

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

OCTOBER 25, 2005

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Sara J. Devos and Commissioners Thomas G. Moore, Adam Cummings, Thomas C. D'Aprile and Matthew D. DeBoer. Also in attendance were County Administrator Bruce D. Loucks, County Attorney Janette S. Knowlton, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board Judy Hunter, and Supervisor of Minutes Diane J. Nice. The meeting was called to order at **9:00 A.M.**

The **invocation** was given by Bob Carlson, CEO, Fawcett Hospital, Port Charlotte, Florida, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

ADDITIONS:

Proclamation Wayne Sallade, Dr. David Gayler, and Mike Moody
Day - Thursday, November 3, 2005

II. COMMITTEE

VACANCIES Board of Zoning Appeals - one (1) Representative
from District #4

V. REGULAR

AGENDA Agenda Item Y-4, Utilities Update

CHANGE:

F. Budget

Office Agenda Item F-2, Recommended Action: Approve
Budget Transfer #05-024 in the amount of \$42,000
and Budget Amendment #05-A35 in the amount of

~~\$68,000~~ \$72,000 to recognize insurance proceeds for damage due to Hurricane Charley and to align budgeted funds for year-end closeout.

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

Chairman Devos requested an update from Wayne Sallade on efforts of County and City governments. Wayne Sallade, Emergency Management Director, stated "we did well." Mr. Sallade explained emergency management is not Wayne Sallade, Gerry Mallet, Lisa Schaber, Harriet Franklin; emergency management is a mind set in a community, a philosophy that a community must adopt, embrace, and practice for the times when it is necessary into practice; Wilma stayed away from Charlotte County, it made landfall 14 miles south of Marco Island at Cape Ramono, and never deviated more than 30 miles north or south of the model; Wilma increased wind velocity from 105 to 125 mph in the last six hours before landfall; the models are not picking up on significant wind velocity increases in the last few hours; the status in Charlotte County is good; Florida Power and Light (FP&L) advised him that less than 1,000 customers remain without power and the maximum yesterday was 6,000; this storm has taken out more than 75% of FP&L's customer service area; crews from 23 states are on their way to assist in the power restoration and it may take as many as three to four weeks due to the estimated 6 million customers without service; damage was minimal; questions have been raised about why mandatory evacuation on mobile homes was not issued; Hurricane Charley took care of anything that was weak, old, structurally unsound and anything that has been replaced or rebuilt is strong enough for Wilma; 200 people were in shelters; 3 shelters were opened in conjunction with the School Board; it was decided to keep Charlotte County schools open on Friday; commended Clear Channel Communications staff's job in keeping the public informed nonstop; and reported Mike Mooney, who is present, was out at the height of the storm giving damage reports in coordination with the five stations were simulcasting updates and open lines for questions; 7.5" of rain caused flooding in Punta Gorda and Charlotte Harbor; Charlotte County is under a state of local emergency and suggested it be left in effect; the County does qualify for Category A and B reimbursements under the Robert T.

Stafford Act for 100% reimbursements for all emergency protective measures undertaken by applicants including the School Board, City of Punta Gorda, Charlotte County, and independent fire districts and others but no assistance for individuals. Mr. Sallade explained conference calls of the leadership group, County, City, School Board, fire districts, and others, were instituted this year that worked extremely well in monitoring the progress of the storm and congratulated the public and business community on all of their efforts.

SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING November 11, 12, and 13, 2005 AS "BUDDY POPPY DAYS" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. Commander Flanagan, Veterans of Foreign Wars Post No. 5690, accepted the proclamation and advised that all Buddy Poppys are made by disabled veterans in veterans homes and all proceeds collected go to the relief fund for use in Charlotte County.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING November 6 THROUGH 13, 2005 AS "VETERANS' APPRECIATION WEEK" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. Post Commander Charlotte District, Punta Gorda, Florida, accepted the proclamation.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING NOVEMBER 3, 2005 AS "WAYNE SALLADE, DR. DAVID GAYLER, AND MIKE MOODY DAY" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. Wayne Sallade and Mike Moody, Dr. Gayler was not in attendance due to an illness, accepted the proclamation. **Chairman Devos** stated she would make sure that Dr. Gayler receives his proclamation.

