

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

October 11, 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, Matthew D. DeBoer, and Thomas G. D'Aprile. Also in attendance were County Administrator Bruce D. Loucks, County Attorney Janette S. Knowlton, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board of County Commissioners Judy Hunter, and Deputy Clerk Gail Manley. The meeting was called to order at **9:03 A.M.**

The **invocation** was given by **Reverend Bob Carlson** of Fawcett Memorial Hospital, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

ADDITIONS:

Y-1: Set a Workshop to discuss Uniform Extension Policy and Utilities Developer's Agreement for Thursday, October 13, 2005 at 2:00 P.M.

AA-3: Department of Environmental Protection regarding Babcock Ranch.

COMMISSIONER DeBOER MOVED APPROVAL OF THE ADDITIONS WITH A REQUEST THAT Y-1 BE A PUBLIC WORKSHOP. Chairman Devos stated she is not available October 13, 2005 and no one checked with the Commissioners before setting the date. Mr. Loucks stated between now and the end of the meeting calendars will be checked for a different date. COMMISSIONER DEBOER WITHDREW HIS MOTION ON Y-1.

COMMISSIONER DEBOER MOVED APPROVAL OF THE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.

I. SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE MONTH OF OCTOBER 2005 AS "JOY DIBBLE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER MOORE, AND DECLARED UNANIMOUS. Joy Dibble accepted the Proclamation on behalf of the artists and Arts and Humanities Council.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING OCTOBER 11, 2005 AS "PROJECT H.O.P.E. DAY", ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER MOORE, AND DECLARED UNANIMOUS. Chairman Devos accepted the Proclamation on behalf of Project H.O.P.E. and applauded its extraordinary operation after Hurricane Charley.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING OCTOBER 11, 2005 AS "MATTHEW DEBOER DAY", ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER MOORE, AND DECLARED UNANIMOUS. Commissioner DeBoer accepted the Proclamation and thanked the many County employees he has worked with.

Employee Recognition:

Bruce D. Loucks, County Administrator, and Commissioner Cummings recognized the following employees for their service with the County: **Five Years** - Ronald Allen, Parks, Recreation & Cultural Resources, Mary Louise Rowe Fischer, Parks, Recreation & Cultural Resources, Rich Bokoski, Facilities & Construction Maintenance, **Ten Years** - Marc Davison, Public Works, **Fifteen Years** - Stanley Irish, Community Development, Dianna Stanfield, Real Estate Services, Lindsey Herdez, Public Works, Donald Romer, Fire/EMS, Edward Stepp, Fire/EMS **Twenty Years** - Richard Standafer, Fire/EMS, David Lang, Community Development, and **Thirty Years** - George Dilena, Public Works.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

None.

III. II.COMMITTEE VACANCIES

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

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.

Board of Zoning Appeals

- One (1) applicant for the Board of Zoning Appeals District #4 Representative for an unknown term. (Added by **Chairman Devos** on the record.)

Punta Gorda CRA

- As many applicants as possible to fill a four (4) year term; one (1) person will be selected from the applications. (Modified by **Chairman Devos** on the record.)

III. REPORTS RECEIVED AND FILED

Charlotte Harbor Community Redevelopment Agency Advisory Committee (CRAAC) August 25, 2005, 10:00 A.M.

IV. CONSENT AGENDA

COMMISSIONER DeBOER MOVED APPROVAL OF THE CONSENT AGENDA SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

A. Finance Division

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

Memorandum #1 Status of Contingency Reserves - FY 04/05
Memorandum #1A Status of Contingency Reserves - FY 05/06

- Memorandum #2 Total Disbursements for the period September 21, 2005 through October 4, 2005, in the amount of \$16,377,410.90.
- Memorandum #3 Quarterly Report Unclaimed Excess Money
- Memorandum #4 Two-Year Report Excess Funds on Tax Deed Applications

B. Minutes Division

None.

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Approve the appointment of Alyssa Pollizzi to the Parks & Recreation Advisory Board representing District #2 as a replacement until September 9, 2006.

D. Administration

Agenda Item D-1

Resolution #2005-205 consenting to Comcast Corporation's acquisition of Time Warner Cable, Inc.'s cable television system serving Charlotte County. **Chairman Devos** stated she met with Comcast representatives and a working document Emergency Plan has been prepared.

