MOVED APPROVAL OF L-9, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.**

RECESS: 9:53 A.M. - 10:05 A.M.

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1, Budget - Hold a Public Hearing on June 28, 2005 at 10:00 A.M. to consider an Ordinance imposing a one-cent per gallon tax on motor fuel - the so-called "9th Cent Gas Tax on Motor Fuels" (Proof of Publication was in order.)

Raymond Sandrock, Budget Director, explained this hearing was to consider an ordinance imposing the 9th cent gas tax on motor fuels specifically gasoline, the 9th cent tax was already being imposed on diesel fuel and pursuant to Section 336.021(1) F.S. approval must be by an extraordinary vote, i.e., a majority plus one. Mr. Sandrock advised the tax must be imposed prior to July 1st to be effective January 1st of the following year; the funding could be used for maintenance as well as capital transportation type projects; annual revenues were projected to range from \$750,000 to \$844,000; the 9th cent tax currently imposed on diesel fuel generates about \$150,000; and with the current growth trends and transportation needs within the County coupled with limited streams for such projects this additional tax will aid in addressing these pressing needs. **Commissioner Moore** said this would be additional revenues beyond what they were getting with the diesel. Mr. Sandrock said that's correct. **Commissioner DeBoer** said what prompted this hearing was the gap in the 5-year CIP program for transportation and asked the dollar amount. Mr. Sandrock said it was approximately \$75 million. **Commissioner DeBoer** suggested they buy a full-page add in the newspaper listing the funded and unfunded projects and pointed out the County doesn't use any general ad valorem tax for road repairs. **Chairman Devos** noted the \$75 million deficit didn't include completion of the Edgewater expansion project. Mr. Sandrock concurred. Dick Loftus said he supports the one-cent additional gas tax and recalled \$150 million was the estimated amount discussed at the workshop for a the Edgewater expansion. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.** **Chairman Devos** reminded the Board a super majority vote was required for approval of the proposed ordinance. **Commissioner D'Aprile** said he had a problem with this, he understands the \$75 million needed for road construction was necessary and he would be in favor of this 100% if gas prices weren't so high already

but opined it was the wrong time to levy an additional tax because this community has gone through such tragedy during the last year. **Commissioner Moore** said this was funding the County needs, it's less painful because others were paying a portion of this tax for us, additionally Tallahassee was very sensitive about counties helping themselves to their maximum ability, opined levying the additional one-cent gas tax will have a positive political impact and stated he will vote in favor of this. **Commissioner Cummings** said 9 of 67 counties have implemented all those gas taxes including Sarasota, Lee, Collier and DeSoto Counties which means the majority were in southwest Florida, and Charlotte County needs to join with the surrounding counties in trying to bring more transportation dollars to our County and our region. **Commissioner Cummings** reported Lee County did a study county-by-county on who pays how much in gas taxes, it revealed Charlotte County was sending \$2 million annually up to states in the northeast corridor and he felt Charlotte County should get some of that money back because they've been a donor area for the last 50 years. **Commissioner Cummings** agreed the County was seriously under-funded, construction costs continue to increase and this last one-cent gas tax won't come close to meeting inflation but they need to do this even though it won't solve the total problem. **COMMISSIONER DeBOER MOVED APPROVAL TO ENACT ORDINANCE #2005-058, SECONDED BY COMMISSIONER CUMMINGS.** **Commissioner D'Aprile** reiterated he wasn't comfortable with this at this time. **Commissioner DeBoer** said there was never a good time to raise taxes, he felt this would probably generate \$4 million in five years and opined they don't have a choice. **Commissioner D'Aprile** said he appreciated the Commissioner's comments and he could go along with this as being a user tax but since this could still pass 4/1 he was going to stick to his guns. **CALL ON THE MOTION: CHAIRMAN DEVOS AND COMMISSIONERS CUMMINGS, DeBOER AND MOORE VOTED "YES" AND COMMISSIONER D'APRILE VOTED "NO." MOTION CARRIED: (4:1).** **Commissioner Cummings** recalled the next CIP project in line for funding was the Edgewater expansion and opined this would expedite it. Mr. Loucks concurred. **Chairman Devos** said she would like to Board to have a discussion on the project's change in scope and she felt they were making a horrible mistake if they open the extension with only two lanes. **Commissioner DeBoer** said 10 years from now they were going to be discussing how to six lane it, just look at how many more people use Veterans Boulevard than projected. **Chairman Devos** asked Mr.