Presentations:

Recognition of 2005 Achievement of Excellence in Procurement Award received by the Purchasing Department from the National

Purchasing Institute by Kimberly Corbett, Purchasing Director, who recognized staff for their dedication and hard work

Recognition of obtainment of certification by Kimberly Corbett, Purchasing Director, to Kathy Lindback, Alla Skipper, and Alisa True as Certified Public Procurement Buyer

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Geri Waksler, Moore & Waksler, P.A., on behalf of Wal-Mart Stores, commented on **Agenda Item Y-3, Approve Development Agreement between Wal-Mart and the County as it pertains to transportation improvements associated with the Wal-Mart Supercenter project at Kings Highway & Sandhill Boulevard**, related Public Works has indicated that \$500,000 remains unfunded; Wal-Mart has agreed to contribute an additional \$250,000 as part of the agreement for a total contribution of \$1,135,000 including the \$685,000 for site related improvements, \$200,000 for the utility extension, and the additional \$250,000; Wal-Mart will also advance the cost of the Kings Highway widening, the Sandhill intersection improvements over and above the site related improvements, and the I-75 ramp improvements; less than \$250,000 remains unfunded and may be covered by a short-term loan; pointed out development of the out parcels is estimated to generated \$500,000 in impact fees which will more than cover the shortfall; and requested approval of the agreement.

Ron Thomas, Charlotte County Habitat for Humanity, commented in support of **Agenda Item N-1, Approve Selection Committee's recommendation to award administration of the Hurricane Recovery (HHR) Homeowner and Mobile Home Strategies to the Housing Corporation (HC) and provide 10% strategy-related administrative funds and recognize the HHR funds in the County budget through Budget Amendment #06-A02**; cautioned the Board regarding **Agenda Item N-2, Approve Selection Committee's recommendation to create a non-profit Community Land Trust (CLT) and create permanent affordable housing for Charlotte County's low income households utilizing \$750,000 from the County's HHR Program and 10% strategy-related administrative funds** on the total level of equity and maintenance since homeowners will not own the land whereas Habitat homes and land are owned by residents and

expressed support for the CLT as one of the strategies used to fulfill affordable housing needs; suggested the Board have staff investigate fees, beyond the basic rental rates, being charged in affordable housing projects under **Agenda Item N-3, Approve recommendations of the HHR Selection Committee to provide funds for assisting in the development of Multi-family housing units to Hampton Point and Marian Manor;** and stated \$180,000 is no longer affordable in the median housing costs today under **Agenda Item N-4, Approve the Affordable Housing Advisory Committee's recommendation to revise the Local Housing Assistance Plan by increasing SHIP purchase price and property value limits to \$189,682 for Housing Strategies.**

II. COMMITTEE VACANCIES

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

Board of Zoning Appeals

- one (1) representative in District #4 (applicant on the agenda is from District #5)

Buena Vista, Grassy Point, ELF Waterway

- one (1) full-time resident/land owner of the Unit residing on the south side of Edgewater Drive, to complete an unexpired term through 10/12/07

Gulf Cove Street & Drainage Advisory Committee

- two (2) vacancies (one 2-year term and one 1-year term) must be full-time residents and reside within the boundaries of the Unit

Manasota/Sand Piper Key Advisory Committee

- a full-time resident or business owner on Manasota Key and must be able to devote one-year's time to fulfill the purposes of the Committee

Murdock Village Community Redevelopment Agency Advisory Committee

- one (1) contractor representative

Planning & Zoning Board

- one (1) representative in District #4, term expires in May 2008

Punta Gorda Community Redevelopment Agency (CRA)

- one (1) representative for a 4-year term

III. REPORTS RECEIVED AND FILED

None.

IV. CONSENT AGENDA

COMMISSIONER DeBOER MOVED APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

CLERK OF THE CIRCUIT COURT

A. Finance Division

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

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

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

Memorandum #2 Total Disbursements for the period October 5, 2005 through October 18, 2005 in the amount of \$16,722,532.03

B. Minutes Division

Agenda Item B-1, Approval of Minutes

June 8, 2005	1:30 P.M.	CIP Workshop FY 2005/2006
June 10, 2005	9:00 A.M.	Joint Meeting BCC/City of Punta Gorda
June 13, 2005	10:30 A.M.	Goal Setting Retreat
June 14, 2005	9:00 A.M.	BCC Regular Meeting
June 28, 2005	9:00 A.M.	BCC Regular Meeting

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint Thomas P. Thornberry as District Five Four representative for an additional four-year term on the Board of Zoning Appeals.

E. County Attorney

No items.

