

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 13, 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 Assistants to the Board Bonnie Stoner and Judy Hunter, and Deputy Clerk Karen S. Mitchell. The meeting was called to order at **9:05 A.M.**

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

CHANGES TO THE AGENDA

DELETE:

Regular

Business Agenda Item Z-1, Community Development - Commercial Design Standards Ordinance

COMMISSIONER DeBOER MOVED APPROVAL OF THE CHANGE TO THE AGENDA, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.

SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING SEPTEMBER 17, 2005 AS "INTERNATIONAL COASTAL CLEANUP DAY" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. Glenda Anderson, Keep Charlotte Beautiful Executive Director, accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING SEPTEMBER 17, 2005 THROUGH SEPTEMBER 23, 2005 AS "CONSTITUTION WEEK" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. Sidney Tatem accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING SEPTEMBER 24, 2005 AS "NATIONAL ESTUARIES DAYS" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. Betty Talbert accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING SEPTEMBER, 2005 AS "JANICE HUSE, ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. Janice Huse accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING SEPTEMBER 22, 2005 AS "AMERICAN BUSINESS WOMEN'S DAY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. Fran Kern, Celina Etheridge and Rosie Schaar accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING SEPTEMBER 25, 2005 AS "CHARLOTTE COUNTY DAY OF REMEMBRANCE FOR MURDER VICTIMS DAY" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. Charles Ankney, Parents of Murdered Children, accepted the proclamation.

Presentation:

Recognition of the following awards received by the Communications & Marketing Department from the National Association of County Information Officers:

- 1st Place - Feature Writing, "Neighbors Helping Neighbors"
- 1st Place - Other Media (60 second PSA) "CCTV-20 Goes Live"
- 1st Place - Color Brochures, "Charlotte County Welcome Book"
- 2nd Place - Annual Reports, "Charlotte County 2003 Annual Report"
- 2nd Place - Internal Publications, "Protocol - Guidelines for Staff Presentations to the BCC"
- 3rd Place - External Publications, "CommisioNews & Views"

Employee Recognition:

Bruce D. Loucks, County Administrator, and **Commissioner D'Aprile** recognized the following employees for their service with the County: **Five Years** - Patty Holland, Parks, Recreation and Cultural Resources; Martina Kuche, Community Development; Jim Layport, Jr., Public Works; Elizabeth Parker, Tourist Development Bureau; Dorothy Sargent, Fire/EMS; Robert Schaitz, Construction Services; Scott Staebler, Public Works; Derek Stokes, Information Technology; **Ten Years** - George Dahlke, Facilities Maintenance & Construction; Marilyn Gay, Human Resources; Bill Sayers, Community Development; **Fifteen Years** - John Estill, Fire/EMS; Scott Heinis, Fire/EMS; Christopher Lovegrove, Fire/EMS; Larry Starr, Fire/EMS; **Twenty Years** - Kevin Lechleidner, Fire/EMS; and Linda Moore, Community Development.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Grace Amodeo addressed **Agenda Item Y-1, Information and discussion of Babcock Ranch**, said she wanted to preserve as much as possible, posed a number of questions she would like more information on and asked the Board to tell everyone the real cost.

Judith Barnosky addressed **Agenda Item Y-2, Consider and informally decide upon a reduced proposed assessment for Fiscal Year 2006 for the Buena Vista/Grassy Point/ELF Waterway Unit**, stated the 1,056 units on the north side of Edgewater Drive should be in a separate MSBU, they haven't been in our MSBU for the last 16 years that we've paid \$100 annually into, if they need their area dredged they need their own fund and we shouldn't be asked to subsidize it. Mrs. Barnosky said even though the assessment has been reduced from \$679 to \$200, she felt it should be kept at \$100.

Thomas Vick addressed **Agenda Item Y-2, Consider and informally decide upon a reduced proposed assessment for Fiscal Year 2006 for the Buena Vista/Grassy Point/ELF Waterway Unit**, said to do this correctly the Board needs to pay attention to the petition of those on the north side to be in their own MSBU and he supports a County-wide dredging program with County-owned equipment.

Barry Snider addressed **Agenda Item Y-2, Consider and informally decide upon a reduced proposed assessment for Fiscal Year 2006 for the Buena Vista/Grassy Point/ELF Waterway Unit**, agreed with Mr. Vick's comments and the people on the north side should not be included.