Sandrock to provide the cost to go back to what the original plan was for the upcoming revenue workshop. Mr. Sandrock responded he would get with Public Works.

V. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Community Development - Commercial Design Standards Ordinance and Set two Public Hearings on August 9, and August 23, 2005, both at 10:00 A.M., or as soon thereafter as it may be hear, for revisions to the Ordinance

Thomas A. Cookingham, Planning Services Manager, explained staff would like to receive Board comments and direction to help them prepare for the two public hearings being requested. Mr. Cookingham stated the current commercial design standards adopted on May 27, 2003 were to regulate the construction and expansion of commercial buildings, gave a slide presentation to illustrate examples of local buildings constructed since the implementation of those design standards and noted that since Hurricane Charley two issues have arisen: the applicability of the design standards especially Section 3-5-504(b) dealing with the expansion of existing structures, and the omission from the code of the placement of overhead doors on the primary façade of structures which would be addressed by the addition of a new subsection (h) to Section 3-5-506. Mr. Cookingham advised that one additional option not in the package material would be that any expansion of a commercial building would require the primary façade to meet the design standards, i.e., the portion that faces out onto U.S. 41 or out onto another street. Mr. Cookingham explained the two options regarding overhead doors were to prohibit them from the primary façade or require them to be recessed four (4) feet from the primary façade, and another option could be to limit the use of overhead doors on primary facades to automotive services only as in Commercial Intensive (CI) zones or allow overhead doors through a special exception as in Commercial General (CG) or CI zones. Mr. Cookingham said that concluded his presentation and asked for Board comments and direction. **Commissioner DeBoer** pointed out just two buildings to the south of here on the same side of U.S. 41 the "butt" of a building was facing U.S. 41 and if the primary façade of the building wasn't going to be facing a major road then they also

need to discuss what kind of design standards were going to be applied to the part of the building that will be facing the main road. **COMMISSIONER DeBOER MOVED APPROVAL TO SET TWO PUBLIC HEARINGS ON AUGUST 9, 2005 AND AUGUST 23, 2005 BOTH AT 10:00 A.M. OR AS SOON THEREAFTER AS MAY BE HEARD FOR REVISIONS TO THE ORDINANCE, SECONDED BY COMMISSIONER D'APRILE.** **Chairman Devos** said her primary concern on U.S. 41 was the beautification project, a number of properties were being improved but the improvements were returning them back to exactly the way they were before which she has a real problem with, and she was concerned with establishing a mechanism to trigger the process so the current design standards kick in when any improvements are made to a property, especially to the primary façade. **Chairman Devos** said she wanted to know how the Jackson Lighting detached garage qualifies as expansion since it's a separate building, she doesn't want garage doors facing U.S. 41, recalled Board discussions regarding the regulations for sheds and opined they need to look at all improvement or expansion projects on U.S. 41 not just those over 50%. Mr. Cookingham responded he will be getting input from the Charlotte Builders and Contractors Association, Inc. (CBCA) and the business community before the public hearings, and they will also revisit the 50% rule. **Commissioner Moore** said he frequently worried how much guidance the Board really gives staff in their deliberations, he would prefer to change the 50% down to 25%, he doesn't want overhead doors facing U.S. 41 and he would bet the person that built the Jackson Lighting building thinks they did a good job which was the danger when trying to decide what's pretty, what's not pretty and what's ugly. **Commissioner D'Aprile** said staff will be faced with difficulties because nothing will meet all needs, recalled in 1983 he constructed an 8,500 square foot building primarily for automotive with garage doors at the back which has been very successful and asked what special exception would allow overhead doors at the front. Mr. Cookingham said they would probably look at the ability to load from the side or rear, if that wasn't possible there would need to be a reason to permit overhead doors in the front, additionally they would look at how those overhead doors were presented and noted there was some attempt to include an architectural feature. Mr. Cookingham clarified it would be allowed on the front only as a last resort but to use that option something other than a simple 18 foot overhead door would be required. **Commissioner D'Aprile** said standard overhead doors would be acceptable to him in an

industrial area but along U.S. 41 the goal was to try to make appearance as nice as possible. **Commissioner DeBoer** said they weren't trying to legislate what looks good versus what doesn't, what they're talking about was what had already done in the Airport Overlay and the Charlotte Harbor CRA which was creating a cafeteria plan where architectural features can be picked out that add character to a building, and he would like to take what was done for the Charlotte Harbor CRA to see how that could be applied County-wide. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

VII. PRESENTATION AGENDA

No items.