F. Budget Office

Agenda Item F-1

Appropriate \$39,000 in fees and fines received by the Sheriff's Office for the False Alarm Program and **Approve** transfer of \$155,000 from Personal Services to Operating Expenses to cover shortages in the budget for fuel, personnel recruiting, contract services for major crimes, and monthly fees for satellite telephones.

Agenda Item F-2

Budget Transfer #05-024 in the amount of \$42,000 and **Budget Amendment #05-A35** in the amount of ~~\$68,000~~ \$72,000 to recognize insurance proceeds for damage due to Hurricane Charley and to align budgeted funds for year-end closeout.

G. Community Development

Agenda Item G-1

Community Development Department staff to move forward with the actions required to apply for Scenic Highway Designation for SR 776 including the loop formed by CR 771 and CR 775.

Agenda Item G-2

Final Plat for Tarpon Harbor II at Myakka Pointe at Riverwood, Unit Two, FP-04-12-23 and Performance Bond from Arch Insurance Company of America in the amount of \$801,242 for Construction Costs of Myakka Pointe at Riverwood, Unit Two, for a five tract multi-family subdivision on 12.68 acres located in Section 29, Township 40 South, Range 21 East, as part of the Riverwood Development of Regional Impact (DRI).

Agenda Item G-3

Final Replat for Sandhill Commercial Complex, approved as Preliminary Plat under the name of Sandhill Commons, Petition FP-04-10-22 filed by Sandhill Investment, LLC, consisting of five Commercial General lots on 6.73 acres within the Sandhill DRI.

H. Economic Development

No items.

J. Environmental & Extension Services

Agenda Item J-1

Write off one Charlotte County Landfill invoice in the amount of \$2,593, the last payment was dated April 17, 2001, from G.F. Enterprises Unlimited. **Commissioner Moore** requested clarification if the write off is a forgiveness of the debt. James A. Thomson, Environmental and Extension Services Director, explained staff will still pursue collection of the debt.

K. Facilities Construction and Maintenance

No items.

L. General Services

Agenda Item L-1

Start negotiations with the first ranked firm, Mathews/Taylor Construction, LLC, Punta Gorda, FL, for RFP-05-399, Design/Build Services for the Public Safety Complex and **Authorize** the Chairman to sign the design phase portion of the design/build contract after negotiations have been completed as long as the design phase fees do not exceed \$800,000.

Agenda Item L-2

File #05-412, Rotonda WRF - Preliminary Design Report, Work Order #28 to Contract #05-042, Engineers of Record, with Boyle Engineering Corporation, Sarasota, FL, in the amount of \$311,000.

Agenda Item L-3

Negotiate for Request for Proposal (RFP) #05-411, Design/Build Services for the Michael Kosinski Timber Bridge with the first ranked firm, York Bridge Concepts, Tampa, FL and **Authorize** the Chairman to sign the design phase portion of the design/build contract after negotiation have been completed as long as the design phase fees to not exceed \$300,000.

Agenda Item L-4

File #06-029, purchase of one (1) Kenworth T-800 Tractor with options, from Kenworth of Central Florida, Orlando, FL (piggyback off Florida Sheriff's Association, Florida Association of Counties, and Florida Fire Chiefs' Association Bid Award #05-13-0822, Specification #36) in the amount of \$110,583.85, with listed options and additional dealer-installed options not a part of the Bid Award in the amount of \$4,961 for a total cost of \$115,544.85.

Agenda Item L-5

Bid #05-433, Burnt Store Water Treatment Plant Deep Injection Well Pump Station to Wharton-Smith, Inc., Sanford, FL, in the amount of \$543,795 for general construction including, but not limited to, excavation, back filling, grading, construction, and installation of a wet well, installation of vertical 6turbine pumps and controls, installation of a WRF effluent transfer line

modifications to the existing RO reject lines to existing deep well, repiping of the deep well to receive water from the new pump station, installation of electrical supply and instrumentation, PLC controls, instrument signal wiring, and all other work specified and necessary to provide a complete operating pump station.

N. Human Services

Agenda Item N-4

Resolution #2005-210 revising Resolution #2004-225 increasing the SHIP purchase price and property value limits to \$189,682 for Housing Strategies including Housing Rehabilitation, Down Payment Assistance, Housing Construction, and Non-Homeownership Rental Rehabilitation and **Authorize** the Affordable Housing Advisory Committee to seek State approval of the revision.

Agenda Item N-5

Set a Public Hearing for November 22, 2005 at 10:00 A.M., or as soon thereafter, to remove Sections 1-8-51 through 1-8-54 from the County Code.