Edward Hatten addressed **Agenda Item Y-2, Consider and informally decide upon a reduced proposed assessment for Fiscal Year 2006 for the Buena Vista/Grassy Point/ELF Waterway Unit**, stated the Board should represent the people's wishes, the people north of Edgewater Drive shouldn't be included and we don't want all this stuff pushed on us.

II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee (Appointees on Agenda)

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

Murdock Village Community Redevelopment Agency Advisory Committee

- one (1) Contractor representative

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

1. Charlotte Harbor Community Redevelopment Agency Advisory Committee (CRAAC) July 28, 2005, 10:00 A.M.
2. Charlotte Harbor Community Redevelopment Agency Advisory Committee (CRAAC) August 4, 2005, 9:00 A.M.

IV. CONSENT AGENDA

**COMMISSIONER CUMMINGS MOVED APPROVAL OF THE FOLLOWING ITEMS,
SECONDED BY COMMISSIONER MOORE 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 August 17,
2005 through September 6, 2005 in the amount of
\$19,506,499.32

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M., May 10, 2005	Regular BCC Meeting
10:00 A.M., May 13, 2005	Joint Meeting w/City of North Port
10:30 A.M. May 16, 2005	Joint Meeting w/City of Punta Gorda and School Board
9:00 A.M., May 17, 2005	Regular BCC Meeting and Land Use Hearings
1:30 P.M., May 18, 2005	Preliminary Budget Update
9:00 A.M., May 24, 2005	Regular BCC Meeting

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint Thomas G. LeGros as Labor Representative and Rose M. Ramsey as the Banking Industry Representative to the Affordable Housing Advisory Committee.

D. Administration

Agenda Item D-1

Set a Workshop for September 27, 2005 at 2:00 P.M. to address funding issues related to Community Land Trust (CLT) and expenditure of Governor's Hurricane Housing Grant (\$19 Million).

Agenda Item D-2

Set a Workshop for September 13, 2005 at 3:00 P.M. to discuss the Peace River Master Water Supply contract and Interlocal Agreement.

E. County Attorney

No items.

F. Budget Office

No items.

G. Community Development

No items.

H. Economic Development

Agenda Item H-1

Set a Workshop for September 27, 2005 at 10:00 A.M. regarding a modification to the Murdock Village Community Redevelopment Plan.

Agenda Item H-2

Set a Public Hearing for September 27, 2005 at 10:00 A.M. regarding a Resolution to authorize the issuance of community redevelopment revenue bonds and a Resolution to authorize an interlocal agreement between the BCC and the CRA relating to the use and expenditure of tax increment revenues.

J. Environmental & Extension Services

No items.

K. Facilities Construction and Maintenance

No items.

L. General Services

Agenda Item L-1

File #05-260, Lee County Water Interconnect, Work Order #5, Phase 1, Contract #05-042, Engineers of Record with Jones, Edmunds & Associates of Tampa, FL in the amount \$137,918.

Agenda Item L-2

File #05-297, Ordinance Update, Work Order #16 to Contract #05-042, Engineers of Record with Malcolm Pirnie, Inc. of Tampa, FL in the amount of \$164,970 for a conceptual evaluation.

Agenda Item L-3

Property deletion of inventory items for the month of September, 2005.

Agenda Item L-4

Change Order #2, Contract #04-371, Restroom Accessibility Improvements - Port Charlotte Beach with C.E.M. Enterprises of Tampa, FL in the amount of \$50,956.35 for a total contract amount of \$218,158.80.

Agenda Item L-5

File #05-381, Work Order #27, Contract #05-042, Engineers of Records with Malcolm Pirnie, Inc. of Tampa, FL in the amount of \$230,000 for Mechanical Integrity Testing (MIT).

Agenda Item L-6

Bid #05-397, Sod - Supply, Deliver and/or Install and Hydro Seeding to Maloney's Sod, Inc. of Punta Gorda, FL for the period of October 1, 2005 up to and including September 30, 2006; and **authorize** the County Administrator to approve renewal options up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent.

Agenda Item L-7

Change Order #1, Bid #05-208, Fencing - Maintenance & Repairs (Group 2) to Stewart Tennis Courts & Fencing Inc. for the increased amount of \$4,333.59 for a revised total of \$21,117.49.

Agenda Item L-8

Budget Transfer #05-023 in the amount of \$1,000,000; **CIP Amendment #05-C11** in the amount of \$1,000,000; and **File #05-261, Work Order #6, Contract #05-042, Engineers of Record** with WilsonMiller, Inc. of Port Charlotte, FL in the amount of \$997,643 for Reclaimed Water Interconnect.