XI. CITIZEN INPUT - ANY SUBJECT

Charlotte Ventola said she assumed the design of the public events center under **Agenda Item L-9** was transportable or not designed specifically for that lot, when the Auditorium was built years ago it was probably pretty central to the County population but that's not the case today, opined they could encounter the same problems with the Auditorium as they have with the old Courthouse, **Commissioner DeBoer** had a good suggestion to give the City the \$3+ million and let the City do their design on their own property because an event center down there wasn't going to be central to the rest of the population and the Board should seriously consider removing the County from that discussion.

AA. County Administrator

Bruce D. Loucks, County Administrator, responded to Mrs. Ventola, said he'd spoken with the City Manager regarding the purchase of the two lots behind the Courthouse, the City Manager hopes to get a formal proposal to the Council on July 13th and then it will come back to this Board for evaluation.

BB. County Attorney

Janette S. Knowlton, County Attorney, reported the Supreme Court ruled in favor of the municipality finding they could do eminent domain solely for purposes of economic redevelopment. Attorney Knowlton advised Betty Wright had resigned from the Code

Compliance Board and staff will bring back some candidates for appointment in either July or August.

CC. Commissioner Comments

Commissioner DeBoer commented on the Public Safety Coordinating Council information on the Jail and the need to do something quite soon, on the need for more courtrooms, and on having Charlotte County be the seat if a new District Court of Appeals was formed which looked good. **Chairman Devos** suggested staff place a Courthouse discussion item on the Board's next meeting agenda. **Commissioner Cummings** said he felt it would be a good place for the Commission especially since it is the County seat. **Commissioner DeBoer** agreed and said that would also free up space to staff that were needed in this building. **Commissioner DeBoer** asked if the Board had decided to have staff bring back something on the idea of residential uses above businesses. **Chairman Devos** said she thought they'd decided to do so at their last meeting. Michael Konefal, Community Development Director, responded Board direction was for staff to bring it back as a workshop but they could bring it back at the next meeting. **(Board consensus.)** **Commissioner Cummings** recalled the issue of TDUs was also to be included. **Commissioner DeBoer** asked what happened regarding Cruise Nights which was the display of antique cars in a parking lot as an event. **Commissioner D'Aprile** said he'd been working on this because the businesses in that area support it, recalled the County had to temporarily shut the event down because Code Compliance received complaints that the entrances and exits of the restaurant were being blocked, and Community Development was working on guidelines and establishing a fee for holding these events. **Commissioner D'Aprile** commented on the need to give Code Compliance more authority in enforcement of violations. **Commissioner Cummings** commented on the Construction Industry Licensing Board (CILB) issue of large out of town contractors lending their licenses to less reputable people who do shabby work. **Commissioner D'Aprile** agreed the County has no control and something needs to be done. Attorney Knowlton responded as a result of comments made yesterday at Pre-Agenda, they will look into this to see if there was anything more that could be done and if there is, staff will bring it to the Board. **Chairman Devos** asked if the other Board members wished to participate in a roundtable

discussion with County staff along with members of the various health organizations and hospitals, or would they prefer her to handle it personally. **Commissioner DeBoer** and **Commissioner D'Aprile** said no one had met with either of them. (**Board consensus to set a workshop.**) **Chairman Devos** said she would let the Commissioners know what dates would work for everyone.

RECESS: 11:27 A.M. - 2:00 P.M.

(**Executive Assistant Joann Dillon replaced Executive Assistant Diane Gant for the remainder of the meeting.**)

Chairman Devos explained although the Board had already taken action on the 10:00 A.M. public hearing on the 9th cent gas tax, due to some confusion there was a person in attendance that wasn't accustomed to the process and had asked permission to share his comments with the Board.