Agenda Item N-6

Third Amendment to Agreement #2001-032 between Charlotte County and the Housing Corporation to increase the maximum assistance to \$30,000 for recipients under the County's current Housing Assistance Plan.

P. Information Technology

No items.

Q. Parks, Recreation & Cultural Resources

No items.

R. Public Safety

No items.

S. Public Works

No items.

T. Real Estate Services

Agenda Item T-1

Resolution #2005-211 authorizing the Chairman to approve the exchange of the County's interest in Lot 31, Block 1045, Port Charlotte Subdivision, Section 14, for Lot 17, Block 3398, Port Charlotte Subdivision, Section 46 located within the Tippecanoe Scrub Environmental Park II project area and owned by Margie Dong.

Agenda Item T-2

Resolution #2005-212 approving the release of a portion of a utility and drainage easement and portions of two canal maintenance easements located in Port Charlotte Subdivision, Sections 15 and 31 and authorizing the Director of Real Estate Services to execute appropriate County Deeds.

V. Tourism Development

No items.

W. Utilities

No items.

ITEMS FOR DISCUSSION

D. Administration

Agenda Item D-1, Approve Budget Amendment #06-A-03 to record the Community Development Block Grant (CDBG) Disaster Recovery Grant into the 2006 Fiscal Year Budget

Commissioner Moore stated City of Punta Gorda (City) officials should be made aware of the allocations to the County and City

and expressed concern about using 15% of the grant for administrative costs. Robert Hebert, Recovery Director, explained the grant was previously approved, this will establish the account lines to track expenditures, it is not a commitment to spend the money in these allocations, the 50% allocation to the City was factored in, this does not change the Board's prior action, and staff has no intention of spending 15% on administrative costs. Bruce D. Loucks, County Administrator, advised this would establish the accounting to match the grant application and staff would bring back amendments to reflect changes. Mr. Hebert reported expenditure of the grant funds must be brought back to the Board and offered to provide a break down on City projects. **Chairman Devos** pointed out 5% of the administrative costs will remain in that category until after the Board approves a different allocation. **Commissioner Cummings** questioned if applications are anticipated to exceed available funding. Mr. Hebert responded affirmatively in some areas like the \$1.750,000 for land acquisition in the City since the cheapest parcel is \$2 million and the City was considering purchasing 18 parcels. **Commissioner Cummings** queried the existence of a process to prioritize projects. Mr. Hebert stated it would go before the City Council for recommended changes to this Board. **Commissioner Cummings** requested verification on incentives to reduce administrative costs. Mr. Hebert recalled the RFP established a cap of 8% for administrative costs, the difference would be redirected; and if any of the difference is attributed to City projects, the Council would need to make a recommendation on ranking with supporting documentation to redirect the funds but no standards exist for evaluating levels. Mr. Hebert advised administrative costs are projected lower since they are based on materials and time instead of a block number for administration of the entire grant. **Commissioner DeBoer** expressed understanding that the difference between the Community Land Trust and the Land Acquisition is that the Land Acquisition is to acquire flood lands along the Peace River. Mr. Hebert indicated the City put that request in for flood mitigation and two parcels are privately held. **Commissioner DeBoer** suggested FEMA has funds to acquire coastal lands after structures have been rebuilt three times. Mr. Hebert related recent discussions with City staff indicated the Land Acquisition funds would more than likely be redirected to housing. Mr. Hebert reminded the Board that the

initial application was submitted shortly after Hurricane Charley; line items were inserted to justify the \$9 million within a short time span; and funds will need to be redirected based on current conditions. **Commissioner DeBoer** asked staff to keep the Board apprised of the status. Mr. Hebert stated monthly reports are to be provided to the Board and City Council and allocations would need to be approved by the Board. **Chairman Devos** recalled the grant was to be used primarily for infrastructure. Mr. Hebert stated initially the grant was weighed towards infrastructure recovery projects. **COMMISSIONER MOORE MOVED TO APPROVE BUDGET AMENDMENT #06-A03 TO RECORD THE CDBG DISASTER RECOVERY GRANT INTO THE 2006 FISCAL YEAR BUDGET, SECONDED BY COMMISSIONER CUMMINGS. CALL ON THE MOTION: CHAIRMAN DEVOS AND COMMISSIONERS CUMMINGS, DeBOER, AND MOORE VOTED "YES" AND COMMISSIONER D'APRILE VOTE "NO." MOTION CARRIED: (4:1).**