M. Human Resources

No items.

N. Human Services

Agenda Item N-1

Annual SHIP Report indicating Charlotte County has satisfied the core SHIP requirements and **authorize** the Chairman to sign it and the attached Regulatory Certifications.

P. Information Technology

No items.

Q. Parks, Recreation & Cultural Resources

No items.

R. Public Safety

Modification to Grant #2004-017 extending the deadline for reimbursements from September 30, 2005 to October 31, 2005.

S. Public Works

No items.

T. Real Estate Services

Agenda Item T-1

Resolution #2005-173 authorizing the Chairman to approve the exchange of the County's interest in one platted lot (Lot 7, Block 3711, Port Charlotte Subdivision, Section 63) for one privately owned lot (Lot 19, Block 2741, Port Charlotte Subdivision, Section 31) located within the Tippecanoe Scrub Environmental Park II - Guy Poulin and Terry Poulin.

Agenda Item T-2

Resolution #2005-174 authorizing the Chairman to execute a County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 377 and 378, Rotonda West-Broadmoor, in Charlotte County, Florida - Juergen R. Langnickel.

Agenda Item T-3

Resolution #2005-175 authorizing the Chairman accepting a permanent six (6) foot wide utility and drainage easement located in Lot 377, Rotonda West-Broadmoor, in Charlotte County, Florida - Juergen R. Langnickel.

Agenda Item T-4

Resolution #2005-176 authorizing the Chairman to execute a County Deed releasing all of or a portion of the five (5) foot wide utility easements adjacent to the rear lot lines of Lots 46 through 53 inclusive, and Lots 60 through 63 inclusive, all being located in Block 1, Orange Grove Park, Part One, in Charlotte County, Florida - John L. Grady.

Agenda Item T-5

Resolution #2005-177 authorizing the Chairman to execute a County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 40, Block 4354, Port Charlotte Subdivision, Section 71, in Charlotte County, Florida - Mercedes Homes, Inc., a Florida Corporation.

Agenda Item T-6

Resolution #2005-178 authorizing the Chairman to execute a County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 12, Block 4359, Port Charlotte Subdivision, Section 71, in Charlotte County, Florida - Mercedes Homes, Inc., a Florida Corporation.

Agenda Item T-7

Resolution #2005-179 authorizing the Chairman to execute a County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 17 and 18, Block 1962, Port Charlotte Subdivision, Section 60, in Charlotte County, Florida - Joseph V. DiDomenico.

Agenda Item T-8

Resolution #2005-180 authorizing the Chairman to approve the exchange of the County's interest in Lot 10, Block 3786, Port Charlotte Subdivision, Section 65, for the interest of Jose Perez and Marlene Perez, in Lot 6, Block 2741, Port Charlotte Subdivision, Section 31, lying within the Tippecanoe Scrub Environmental Park II; and authorizing the Director of the Real Estate Services Department to execute the agreement for the exchange of real property, pursuant to Resolution No. 2003-023.

V. Tourism Development

No items.

W. Utilities

Authorize the Chairman to execute the extension of Agreement #2003-031 to December 31, 2007 with Southwest Florida Water Management District (SWFWMD) for Charlotte County Victoria Estates Reuse (K892).

Agenda Item W-2

Authorize the Chairman to execute the Consent Order amendment to resolve the case Charlotte County-DW Rotonda West WWTP FLA014098 Amendment of OGC Case No. 03-0534-08-DW and AO No.: 032-SD.

COMMISSIONER DeBOER MOVED APPROVAL TO TAKE AGENDA ITEMS Y-2 AND Y-3 OUT OF ORDER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

V. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-2, Public Works - Consider and informally decide upon a reduced proposed assessment for Fiscal Year 2006 for the Buena Vista/Grassy Point/ELF Waterway Unit

Thomas F. O'Kane, Jr., P.E., Public Works Director, explained this item was for reduced assessments for this MSBU district for dredging, those properties north of Edgewater would go to zero and those properties south of Edgewater would to \$200. Mr. O'Kane said staff will review this during the year to get a better idea of what the residents north of Edgewater want. Commissioner D'Aprile asked who's idea was it to raise this much money. Mr. O'Kane responded it was a combination of two things, one was the committee felt there was an inequity because those south of Edgewater had been paying into the MSBU for years with those to the north benefiting but not contributing into the MSBU and secondly staff had also received a tremendous number of complaints from those north of Edgewater about the need to clean up their canals. Commissioner D'Aprile said he just wanted people to know it wasn't the Board making the decision to raise the taxes. Mr. O'Kane agreed the Board didn't create this, it was part of the budget process. Commissioner DeBoer recalled there were quite a number of residents from the area north of