Agenda Item D-2

Grant #2005-037 in the amount of \$1,500,000 with the Department of Community Affairs for the construction of a Public Safety Complex and Emergency Operations Center within the county.

E. County Attorney

None.

F. Budget Office

Agenda Item F-1

- (a) Grant #2005-038 accepting an Office of Justice Programs, Justice Assistance Grants Award and Special Conditions in the amount of \$35,378
- (b) Authorize the Chairman to execute the necessary grant documents.

G. Community Development

Agenda Item G-1

Set a Public Hearing on Wednesday, November 16, 2005 at 9:00 A.M. to consider the Babcock Ranch Comprehensive Plan Amendment Application and related issues.

H. Economic Development

Agenda Item H-1

Coordinate the application process for sign grants for both the County and Charlotte Harbor CRA and allow grant funds to be used from the countywide budget.

J. Environmental & Extension Services

Agenda Item J-1

Authorize the Board Chairperson to sign fourth amendment to Interlocal Agreement 970100A0 between Charlotte County and the Sheriff's Office for the lease of helicopters for mosquito control operations.

K. Facilities Construction and Maintenance

None.

L. General Services

Agenda Item L-1

Change Order #2 to Bid 05-028, Fencing-Maintenance & Repairs (Group 2) to Stewart Tennis Courts & Fencing, Inc., for the increased amount of \$1,810 for a revised total of \$22,927.

Agenda Item L-2

- (a) Award Request for Proposal #05-312 Emergency Debris Management Monitor Service to Beck Disaster & Recovery Services of Orlando, Florida to assist Charlotte County in the management of collection and debris site monitoring services at the hourly rates submitted.
- (b) Authorize the Chairman to sign the contract.
- (c) Authorize the County Administrator to approve the renewal option for one (1) additional two-year (2-year) period, by mutual agreement.

Agenda Item L-3

Approve deletion of property inventory items for the month of October 2005.

Agenda Item L-4

Change Order #1 to Bid # 03-421 - Gasoline & Diesel Fuel, Supply & Deliver as awarded to Lippel Petroleum d/b/a Gator Petroleum of Punta Gorda, Florida and Petroleum Traders Corporation of Fort Wayne, Indiana to modify the contract from the weekly OPIS pricing schedule to the daily OPIS pricing schedule.

Agenda Item L-5

- (a) Amend Contract # 04-308B Design/Build Fire Station(s) with Matthews-Taylor Construction, LLC, for the design phase of Fire Station #15 from \$60,020 to \$138,930.
- (b) Amend Contract # 04-308C Design/Build Fire Station(s) with Matthews-Taylor Construction, LLC, for the design phase of Fire Station #16 from \$60,020 to \$138,930.
- (c) Authorize the Chairman to sign the Contracts.

M. Human Resources

Agenda Item M-1

Approve workers compensation settlement of \$75,000 for Calvin Haddock, former Public Works employee, accident date of August 20, 2002.

N. Human Services

None

P. Information Technology

None

Q. Parks, Recreation & Cultural Resources

None

R. Public Safety

None

S. Public Works

None

T. Real Estate Services

Agenda Item T-1

Resolution #2005-206 authorizing the Chairman of the Charlotte County Board of County Commissioners to approve and ratify a Resolution of Necessity for the acquisition by any legal means, the parcels described in Exhibits A & B, for the Midway Boulevard Widening Project, and further authorizing the Chairman of the Charlotte County Board of County Commissioners, or its agent to execute the Agreements and other documents relative to these purchases.

V. Tourism Development

None.

W. Utilities

None.

X. CITIZEN INPUT - ANY SUBJECT

Jack Donkel informed the Board that for over 30 years First Street through Seventh Street in Englewood has been described as "East"; although recently it was determined the plat and map 2B/5N do not designate the streets as "East." Mr. Donkel said residents, Postal Department, Tax Collector, and EMS have used the description of East and the street signs show East, but now the postal service has removed "East." Mr. Donkel requests the Board enter a Resolution that would change First Street through Seventh Street in Englewood to "East." Mr. Donkel requested that "Englewood" be placed under the "Charlotte County" sign and advised the South McCall Road sign is not installed. **Chairman Devos** asked if Mr. Loucks would follow up on those requests. Mr. Loucks replied affirmatively. **Bill Dryburgh**, Chairman of the Parks and Recreation Board, congratulated the County employees for an outstanding job done on the parks at the South end of the County.