N. Human Services

Agenda Item N-1, Approve the Selection Committee's recommendation to award administration of the Hurricane Housing Recovery (HHR) Homeowner and Mobile Home Strategies to the Housing Corporation (HC) and provide 10% strategy-related administrative funds from the respective programs and recognize the HHR funds in the County budget through Budget Amendment #06-A02

Commissioner Moore requested clarification on the requested action. Lorraine Helber, Human Services Housing Coordinator, stated the HHR Program has several homeowner strategies to be administered by a non-profit to administer for the County similar to SHIP; the Selection Committee, after reviewing responses to the Request for Proposals, chose the HC to recommend to this Board to administer the homeowner programs. **Commissioner Moore** concluded the strategies address homeowners and mobile home owners. Ms. Helber agreed and explained two separate strategies exist; one strategy has funds to assist people, who are able to purchase FEMA mobile homes, to move and set them up. **Commissioner Moore** questioned the \$2.8 million in administration expenditures. Ms. Helber stated the time period is three years, the allowable limit that was budgeted was 15% but not all of that will be allocated to administration; \$1.7

million is the unused portion at this point and some of it can be used to provide funds to non-profits to further housing goals and additional programs. **Commissioner DeBoer** requested the number of target housing units. Ms. Helber estimated 12 unserved individuals under the Mobile Home Strategy, these are people who had applied under earlier strategies for mobile home replacement, and 52 individuals with home replacement or rehabilitation in 2006 and 2007. **Commissioner DeBoer** questioned the contribution per unit. Ms. Helber stated the maximum assistance is \$30,000 per unit. **Commissioner DeBoer** asked for explanation of the \$1,799,741 for "Other Current". Ms. Helber stated that is the uncommitted portion of the 15% allowable administration and it can be reallocated to program funds or to non-profits to further housing strategies. **Commissioner DeBoer** suggested budgeting the \$1.7 million in categories other than administration, e.g. Other Allocations - Contingency. Mr. Helber pointed out, at this time, it looks like at least \$1 million of the \$1.7 million can be reallocated to programs. Victoria Carpenter, Human Services Director, stated the HHR provides flexibility to reallocate administration costs into other strategies and initially allocations were established to match the grant. **Commissioners Moore and DeBoer** commented on the need to serve more customers instead of spending more on administrative costs. **Commissioner DeBoer** concluded that "Other Current" is unallocated. Mrs. Carpenter added any expenditures that were not allocated must be brought back to the Board for approval. **Commissioner D'Aprile** stated his questions have been answered to his satisfaction. **Chairman Devos** asked if the 52 homes have been identified. Ms. Helber indicated no but there are quite a few households eligible for down payment assistance and recalled a pilot announcement, put out in June 2005 for an unused portion of SHIP funds, for assistance regarding damaged homes to get them on the market and sell them to eligible households. **Chairman Devos** recalled discussion about advertising the funds available for rehabilitation on TV-20 and no takers came forward. Ms. Helber explained SHIP funds may be used for demolition if it is associated with rebuilding. **Chairman Devos** questioned if assistance to the 52 households is only for ownership. Ms. Helber stated rehabilitation assistance is included for the 52 households. **Chairman Devos** requested the status of the demolition and/or rehabilitation programs. Ms. Helber reported 176 households are currently in line for

rehabilitation funds under the SHIP program and this strategy will provide more funds which can then be advertised after approval by the Board. **COMMISSIONER DeBOER MOVED TO APPROVE THE SELECTION COMMITTEE'S RECOMMENDATION TO AWARD ADMINISTRATION OF THE HHR HOMEOWNER AND MOBILE HOME STRATEGIES TO THE HC AND THE \$1,799,741 CURRENTLY ALLOCATED TO OTHER CURRENT WILL BE USED FOR STRATEGY EXPENSES, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item N-2, approve the Selection Committee's recommendation to select the Housing Corporation of Charlotte County (HC) to create a non-profit Community Land Trust (CLT) and create permanent affordable housing for Charlotte County's low income households utilizing \$750,000 from the County's Hurricane Housing Recovery (HHR) Program and 10% strategy-related administrative funds from the respective grant