Edgewater Drive that prompted this as well as the inclusion of the people north of Edgewater Drive in the taxing unit, said unfortunately nobody pays attention until they receive a bill for what they're asking for, he personally didn't think the people south of Edgewater Drive should subsidize the people north of Edgewater Drive nor should the rest of the County, if the people north of Edgewater don't want any dredging whatsoever then fine let the vegetation fill it in, he was in favor of the proposal to tax those people north of Edgewater Drive at zero for this fiscal year along with taking them out and putting them in their own taxing unit next year, and suggested the Board take up the \$200 assessment for those north of Edgewater Drive at the upcoming budget public hearings that start this Wednesday night. **Chairman Devos** stated as a property owner in the Buena Vista area they have attempted to get the canals dredged for years, the \$100 annually only covered periodic maintenance of the mouths of the waterways and the \$200 assessment was needed to maintain the mouths properly. **Chairman Devos** said during the winter months boats in those canals sit on their sides unable to get out during low tide, whether you were a boat owner or not having regular canal maintenance increases property values, recalled the Board members heard from many residents of this area asking for something to be done for health reasons, and opined during this next year they need to address both the health issue as well as letting those canals grow back in and not let them be canals anymore as mentioned by **Commissioner DeBoer**. Mr. O'Kane noted whenever these projects get postponed the costs go up. **Chairman Devos** said this has been a very threatening situation for those who volunteered on this committee, she didn't blame those folks for not coming forward and she didn't want a repeat of this next year but if there is the Commission will have to intervene somehow. **COMMISSIONER DeBOER MOVED APPROVAL TO DIRECT STAFF TO PUT THESE ADJUSTMENTS AT THE BEGINNING OF THE BUDGET PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS.** **Commissioner Cummings** noted that in addition to the costs going up when a project gets delayed, based on the committee's recommendation the people south of Edgewater were willing to subsidize the cost of the project north of Edgewater, so when this comes back the costs will be even more exaggerated because there would no longer be any subsidy. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-3, Real Estate Services - Resolutions (3) authorizing delegations of authority and establishing procedures for the release of public easements and/or encroachments in public easements and rights-of-ways

J. Paul Payette, Real Estate Services Director, explained the purpose of the proposed resolutions was to revamp the process and streamline the procedures for the release of public easements and/or encroachments in public easements and rights-of-ways (ROWS). **COMMISSIONER DeBOER MOVED APPROVAL OF THE ADOPTION OF RESOLUTION #2005-181, RESOLUTION #2005-182 AND RESOLUTION #2005-183, SECONDED BY COMMISSIONER CUMMINGS.** Chairman Devos thanked Mr. Payette for bringing this forward and streamlining the process. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-2, Real Estate Services - Ordinance repealing Section 3.6.6 of the Code of Laws and Ordinances of Charlotte County, Florida as established by Ordinance Number 87-49 as amended and Ordinance Number 89-1 (Proof of Publication was in Order.)

J. Paul Payette, Real Estate Services Director, explained the purpose of this hearing follows the resolutions just approved, the proposed ordinance would repeal Charlotte County Code Section 3.6.6 in an effort to streamline the application, review and approval process while also allowing for the greatest flexibility in adapting to changes in administrative and technical procedures as they occur over time. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.** **COMMISSIONER D'APRILE MOVED APPROVAL OF THE PROPOSED RESOLUTION, SECONDED BY COMMISSIONER DeBOER.** Chairman Devos stated she didn't think the motion was correct. **Commissioner DeBoer** agreed and suggested they take a 10 minutes break. **Chairman Devos** requested a withdrawal of the motion. **COMMISSIONER D'APRILE WITHDREW HIS MOTION FOR FURTHER DISCUSSION, COMMISSIONER DeBOER WITHDREW HIS SECOND.** Chairman

Devos clarified the packet material contained a resolution and there should be an ordinance.

RECESS: 10:07 A.M. - 10:21 A.M.