BB. County Administrator

Bruce D. Loucks, County Administrator, stated two new facilities are opening this week; ribbon cutting at the Mid-County Transfer Recycling Center on Veterans Boulevard is Wednesday, October 12, 2005, 11:00 A.M., and the Mid-County Public Library on Forrest Nelson Boulevard opening is Saturday, October 15, 2005.

CC. County Attorney

None.

DD. Commissioner Comments

Commissioner DeBoer thanked all for recognition of his thirty-year County employment; there is much speculation on his future;

he will finish his term as Commissioner but at this time does not intend to seek re-election for County Commission. **Commissioner DeBoer** said corporate papers would be filed soon for DeBoer Management and Consulting Company; he plans to remain in the area and will offer numerous management and consulting services, including lobbying in Tallahassee; and looks forward to being in the private sector. **Commissioner D'Aprile** expressed thanks and appreciation to **Commissioner DeBoer** for his experience and assistance. **Commissioner Cummings** stated the most eloquent way of expressing his gratitude was by offering a moment of silence on his part and allow **Commissioner DeBoer** to have the last word. **Commissioner Moore** said he looks forward to **Commissioner DeBoer** leaving so he can legitimately speak to him and not violate the Sunshine Law; has enjoyed serving with him; and is sorry he will not run again. **Chairman Devos** said she also congratulates **Commissioner DeBoer** and inquired again the name of his new business. **Commissioner DeBoer** repeated the business name and indicated various licenses were being obtained; does not plan to reactivate his builders license; has had offers to do lobbying work in Tallahassee and for local developers, but has stayed away from those at the present to avoid conflict of interest in voting. **Chairman Devos** said she was just passed a note that Agenda Item Y-1 Workshop for Utilities can be scheduled for October 18, 2005 at 3:00 P.M.; all assistants have checked the Commissioner schedules and the Workshop will follow the Land Use Meeting. **COMMISSIONER DEBOER MOVED TO SET A PUBLIC WORKSHOP TO DISCUSS UNIFORM EXTENSION POLICY AND UTILITIES DEVELOPER'S AGREEMENT FOR TUESDAY, OCTOBER 18, 2005 AT 3:00 P.M. TO FOLLOW THE LAND USE MEETING, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner Cummings** stated he would not be available that day. **Commissioner DeBoer** advised the Department of Environmental Protection would not be available today for the presentation regarding Babcock Ranch Agenda Item AA-3 and possibly this item would require scheduling on Tuesday, October 18, 2005 as well. **Chairman Devos** requested the motion be withdrawn. **COMMISSIONER DEBOER MOVED TO WITHDRAW HIS MOTION ON Y-1 AND COMMISSIONER D'APRILE WITHDREW HIS SECOND.** **Chairman Devos** stated Tuesdays will not work because of a scheduling problem; four days are required to advertise the Workshop; and the issue will be discussed again after the assistants confirm scheduling.

RECESS 9:50 A.M. to 10:05 A.M.

V. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Utilities, Set a Workshop to discuss Uniform Extension Policy and Utilities Developer's Agreement for Thursday, October 13, 2005 at 2:00 P.M.

Chairman Devos stated the meeting could be scheduled for Tuesday, October 18, 2005 at 3:00 P.M. even though **Commissioner Cummings** will be unavailable, or at the next regular meeting Tuesday, November 8, 2005. **Commissioner DeBoer** inquired if information could be given to **Commissioner Cummings** beforehand so he could provide written comments. **Commissioner Cummings** stated staff agreed to brief him beforehand. **COMMISSIONER DEBOER MOVED TO SET A PUBLIC WORKSHOP TO DISCUSS UNIFORM EXTENSION POLICY AND UTILITIES DEVELOPER'S AGREEMENT FOR TUESDAY, OCTOBER 18, 2005 AT 3:00 P.M., SECONDED BY COMMISSIONER D'APRILE.** **Commissioner Cummings** expressed concern that the DEP presentation might be on that same day with him absent because he had questions, but since it is only a presentation and the Board not making decisions he could ask his questions at another forum. **Chairman Devos** advised **Commissioner Cummings** he could submit questions to the Chair and she would present them. **Commissioner Moore** requested clarification the meeting is a workshop with public input. **Chairman Devos** confirmed affirmatively. **Commissioner DeBoer** said he understands the presentation is on the purchase agreement, which does not include Charlotte County, but Charlotte County needs to be aware of it. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1, Community Development Revision to the Waterfront Property Ordinance. (Proof of Publication in Order.)