Commissioner Moore expressed no objection to establishing a CLT but he is reluctant because of the lack of information on implementing the CLT. Ms. Helber advised an attorney on staff would be developing required legal documents and agreements, including an agreement with the Housing Corporation; the agreements would be brought back to the Board for approval; and advised free assistance in the way of templates is available from the Florida Housing Finance Corporation and Florida Housing Coalition; and staff will be reviewing the templates for applicability to Charlotte County needs. **Chairman Devos** recalled a request to increase staff to administer the grant. Ms. Helber reported two people have been hired for the Housing Division, one for Fiscal Management, and one part-time attorney. Mrs. Carpenter explained a Planner from Community Development would be working with staff, the developer, and homeowners under the Homeowner Strategies to make sure permitting and resolutions to issues are expedited and an assistant or clerical support staff is working with Ms. Helber to get the advertisements out; only a part-time attorney was hired and no secretary was hired from the original staff increase, the budget within administration was reduced, and the dollars were added back into the unallocated funds. **Commissioner DeBoer** requested the duties of HC. Ms. Helber explained HC would create and administer the CLT and the additional employees are County staff; the CLT would run into perpetuity; once the land is acquired, HC would steward

the land and partner with developers for future land purposes, and increase the affordable housing inventory for three years and become fiscally independent. Ms. Helber related conversations with developers indicate homes may be constructed on CLT lots for \$115,000 to \$140,000. **Chairman Devos** asked if the \$750,000 would only be used to purchase land with no funding for rehabilitation. Ms. Helber reported the intent is to purchase land and estimated 20 lots based on current market conditions. **Commissioner Cummings** questioned if one of the strategies includes the purchase of land under an existing structure and the landowner could use proceeds to rehab the structure. Ms. Helber stated the CLT could purchase an existing house, rehab it, sell it to an eligible household, and retain ownership of the land but the intent is to purchase land and increase the affordable housing inventory of the CLT. **Chairman Devos** recalled if a home is sold on CLT land, the household must qualify but the land is owned by the CLT. Ms. Helber stated the primary premise of the CLT is to take the land cost out of the equation to make it affordable for future buyers. **Chairman Devos** concluded staff's requested actions are to select the HC to create the non-profit CLT and approve \$750,000 for the acquisition of lands. Mrs. Helber concurred. **Commissioner Cummings** stated he has no objection to using the entire \$750,000 to purchase land but he wants the option open to purchase an existing structure for rehab of damaged homes including single-family and multi-family structures. Ms. Helber stated that the goal is to meet the community's future housing needs. **Commissioner Moore** expressed opposition. **Chairman Devos** suggested incorporating services from non-profits, like Habitat for Humanity, to maximize benefits of the \$750,000. Ms. Helber stated she has met with Ron Thomas to work out details to create habitat housing on CLT lands. **COMMISSIONER D'APRILE MOVED APPROVAL OF THE SELECTION COMMITTEE'S RECOMMENDATION TO DESIGNATE THE HOUSING CORPORATION OF CHARLOTTE COUNTY TO CREATE A NON-PROFIT COMMUNITY LAND TRUST AND CREATE PERMANENT AFFORDABLE HOUSING FOR CHARLOTTE COUNTY'S LOW INCOME HOUSEHOLDS UTILIZING \$750,000 FROM THE COUNTY'S HURRICANE HOUSING RECOVERY PROGRAM AND POSSIBLY AN ADDITIONAL \$750,000 FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY FUND, AND THE 10% STRATEGY-RELATED ADMINISTRATIVE FUNDS FROM RESPECTIVE GRANTS, SECONDED BY COMMISSIONER CUMMINGS.** **Commissioner DeBoer** expressed concern on the sufficiency of information to make

these decisions on an expedited basis and stated \$750,000 is a lot of money. **CALL ON THE MOTION: CHAIRMAN D'APRILE AND CUMMINGS VOTED "YES" AND COMMISSIONERS DeBOER AND D'APRILE VOTED "NO."** **MOTION CARRIED: (3:2).** Commissioner Cummings stated, hopefully, issues relating to Habitat policies can be resolved since Habitat can build a more affordable house than most developers in order to provide affordable housing for very low income households. Ron Thomas, Charlotte County Habitat for Humanity, stated the Habitat strategy is 30% to 50% of median income and the current strategy does not reach the 50% to 110% which still needs housing in Charlotte County; if the land cost is taken out, the cost of a Habitat house is about \$50 per square foot versus for profit developers at \$115 per square foot.