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M. (Continued)

Agenda Item Z-1, Budget - Hold a Public Hearing on June 28, 2005 at 10:00 A.M. to consider an Ordinance imposing a one-cent per gallon tax on motor fuel - the so-called "9th Cent Gas Tax on Motor Fuels" (Proof of Publication was in order.)

Mark Dromboski thanked the Board for their consideration, said he was self-employed so he uses a lot a fuel, he was opposed to the additional tax on motor fuels because 90% of his customers were senior citizens, this increase will make it more difficult for him to continue to try to keep his prices comparable and opined there were other avenues the County could consider that wouldn't involve an increase on motor fuels.

VIII. WORKSHOP AGENDA

Z. 2:00 P.M.

Agenda Item Z-2, Human Services - Housing in Charlotte County
(Public Workshop)

Lorraine Helber, Housing Coordinator, explained over the past two months the Enterprise Charlotte Housing Task Force and the Housing Strategies Committee have been gathering information on the County's housing market, the best practices from around the state of Florida and around the country, and workforce housing needs, and then based on that information make recommendations to the Board for the best use of the Hurricane Housing Recovery (HHR) funds. Ms. Helber gave a presentation summarizing the County's housing market. Fawcett Memorial Hospital CEO Tom Rice and School Board representative Sue Sifrit, presented comments as area employers on the impact the loss of housing has had on their ability to maintain a workforce. Ms. Helber reviewed the package material which summarized the recommendations of the two committees for use of the HHR funds which total over \$19 million. Senior Technical Advisor from the Florida Housing Coalition Wight Greger commented on issues related to the Community Land Trust (CLT). **(Discussion ensued regarding rentals; having the Housing Recovery Plan back to Board on July 12th; stimulating the market involving private, new and rehab development; private and public partnership; the need for more specifics on availability of the FEMA trailers; use of SHIP funds; and Code Enforcement issues.)** Ron Thomas, Habitat for Humanity, agreed workforce housing was a critical issue, said they will stick with their 50% and below median income guidelines, they look forward to continuing their partnering with the County in building houses for families in need, their biggest challenge was building houses for \$60,000 including land and they will continue to look for all the partnerships they can find to help them keep that \$60,000 cap. **Chairman Devos** asked if Habitat was involved in any fashion with rentals. Mr. Thomas said no. Howard Kunik, Punta Gorda City Manager, said the City will be a participant working in many areas such as the interlocal agreement for the \$9 million Disaster Recovery Initiative grant and the \$19 million Housing Initiative Program; and commented on folks who want to jump start an effort to preserve and revitalize an African American neighborhood. Ana

Romillo, Homeless Coalition Executive Director, stated they were working on a project already submitted to the Regional Housing Unmet Needs Committee involving the 13.8 acre property donated to them by the Diocese of Venice, the original plan for home ownership was changed to rental development due to increased costs but they will need some help from the County and last Friday the Homeless Coalition Board of Directors approved a development team. Ben Cirka, development team member, commented on the development of the Genesis Village Project, explained their goal was to use HHR proceeds along with bonds and tax credits to produce a rental housing project for families and individuals in Charlotte County's workforce, and a portion of the units would be set aside for extremely low income families and individuals. **Chairman Devos** asked the timeline. Mr. Cirka said the HHR funds were required to be spent within four years and the original thought was to get the project to qualify for the Rental Recovery Loan Program which was a one-shot deal put out by the state but to qualify they would have to have perfected zoning in place by September 10th with occupancy within four years. **Chairman Devos** asked what help was needed from the County. Mr. Cirka responded help with the zoning as relates to the loan program plus they would need help on density rights. **Chairman Devos** asked how many units they were looking at. Mr. Cirka said depending on the zoning a minimum of 100 units but ideally 150 to 200 units, the project would need to support a full-time professional property manager onsite, the Shelter Group has a management company active in Florida and they would be liable to repay all the proceeds they used. **Commissioner Cummings** asked if this was within the Urban Service Area. Mr. Cirka said yes. Mrs. Romillo clarified the site was on Route 17 between I-75 and Washington Loop, and they were shooting for 150 rental units. Ann Mercer said there was another problem aspect which was the need for housing for the mentally ill, due to budget cuts Bishop House closed about one year ago, mentally ill patients were being housed in our jails at twice the expense of housing them properly in other County facilities and she was interested in trying to develop something in Englewood over the next few years. Connie Thrasher, Homeless Coalition, referred to their letter to the Board concerning proof that they send so many people outside Charlotte County for help with detoxification, substance abuse or mental illness, recalled the Board voted down their proposed Safe Haven which they felt could be supported through the Charlotte County Community Mental