Nicole C.E. Dozier, Community Development, gave a slide presentation and stated due to the increased demand for boat storage facilities staff proposes the following revisions to the waterfront property ordinance: (1) increase the maximum height

of boat storage facilities to 48 ft. above grade to allow four stories of storage, a maximum storage capacity of 64 boats, opposed to the current maximum storage capacity of 48 boats at the maximum height of 35 ft. (2) staff has put some demarcation lines into the current GIS system in order to define waterfront setback property lines when determining compliance of certain standards required for waterfront property (3) clarify that commercial or residential structures are measured from base flood elevation; that base flood elevation is the starting point for height measurement for commercial structures and the lowest habitable floor is the starting point for height measurement for residential structures. **Commissioner Cummings** expressed concern that allowing everyone to have the same usable space creates taller buildings and more construction and conflicts with the comprehensive plan efforts to reduce building incentives in hurricane high hazard areas. Ms. Dozier said the issue was previously brought before the Board; staff recommended at that time all structures not exceed a maximum of 35 ft.; due to public input at the time the Board determined it would prefer to use the base flood elevation as the bottom point for which a measurement would be done, allowing everyone to receive the same amount of space within the 35 ft. height requirement as opposed to someone with a higher base flood elevation who would have less space; and why it is currently utilized in this manner. **Chairman Devos** inquired what the lowest habitable floor is based upon. Ms. Dozier explained it is the lowest habitable floor for which a building permit may be issued. **Chairman Devos** said what is in place works but this is a public workshop and the public needs to have input. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.** **Commissioner Moore** thanked staff for their efforts; stated he believed this would go a long way in seeing that boat storage is available; and believes it is the right thing to do.

Agenda Item Z-2, Community Development Commercial Design Standards Ordinance. (Proof of Publication in Order.)

Thomas A. Cookingham, Planning Services Manager, explained staff met with members of the Charlotte Builders and Contractors Association and Chamber of Commerce to allow input for changes in application of the existing commercial design standards. Mr. Cookingham indicated changes are explicit to how application will be on stand-alone buildings; buildings that face the street

and have a travel way or median that divide them from the main travel road must still meet the façade design standards as outlined in the commercial design ordinance; and due to recent experiences with hurricane Charley and in order to balance with the Building Department, when applying the 50% rule it will be the assessed valuation of the commercial structure. Mr. Cookingham stated in order to limit the appearance or impact of overhead doors the doors can be combined with an overhang and recess part of the wall where the door would be, or a complete recess of four feet, and the overhead door must be the same color as the primary façade. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. COMMISSIONER DEBOER MOVED APPROVAL TO ENACT ORDINANCE #2005-081, SECONDED BY COMMISSIONER D'APRILE.** Chairman Devos expressed concern that 50% is too generous because structures are being repaired or rebuilt as they looked before; pointed out Charlotte County was very flexible with property owners after hurricane Charley and she is not comfortable with that flexibility being given in the future. Mr. Cookingham said one of the changes made on the overhead doors that he did not previously explain is that in order for an overhead door to be part of the primary façade the applicant must prove this is the only way the business can operate. Mr. Cookingham explained some of the lots along U.S. #41 are small and have Commercial-Intensive (CI) zoning which allows the type of business that would require an overhead door; that the changes do not eliminate the problem, but would help. **Commissioner DeBoer** inquired where the 50% came from. Mr. Cookingham said most of the support from the public meetings was for 50%, but not for less. **Chairman Devos** requested clarification that 50% was the original percentage and Mr. Cookingham stated that was correct. **Chairman Devos** stated she does not find 50% satisfactory; that the freestanding buildings that have overhead doors are unattractive; that the freestanding buildings with overhead doors were constructed after Hurricane Charley but the businesses did not require them beforehand; wants the County to have better control so this does not happen again; suggested the Commercial-Intensive (CI) zonings be clustered; and inquired if the changes were inflexible enough to capture what concerns her. Mr. Cookingham said under the overlay there is no new Commercial-Intensive (CI) zoning, but there are some existing lots that are zoned Commercial-Intensive (CI), but not clustered. Mr. Cookingham said an effort is made to interpret