Agenda Item N-3, Approve recommendations of the Hurricane Housing Recovery (HHR) Selection Committee to provide funds for assisting in the development of Multi-family housing units to Hampton Point and Marian Manor

Commissioner Moore expressed no objections to the two programs and requested an update on the Carlisle Group. Ms. Helber reported the State ranked Carlisle's application for hurricane rental assistance number two; Carlisle has received \$3 million for gap financing on the Charlotte Crossings project; Carlisle will not be seeking additional support from the County; and those funds may be redirected. **Commissioner Moore** stated he received an email for reconsideration of the funding. Ms. Helber explained the Selection Committee made the recommendations including a set-aside for Charlotte Crossings if needed in January and if the funding is not necessary, then it can be reallocated. **Commissioner Moore** requested uses for the uncommitted \$7 million. Ms. Helber stated an advertisement will be published this week on the Request for Proposals for \$2.8 million in the special needs category in the HHR program and there are extra monies in the multi-family category to be allocated. Mrs. Carpenter recapped the availability of funds: \$4.2 million unallocated in the multi-family category that may be allocated to Charlotte Crossings or to another multi-family project; the difference in the administrative costs; for a total of about \$5 million for reallocation, if Charlotte Crossings

does not need funding; and advised staff would bring the allocations probably in January 2006. **Commissioner D'Aprile** stated he would not consider approving the \$4.9 million to Hampton Point until an access is identified on Harbourview Road. **Commissioner DeBoer** recalled a letter received on Friday from the Carlisle Group about possibly losing \$4.5 million from tax credit financing because of the scrub jay mitigation. Ms. Helber stated she would check with Carlisle officials since she did not receive the email. **Chairman Devos** questioned the time sensitivity of this item. Ms. Helber indicated the item might be tabled. **COMMISSIONER D'APRILE APPROVAL TO TABLE ACTION ON AGENDA ITEM N-3, SECONDED BY COMMISSIONER MOORE.** **Commissioner DeBoer** pointed out the Carlisle Group has made various modifications; suggested the Board make a commitment, which this is brought back, contingent on Carlisle getting or losing the money in January. Ms. Helber stated approval of the recommendation does not preclude funding being available to Carlisle at any time in the future and pointed out funds are available for Marian Manor and Hampton Point. **Commissioner DeBoer** expressed concern about the funds availability for Carlisle Group since they are still expending moneys based on the availability of the funds in January 2006. **Chairman Devos** stated the decision today would not exclude Carlisle. Ms. Helber agreed, stated the funds are available for future assistance in multi-family including Carlisle, and recalled the Selection Committee was uncomfortable with the proposal from Carlisle and the recommendation was made for Marian Manor and Hampton Point with the caveat that the funds would still be available for Charlotte Crossings when more specific numbers were presented. **Commissioner DeBoer** requested an explanation as to why the subsidy for Hampton Point is 25% of the total project costs when rental rates for a two-bedroom and overall construction costs are the same as Hampton Point but there is a difference of 124 units versus 192 units so a lot more units are being proposed for construction at a lower price per square foot. Ms. Helber reported the proposal went out for a maximum of \$26,000 per unit and Hampton Point requested the maximum amount. Mr. Hebert stated the developer has committed to paying \$375,000 towards the road connector, representatives have met with **Commissioner D'Aprile**, there is an issue about the location of the road connector location because of scrub jay mitigation; the money requested is a loan not a grant so it would be repaid

with interest to the County and the funds would go into public assistance for low income housing trust fund; if it is used for affordable housing, it does not have to be returned to the State or Federal government because it would stay in the County for its intended purpose; estimated the County would receive about \$2.7 million in interest with a balloon payback of the principal at the end of the loan. **Commissioner D'Aprile** expressed concern about the uncertainty regarding the roadway and stated, if this action were approved, the developer would receive the funds without construction of the road connector. **Chairman Devos** pointed out the motion is to table action on this item. Mr. Hebert stated the developer has committed to paying \$375,000 for the connector road, suggested approval contingent upon the road accomplishment including the location and actual costs, and expressed uncertainty regarding the time frame for the developer to make application for the construction bonds. **Commissioner Cummings** stated he would vote against the motion to table if it based on the Charlotte Crossings matter since it can be addressed at the next meeting and funds are available for the project but he may consider tabling action if there are issues relating to the Marian Manor and Hampton Point projects. **Commissioner Moore** expenditures relating to scrub jay issues are unknown. **CALL ON THE MOTION: CHAIRMAN DEVOS AND COMMISSIONERS DeBOER, D'APRILE AND MOORE VOTED "YES" AND COMMISSIONER CUMMINGS VOTED "NO."** **MOTION CARRIED: (4:1).** **Chairman Devos** requested the item be placed on the agenda for the Board's next regular meeting and suggested staff meet with Commissioners to answer questions prior to the meeting. **Commissioner D'Aprile** requested an update on the road project be brought to the Board.