Chairman Devos advised over the break the proper support material for Agenda Item Z-2 was provided by staff. **COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2005-071, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.**

VIII. PRESENTATION AGENDA

AA. 10:00 A.M.

Agenda Item AA-1, Risk Management - Quarterly update on healthcare benefits and property and casualty insurance

Bob J. Pryor, Risk Manager, stated the purpose of this item was to update the Board on the renewals of the County's health insurance core benefits as well as the renewal on property and casualty. Kurt Gehring, Gehring Group, gave a slide presentation titled "Mid Year Update" which paralleled the material and detailed the following: Employee Benefits Overview; and Property & Casualty Overview. **Chairman Devos** asked if motions were required for each proposal. Mr. Gehring clarified the Employee Benefits renews January 1, 2006 and the Property & Casualty Liability Insurances renews in October, 2005. **COMMISSIONER DeBOER MOVED APPROVAL OF THE EMPLOYEE BENEFITS CONTRACT RENEWAL, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED APPROVAL OF THE PROPERTY & CASUALTY RENEWAL CONTRACT, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS,**

V. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Administration - Information and discussion of Babcock Ranch

Michael Konefal, Community Development Director, explained last Thursday Kitson & Partners issued a press release defining a development proposal for Babcock Ranch, Lee County discussed

this at their meeting yesterday and was considering the proposal, and this item was being presented for the first time as an introductory proposal to this Board so no decision was required at this time. Mr. Konefal stated Kitson has a contract to purchase the Babcock property containing about 90,000 acres of agricultural land in East County, the proposal in the packet material was to sell approximately 72,000 acres to the state of Florida through the Department of Environmental Protection (DEP) and the remaining portion would be developed as a new community located within the southwest corner of the property. Mr. Konefal stated there were two big issues - does the Board want a new community development in East County of about 17,000 dwelling units and does the Board want an area developed that's exempt from the Transfer of Density (TDU) ordinance. Mr. Konefal said staff was working on the following three steps: Interim Comprehensive Plan (Comp Plan) amendments; a 4-party agreement with Kitson & Partners, Charlotte County, Lee County and the Florida Department of Community Affairs (FDCA); and the Rural Land Stewardship Program (RLSP). Mr. Konefal explained the applicant wants to submit interim CIP amendments to get some assurance this proposal will go forward for a new community and also for the sale to the State and staff needs direction because they were only allowed to submit amendments twice a year, the second cycle was just completed but DCA has those three projects on hold, if the Board wants to include Babcock those three would be delayed further but if the transmittal goes through Babcock would be delayed to February or March of next year versus October, 2005, and added the three developers didn't know their projects were on hold but he would be informing them of the status after this meeting. Mr. Konefal said Kitson & Partners would submit an application to the County by the September 30, 2005; and on a fast-track process staff would complete their review by November 1, 2006 and submit an interim Comp Plan amendment for this area to DCA for final adoption next February, 2006. Mr. Konefal reviewed the following statistics: 80,000 acres in Charlotte County; 10,000 acres in Lee County; proposal was 19,500 homes - 17,870 dwelling units in Charlotte County and 1,630 in Lee County; and the current density was 7,200 units versus the requested 17,870 units. Mr. Konefal summarized the Board wasn't required to make any decision today but staff does need to know if they should hold up the three developers for a couple more months. **Chairman Devos** said she had concerns fast-tracking such a huge project and asked how much detail would be

required of the developer under these conditions. Mr. Konefal said the developer was required to meet all the Comp Plan requirements regardless of whether the project was on a fast-track or not, staff's comfort level was moderate but this was only an interim step because they will be going through a 4-party agreement and a further program, so in time they will have more details. **Chairman Devos** asked if they move forward can the Board deny the proposal when it comes back from DCA. Mr. Konefal responded the Board can approve transmittal and deny adoption if they desire. Syd Kitson, Kitson & Partners LLC Chairman and CEO, reviewed his letter to the Board dated September 8, 2005, said they were close to completing a deal with the State to preserve 74,000 acres or 115 square miles through the establishment of a Rural Land Stewardship Program (RLSP) which will provide the missing link from Lake Okeechobee to Charlotte Harbor, he will be holding a series of meetings starting after the 4-party agreement was signed, the State purchase was contingent on this 4-party agreement, and reviewed the package material titled Babcock Ranch A Link To Our Future which detailed the following: Babcock Ranch: Shared Vision; Shared Commitment; The Shared Vision; Next Steps; Counties Role In Creating A Shared Vision; An Innovative New Community; Economic Development Opportunities; Provisions - Existing Businesses; Rural Land Stewardship; Interim Overlay Amendments to Charlotte County Comprehensive Plan and Development Code; and Conclusion and Timeline. Mr. Kitson summarized the RLSP will take some time but it was an opportunity to preserve 74,000 acres and thanked the Board for their time. (**Discussion ensued regarding potable water supply, high impact uses will be within the community reducing traffic impacts, land set aside for government and school uses, Kitson responsible for fair share of financial impacts to infrastructure, requirement for public access to 74,000 acres preserve, economic and employment opportunities, housing will be designed for all income levels, road impacts, and the need for all County protection issues to be put in writing.**) **Commissioner D'Aprile** said he felt better knowing 74,000 acres would be preserved, roads were a big concern which could be addressed at a later time and he was glad to hear the housing would include affordable or workforce housing. **Commissioner Moore** said this was a big undertaking but from what he's seen so far he supports this. **Commissioner Cummings** said he liked the land preservation and the vision is appealing but voiced concerns regarding water issues, the amount