and apply the laws in an evenhanded manner, but if the Board gives direction to be strict in the interpretation and application on commercial design standards and accessory standards and use good judgment before approving, that will be done. Janette Knowlton, County Attorney, stated the 50% rule interpretation should be the same for Community Development and for the issuance of Building Permits; guidelines on the 50% rule after Hurricane Charley was an effort to be as flexible as possible so not all the buildings had to come up to the standards; and if the preference is to be more rigid the percentage should be changed. **Commissioner D'Aprile** asked if overhead doors on future commercial buildings could be required to be located in the rear of the building. **Commissioner Cummings** said if overhead doors were in the back of the building homeowners could have a noise issue and there may not be a perfect solution either way. **Commissioner D'Aprile** stated fencing and buffering could contain the noise, but most businesses prefer the doors in front to accent the business. **Commissioner Moore** inquired if Attorney Knowlton had concern of the percentage being 50%. Attorney Knowlton said her recommendation is there be uniform standard interpretation by all County departments. Mr. Cookingham said the interpretation is at 50%. **Commissioner DeBoer** said frontal garage doors must be used in some facilities, including the fire stations. **CALL ON THE MOTION: CHAIRMAN DEVOS AND COMMISSIONERS CUMMINGS, D'APRILE AND DEBOER VOTED "YES" AND COMMISSIONER D'APRILE VOTED "NO."**
MOTION CARRIED: (4:1).

VIII. PRESENTATION AGENDA

AA. 10:00 A.M.

Agenda Item AA-1, Administration Presentation for Board discussion on the upcoming legislative session and issues.

Kelly Shoemaker, Assistant County Administrator, stated Bitner & Associates would discuss the Commissions Legislative Agenda and she would discuss the Southwest Florida Legislative Consortiums agenda ideas and March trip to Tallahassee. David Bitner complimented the community's recovery efforts after Hurricane Charley and the County staff his agency works with; indicated Charlotte County's appearance in Tallahassee had considerable impact with Mark Kaplan, Lieutenant Governor at the

time, now Chief of Staff for the Governor, and Joe Negron, Appropriations Chairman in the House. Mr. Bitner stated Kerry Roth of Bryant, Miller and Olive is part of the growth management team. Mr. Bitner advised the lobbying team would be presented with challenges because of passing of several leadership seats. Mr. Bitner presented a proposed agenda for the Board to review and prioritize. Kerry Roth indicated the Board could advise how to participate as to strength of pressing the issue as the list is worked through. **Chairman Devos** inquired if there might be greater support this session by approaching some of the issues regionally, and gave an example of a possible joint effort by Charlotte County and North Port for a special needs shelter on land in North Port that is suitable. Ms. Roth said she personally believes it helps if multiples pull together; and there are some funds available only for regional cooperative efforts. Mr. Bitner stated the Legislature was always looking for matching grants or opportunities where the traditional boundaries are crossed and look for ways to do funding that appeal to a greater number of people. Mr. Bitner said there is a prediction for shortfalls of funds available. **Commissioner DeBoer** stated some items are being addressed statewide by the Association of Counties and should be marked off. Discussion ensued on the Charlotte County 2006 Potential Legislative Issues with strength of participation as follows:

I. GROWTH MANAGEMENT

- a. Growth management glitch bill. Monitor and report.
- b. Impact fee reform. Monitor and report.
- c. CRA/Eminent domain legislation. Number 1 issue. Be very active on this issue.
- d. Coastal high hazard zone reform. Get update on task force appointments and monitor.
- e. Affordable housing reform. Big issue. Monitor.
- f. Phosphate mining regulatory changes. Delapart and Fletcher are already involved; will contact Ms. Roth if necessary for additional assistance.