Services, said the situation was real and she hoped the Board would see that the Safe Haven was a viable solution for the chronic homeless people they can transition into normalcy. **Commissioner Cummings** said the recommendations were good, the CLT was key in maintaining affordable housing long-term but not as a tool to address urgent needs, the Affordable Housing Impact Fee was an important concept to fund the CLT because it was important to fund infrastructure for the workforce, and for the workshop he wants a timeline of specific tasks to meet which needs. **Commissioner Cummings** said they need to know how long the FEMA housing trailers will be needed, they need to create stronger incentives for investors to rebuild houses for affordable housing inventory and the County needs to develop it's own TDU bank available to various programs that serve a public interest. **Commissioner Cummings** stated he has and will continue to support a mental health facility, he has mixed feelings about waiving impact fees and he wants to ensure they don't lose sight of good growth management practices in the course of their hurricane recovery. **Commissioner Moore** said what was presented today was good but it lacks sufficient money to build what's truly needed. **Commissioner D'Aprile** said he felt this was really important, all the information was good but they must establish real priorities to restore affordable housing availability, and he wants to see in more detail who's going to receive the money, what projects were going to be established and what will be accomplished over what timeframe. **Chairman Devos** said her number one priority was multi-family rental on a large scale, she supported home ownership but they need something they can accomplish more quickly, reported Code Enforcement was trying to develop a demolition policy, opined they could spend rehab dollars to help redevelop those areas in such dire need and said FEMA village was an example of the need to get structures built expeditiously because she was concerned with what they were going to do with those folks. **Chairman Devos** agreed on the need for Safe Haven and suggested this issue be revisited at the Budget Workshop scheduled for July 13, 2005. **Commissioner DeBoer** said he hopes the process doesn't get dragged out too long, they need to be careful about waiving impact fees, opined some of the rental numbers reported need to be more accurate, they need to look at the long-term goal of creating workforce housing developments in a planned community that's deed restricted and perhaps using the land trust to buy the underlying land instead of disbursing affordable housing

throughout Charlotte County. **Commissioner DeBoer** stated he felt they need a bigger long-term plan versus one housing unit or complex at a time, he wouldn't be opposed to the Board putting 50 to 100 acres in Murdock Village into a land trust to start that kind of concept and noted there were areas in DeSoto County of over 100 acres that could be part of a regional approach where this problem could really be addressed. **Commissioner DeBoer** said he didn't believe in the conventional wisdom that you have to spread affordable housing throughout a community and reiterated his suggestion of having a deed restricted planned community that gives people a decent quality of life. **Chairman Devos** stated she'd talk to Mr. Sandrock today about the \$2.9 million unencumbered grant, those were nonrecurring dollars and suggested using some if not all of those dollars for the land trust. **Commissioner Cummings** said it appears there's support for a substantial portion of the recommendations, they need a more specific plan for dealing with the urgent need for short-term housing and opined if no solution was found they would be seeing FEMA trailers all over the County. **Chairman Devos** recalled earlier Murdock Village discussions where **Commissioner DeBoer** commented on workforce housing in the Flamingo Boulevard area and opined they need to discuss that further. **Commissioner DeBoer** said he remembered those discussions and opined they need to go multi-family housing right way to avoid having the FEMA trailers moved all over the County. **Commissioner Cummings** recalled saying he felt they should at least consider providing affordable housing within Murdock Village. **Chairman Devos** said regardless of what they do they need to look at what's on the other side of SR 776 and asked Administration to put something together for them.

MEETING ADJOURNED: 3:50 P.M.

Signature on file in Commission Minutes

Sara Devos
Chairman

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

/ksm