of money involved, the liability issues should Charlotte County back out, staff's analysis is 'can this be done' versus 'should this be done', and the lack of details to be analyzed. **Commissioner Cummings** asked if the land was being sold outright to DEP or selling the swamp and getting a conservation easement on the remainder of the 74,000 acres. Mr. Kitson said they were talking about a sale of all the land. **Commissioner Cummings** said this was important because Ms. Armstrong from DEP has told him repeatedly that both the mine and the sod farm operations and any kind of intensive agricultural uses will be shut down so the County needs to be careful about this in the agreement. **Commissioner Cummings** commented on the capture rate, the lack of traffic corridors in the proposed development and urban sprawl. **Commissioner Cummings** reiterated he liked Kitson's vision but said the professionals he'd talked to told him this wasn't a good idea, said the Development of Regional Impact (DRI) process gives the Board and staff some time, Estoppel arguments put the County at risk, the Board needs to make sure the costs and consequences are thoroughly analyzed, and opined fast-tracking is irresponsible because they need to proceed with fair deliberation. **Chairman Devos** said many of her concerns remain, the County's 5-year CIP plan is about \$120 million short so roads were a big concern, Mr. Kitson has assured her he would do his fair share but they've been told this before by so many developers and in the end there's much disagreement as to what fair share really is which was one reason why this expedited process concerns her. **Chairman Devos** stated her concerns were infrastructure, she still hadn't gotten an answer to whether they can charge a higher impact fee for development outside the urban service area, and asked when Mr. Kitson expected to build the first home because schools were a concern. Mr. Kitson said he wasn't certain but he's continuing to discuss this with Superintendent of Schools Dr. Gaylor who said he felt there was a way to work through this issue. **Chairman Devos** asked how many homes did he expect to build the first year housing construction begins. Mr. Kitson said it depends on the market but a ballpark guess would be 400 to 500 homes. **Chairman Devos** stated having a self-sustaining community was difficult to achieve without build-out, the issue was the long lag time between the start of construction and completion, and it's that part that makes her nervous to fast-track the project. Mr. Kitson clarified by fast-tracking what he meant was they were looking for assurance but agreed the approval process was going to take a very long

time, and many of the concerns discussed today were legitimate concerns but he felt they can be addressed and handled responsibly. **Chairman Devos** said she didn't want her approval today to be misinterpreted as approval at the end and she was willing to work through the concerns. Mr. Kitson responded he understood and it was their responsibility to convince the Board this can work. **Chairman Devos** voiced concerns regarding the need to control urban sprawl and whether RLSP works. Mr. Kitson said that's why they want the RLSP as part of their plan. **Chairman Devos** noted the proposed density far exceeds the Comp Plan and it was a big concern for future discussions along with the need for public discussions. Mr. Kitson said they were willing to participate in whatever public forum the Board desires. **Commissioner D'Aprile** said this will eventually be developed, the Board has the opportunity of a lifetime to make sure this property was developed the way they want, and he felt they will all be able to work out a solution that benefits everyone concerned. **Commissioner DeBoer** said it's not easy to try to address the greater public good and the temporary overlay basically evaporates once the RLSP was in place. Mr. Konefal agreed that was the intent. **Commissioner DeBoer** asked what the reviews were for this program. Mr. Konefal said the process was very similar to the DRI process. **Commissioner DeBoer** said the expedited process was only to the point of the temporary overlay which would give Mr. Kitson the guarantee on the return on his investment he wants for the deal to go through but after that there was a process that parallels the DRI process. Mr. Konefal concurred. **Commissioner DeBoer** said his understanding was the 4-party agreement could address all the Board's concerns much like a memorandum of understanding. Janette S. Knowlton, County Attorney, responded possibly that could occur, her one concern was what would happen if the RLSP doesn't come about because the Board would have already approved the interim overlay amendment giving Mr. Kitson the units. Mr. Kitson responded if that did happen they would have to go through the entire approval process over again and he was willing to completely commit to the RLSP in the agreement. **Commissioner DeBoer** said it appears there's a series of agreements that could all be tied together so it either completes the entire process or it's gone. Attorney Knowlton agreed and said she would have more comfort that way. Mr. Kitson said he agreed as well. **Commissioner DeBoer** asked that a white paper be put together on the RLSP so he can get a better understanding of the mechanics of the program. Mr.