Commissioner DeBoer stated the Florida Association of Counties is working on items a, b, and e; those should be monitored, but not actively worked on. **Commissioner Cummings** inquired if it was determined whether or not there is a legal issue in creating an affordable housing impact fee. Ms. Roth said the issue had not

been reviewed. **Chairman Devos** indicated it was to be part of the study. **Commissioner Cummings** pointed out it could become an issue if adjustment to the language is needed; and if there is a prohibition of the program it might be something to focus attention on.

II. TAXATION

- a. Portability of save our homes - oppose. - Visit with delegation members and explain how funds are being spent.
- b. Gas tax indexing - support. Not much time to be spent on it this year.
- c. Modification of cable franchising law - oppose. Critical issue. Monitor and keep Board apprised.

III. FUNDING

- a) Local projects - Courthouse renovation, Public Safety complex, County Health facility - Representative Kreegel is spearheading the Courthouse renovation; keep visible because there is judicial support and need legislative support; cooperate with all in 20th Judicial Circuit to get adequate funding in 20th Judicial Circuit; Representative Grant will come back to County Health Facility; on our own with the Public Safety complex.
- b) Babcock ranch purchase - Monitor and report.
- c) 6th district court of appeals - Ties in with the Courthouse renovation that Representative Kreegel is spearheading; keep visible because there is judicial support and need legislative support; Bitner & Associates to monitor and provide guidance to Board.
- d) Continued infrastructure funding per 2005 GM bill (transportation, alternative water supplies, schools, tmdl implementation) - Monitor and report.
- e) Funding of 211 call centers - Monitor and report.
- f) Maintain beach renourishment funding - Monitor and report.

Ms. Roth stated local projects such as the County Health Facility and Courthouse renovation would go through a local request and she will work with staff to be certain forms are

completed and submitted to the delegation timely. **Commissioner Cummings** indicated there is another longer-term transportation issue that concerns him that would be a direct consequence to Charlotte County because of changes in the formulas; that the State is phasing in a shift of funding from a 50-50 split between the Metropolitan Planning Organization (MPO) and the Strategic Intermodal System (SIS) to a 75-25 split (75% going to the Strategic Intermodal System and 25% going to the MPOs). **Commissioner Cummings** advised I-75 and U.S. #17 are the only Strategic Intermodal Systems in Charlotte County; that U.S. #17 has already been expanded and I-75 has been pushed up for expansion; and once the expansion on I-75 is done there is no place else to send that money and Charlotte County will have a 50% cut in transportation funding from the State. **Commissioner Cummings** pointed out this may be 15 years from now but the funds need to be allocated sooner and an effort should be made to have more Charlotte County facilities declared part of the Strategic Intermodal System or get the formula changed. Mr. Bitner advised Senator Lisa Carlton is the Appropriations Chairman in the Senate and Representative Joe Negron, who was supportive to Charlotte County after Hurricane Charley, is the Appropriations Chairman in the House, and urged the Board to share funding ideas and needs for the County with both.

IV. TOURISM ISSUES

- a) Visit Florida funding - Monitor and report.
- b) Expanded use of bed tax. "b" and "d" are related - Monitor and report.
- c) Fix glitch, which allows 3rd party sellers of travel to avoid bed tax - Monitor and report.
- d) Preserve current use restrictions on tourist development taxes - Monitor and report.

Kelly Shoemaker, Assistant County Administrator, advised the 2006 Legislative Priorities list was prepared by a group of representatives from Collier, Charlotte, Lee, Hendry and Sarasota counties, and the cities or municipalities within that area that make up the Southwest Florida Legislative Consortium. Ms. Shoemaker said meetings are held regularly every few months; one trip is planned to Tallahassee each year, usually in March; and Collier County will coordinate this session. Ms. Shoemaker indicated the group attempts to come up with items that cover

everyone's needs within the organization; and a group regional approach appears to have more power in Tallahassee. Ms. Shoemaker requested Board approval of the items listed under Monitoring and Priorities before proceeding with the trip in March to Tallahassee. **Chairman Devos** inquired why the Mandatory Seatbelt Law matter was shown because there already was a law for it. Ms. Shoemaker said Lee County brought the matter up for discussion; it will be reviewed and additional information brought back to the Board. Bruce D. Loucks, County Administrator, said there are funding opportunities, but if certain things have not been done from a legal standpoint participation is precluded; and this is an effort for full participation in funding opportunities. **Commissioner DeBoer** stated the issue could be an expansion of the existing laws.

AA. 3:00 P.M.

Agenda Item AA-2, Administration Discussion of the Jail Expansion.

John Davenport, Charlotte County Sheriff, stated the Charlotte County jail expansion needs assessment was conducted by Carter Goble Associates, Inc., and turned the presentation over to Lieutenant Dan Kacynski. Lt. Kacynski presented a detailed overview of the Power Point Presentation submitted by the Charlotte County Sheriff's Office for the Charlotte County Jail Expansion Project. Lt. Kacynski stated the electronic security system upgrade needs to be installed right away so the jail can function properly; and that the new system is compatible with all the electronics to be installed in the new expansion. Lt. Kacynski explained the present system runs on Windows 95, is worn out, does not handle the load in the jail, is no longer serviceable, and is a proprietary system that only one company, whose service has not been satisfactory, can work on. **Tommy White left at 3:20 PM and returned at 3:45 PM. Commissioner D'Aprile** inquired if there had been application of any excessive money for possible increases in costs for the building and if any existing electronic equipment would be utilized in other parts of the jail or if it would all be replaced. Lt. Kacynski indicated there were contingencies built into construction and the other cost tables and the old, outdated equipment is useless and would be removed. Chief William Cameron indicated the equipment is difficult to work with and had no value.

Commissioner DeBoer inquired how juveniles are handled. Lt. Kacynski said there are separate juvenile sections in the jail, with 4 female and 12 male cell spaces. **Commissioner DeBoer** asked if that was sufficient. Major Thomas Rogers, Jail Commander, stated the present cell space for juveniles is sufficient because there has not been a significant increase in juvenile population. **Commissioner DeBoer** asked how many juvenile beds were in use at the present time and Major Rogers indicated there were three male juveniles presently. Sheriff Davenport explained juveniles are arrested every day but those who are housed in the Charlotte County facility have been adjudicated as adults, sentenced already, or to be tried as adults. Lt. Kacynski stated a fast tracking system established for cases such as violation of probation is working. **Commissioner DeBoer** asked if the programs would continue after the jail expansion. Sheriff Davenport stated the Charlotte County jail was built to last ten years and is overcrowded after four years; all counties are experiencing the same difficulties in overcrowding and some inmates have to sleep on the floor; until the jail expansion occurs Charlotte County may be required to house inmates on the floor like other jails, which takes on a great liability to the community and County because inmates cannot be classified properly. Sheriff Davenport said when the expansion is built it will be necessary to work hard as a public safety coordinating counsel to monitor jail population; the programs need to continue; and other alternatives for incarceration need to be found as well, otherwise the jail would fill up. Sheriff Davenport explained bed space is lost when only a few juveniles are incarcerated because other inmates cannot be housed in the juvenile facility. **Commissioner DeBoer** said it is his understanding delays in getting cases through the system are not due to docket crowding. Sheriff Davenport said there are not enough attorneys in the State Attorney Office and Public Defender Office to defend and prosecute and not enough judges; the dockets are crowded, but there are ways to fast-track more cases through the system. **Commissioner DeBoer** indicated there appears a need to lobby as a group to be certain there is sufficient funding for the courts, Public Defender and State Attorney office. Sheriff Davenport agreed. **Commissioner DeBoer** inquired how many state inmates are in jail for committing crimes in Charlotte Correctional Institute and explained his reason for asking that question is he was surprised to find that if someone serving time in a state facility commits a crime they