Kitson reiterated they would cooperate in whatever forum the Board needed. **Commissioner DeBoer** said he was ready delay the Comp Plan amendment for 30 days if that would give them more comfort. **Chairman Devos** suggested they revisit this at their next meeting on September 27, 2005 with a presentation by Mr. Kitson. **Commissioner DeBoer** said he liked that idea and it would also give them time to put the County's concerns in writing to be available when this goes to the Governor and Cabinet for the land purchase. Mr. Kitson responded two weeks would give them time to prepare some specifics regarding the agreement. **COMMISSIONER DeBOER MOVED TO HOLD THE COMPREHENSIVE PLAN AMENDMENTS UNTIL THE BOARD'S NEXT MEETING ON SEPTEMBER 27, 2005, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.** (Discussion ensued regarding items to be included in the agreement, the need for more details on the RLSP as well as staff input, and the need to include guarantees into the process that protect the County.)

XI. CITIZEN INPUT - ANY SUBJECT

Oscar Dorr suggested if they haven't already the County should contact other 'new towns' to learn from their mistakes.

Jack Donkel distributed and reviewed his handout regarding revisions to Florida Department of Transportation's (FDOT) directional signs and official state map, and asked the Board to support these changes so the state will fix the map.

Grace Amodeo stated she was proud of her Board today because they all said what needed to be said.

Carol Reynolds said she was a South Gulf Cove resident and a member of the advisory committee for the implementation of their community plan, commented on their linear park plans, stated Public works was sitting on their landscaping paperwork and asked the Board to help expedite getting this out to bid.

Ray Warner stated he was a South Gulf Cove resident and representing the MSBU Committee for streets and drainage, referred to Ordinance #2004-043 which allows for the funding of their community plan from the MSBU including the landscaping project and asked the Board to please direct Public Works staff to do what's necessary by September 30, 2005. **Chairman Devos**

responded that Assistant County Administrator Kelly Shoemaker will follow-up on this matter.

Chairman Devos announced the Board was now going to recess to begin their Executive Session.

RECESS: 12:38 P.M. - 2:45 P.M.

(Assistant County Administrator Kelly Shoemaker replaced County Administrator Bruce D. Loucks for the remainder of the meeting.)

BB. County Administrator

No items.

CC. County Attorney

Janette S. Knowlton, County Attorney, stated the House Speaker has formed a select committee to review the private property rights, she had asked their Eminent Domain Counsel Bob Gill to prepare a response to the committee's questionnaire which all Board members should have received and it was also sent to the County's state and federal lobbyists. Attorney Knowlton reported on the remand for the phosphate hearings, and said the matter has been set for rehearing on October 10, 2005 through October 14, 2005. Attorney Knowlton advised Jan Beardslee was recently appointed to the Bread of Life Board, and she would be meeting with Ms. Beardslee, Paul Payette and Bob Hebert regarding the County donating a lot over on Scott Street to the Bread of Life so they could expand their operations.

DD. Commissioner Comments

Commissioner DeBoer said he'd been asked to sponsor a resolution thanking Project Hope and he will try to get this on the Board's next agenda. **Commissioner Cummings** commented on the possibility North Port may need a pipeline coming through Charlotte County if negotiations with Sarasota County fail. **Chairman Devos** reminded the Board she will be in Washington, D.C. next Tuesday along with **Commissioner Cummings**, Kelly Shoemaker and Bruce Loucks.

MEETING ADJOURNED: 2:52 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