are transferred to the local county jail to await trial. **Commissioner DeBoer** stated when Officer Lathrum was killed Charlotte Correctional Institute did not want the three inmates together and scattered them around the state and when they go to trial the Charlotte County Sheriff's Department must go get them. Sheriff Davenport explained that changed dramatically and has caused a crisis at the Charlotte County jail; that the attorney for one of the prisoners filed a motion to keep all of them here and a judge ruled in their favor due to statute; they have been at the Charlotte County jail for quite some time and not due for trial until next year; and must be housed at the local jail and not returned to the prison. Sheriff Davenport indicated when any of the three inmates is moved the entire facility must be locked down because the inmates made it clear they will try to escape and kill again; that five of the fifteen worst criminals in the state of Florida are in the Charlotte County jail and cannot be moved until their trials next year. Sheriff Davenport advised the Florida Sheriff's Association has re-worded the statute that the judge ruled on and will lobby in the next Legislative Session to have the statute changed so the inmates can be returned to the prison between hearings and trials. **Chairman Devos** inquired if Representatives Grant and Kreegel could assist and Sheriff Davenport advised Representative Kreegel is presently working on it. **Chairman Devos** inquired if building a mental health facility would affect the numbers in the Sheriff's presentation for either the mentally handicapped or the homeless population. Sheriff Davenport said it would help some, but not dramatically where the mentally handicapped are concerned and many of the homeless get arrested for food and shelter; that since the state closed G. Pierce Wood and other similar facilities the Sheriff Departments have been required to house mentally handicapped inmates in proper facility venues and are becoming the mental health institutions for the state. Sheriff Davenport stated if the inmate is severally mentally ill, suicidal, or protective custody they must be placed in a cell alone; almost all cells in the Charlotte County jail are two-man cells; and a bed is lost each time one person is put in a two-man cell. Sheriff Davenport stated this is the reason the expansion request is for 80 one-man cells and a special-management unit; and recommends this be one of the first parts of the expansion done. **Commissioner D'Aprile** inquired how many inmates in the Charlotte County facility for committing a crime in Charlotte County live in

Charlotte County. Sheriff Davenport said he is not certain but believes the majority of inmates are from Charlotte County. **Chairman Devos** inquired what the budget was for the jail. Bruce D. Loucks, County Administrator, said the original amount was \$12 Million but was adjusted to \$28 Million after receiving the report at the final budget hearing. Mr. Loucks stated there is unallocated funds over and above what was originally programmed for the jail from the \$.06 Mill increase over the four years which will be used for the jail; the \$.06 Mill will be fully allocated for four years to include the entire \$28 Million; and there will be nothing in reserve for the period of time taken for the millage increase unless the assessed valuation increases exceed the projection and the millage stays the same which would give a little buffer over the four years. Sheriff Davenport stated it his hope that the expansion will allow the Sheriff's Department to increase the federal inmate population; that the County receives \$71 per day for each inmate and it is a good revenue service. **Commissioner DeBoer** inquired if the expansion of the sally port included installation of a roof. Sheriff Davenport stated the present design if for an open-roof. **Commissioner DeBoer** said he would be interested in looking at a roof installation as it gets further into the design phase and does not believe it would benefit the County by taking pieces out. Sheriff Davenport reminded the Board of the need for \$225,000 for upgrading the security system that needs to be done today because the facility currently is functioning on the old system that does not work correctly and security is at risk. Mr. Loucks said with the millage approval there is no reason to wait for the construction component of the project to go forward because the core system can be purchased and added onto as needed and funding is available. **COMMISSIONER DEBOER MOVED TO DIRECT STAFF TO BRING BACK THE CHANGE TO THE CAPITAL IMPROVEMENT PROGRAM TO INCLUDE DOING THE CHANGEOVER IN THE SECURITY SYSTEM AT THE CHARLOTTE COUNTY JAIL IMMEDIATELY, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.** Sheriff Davenport thanked the Commission for the support and guidance given in all the Sheriff's Department projects. **Chairman Devos** asked when the Sheriff anticipated getting started on this. Sheriff Davenport stated that was not up to him. Mr. Loucks said the Sheriff can work with the Purchasing Department for the purchase of the security system; the bidding process will be started; and a team from the Sheriff's Department and County staff will proceed to get the design permit started immediately because there was no

reason to wait for the FEMA trailers to be moved to start that design. **Commissioner DeBoer** asked if a design build would be done to expedite it. Mr. Loucks said that should be discussed. **Chairman Devos, Commissioner Cummings and Commissioner D'Aprile** complimented the Sheriff's Department for getting information to the Board that is necessary to make good decisions for the County, and thanked Lt. Kacynski for his presentation.

ADJOURNED 4:05 P.M.

Signature on file in Commission Minutes

Sara J. Devos
Chairman

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

gm