M. Human Resources/Risk Management

Agenda Item M-1, Approve the annual Accounting and Retention Agreement between Blue Cross/Blue Shield of Florida and the Board of County Commissioners for Employee Health Insurance

Chairman Devos expressed concern about doctors dropping out of Health Options and services not being provided to County employees. **Chairman Devos** questioned the necessity of taking action today. Bruce D. Loucks, County Administrator, stated January 1, 2006 is the renewal date. **Chairman Devos** recalled a group of doctors that have dropped out of the program and it has

impacted a lot of County employees; the doctors accept Blue Cross/Blue Shield insurance but not Health Options; and requested a motion to table. **COMMISSIONER DeBOER MOVED TO TABLE ACTION ON AGENDA ITEM M-1, SECONDED BY COMMISSIONER D'APRILE. Commissioner DeBoer** stated he has spoken with physicians from that group and learned that it is not the deductibles, how much they pay, or how quick they pay but the processes Blue Cross/Blue Shield requires to provide services. **Chairman Devos** opined the primary problem deals with the amount of paperwork required by Blue Shield/Blue Cross. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

RECESS: 11:00 A.M. - 11:12 A.M.

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1, Community Development, Second Public Hearing to consider revision to the Waterfront Property Ordinance (Proof of Publication was in order)

Nicole C. E. Dozier, Zoning Official, stated this is the second of two public hearings required for revision of the waterfront property ordinance to increase the maximum height of boat storage facilities to 48 feet above grade, clarify commercial and residential structures to be measured from base flood elevation, and better define waterfront setbacks and requested approval. **SEEING NO ONE WISHING TO SPEAK, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED APPROVAL TO ENACT ORDINANCE #2005-085, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

V. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Administration, BCC approval of submitted departmental action plans to meet BCC Strategic Goals for FY 2006

Mr. Loucks stated the Board, during a workshop, identified five key focus areas: hurricane recovery, revenue enhancement, organizational services, human services, and smart growth; reviewed the 21 goals developed by staff as set out in the Executive Summary as short and long-term initiatives; staff will monitor and provide status updates on a regular basis to the Board and the community. **Commissioner Cummings** suggested a review be done of Subdivision Regulations for the best available practices as a part of the Land Development Code Major Revision under Smart Growth Land Use #15 (page 1). **Chairman Devos** commented on the need to address indigent care at hospitals under Human Services Indigent Health Care (page 1) and stated a committee has been meeting as a result of the Indigent Health Care Roundtable to bring back recommendations. **COMMISSIONER CUMMINGS MOVED APPROVAL OF THE SUBMITTED DEPARTMENTAL ACTION PLANS TO MEET BCC GOALS FOR FY 2006, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item Y-2, Administration, Update Housing Abatement (Demolition) Program

Mr. Loucks introduced Richard Berman, Manager of the Housing Abatement Program. Mr. Berman gave a slide presentation on the goals; target; data accumulated from the Property Appraiser's Office and Building Department on unusable or destroyed properties as well as permit issuance since August 13, 2004 and houses currently in the Standard for Unsafe building Abatement Code (SUBAC) process; the survey letter mailed to 1,008 property owners on August 31, 2005, survey questions and results; steps for owners who are interested in participating the voluntary program commencing with completion of the application and voluntary demolition agreement, a title review by the County Attorney's Office, re-inspection by a building Official to verify the structure status, a contractor inspection for asbestos, and demolition and debris removal by the County's contractor; the current demolition contract for a single story block or frame and mobile home construction is based on \$3.50 per square foot and includes demolition of structures, driveway, and debris removal; additional costs include issues relating to septic tanks, fill for pools, and asbestos; property is left at grade level; debris is transported by the contractor to a regional Construction a& Demolition landfill; and estimated one

home demolition may be completed per day. Mr. Berman summarized the project costs based on \$3.50 per square foot by the total square footage of each property plus \$500 for asbestos survey would indicate the total costs for the 27 properties identified in the unincorporated portion of the County, the average is \$8,414 with a range of \$3,614 to \$14,927; \$400,000 is available from the Community Development Block Grant (CDBG) for County and City expenditures; there would be separate line for Clearance/Demolition used but an "urgent need" should be demonstrated based on risks to public safety; there would be no income requirement and no rebuilding required but payback is required and the funds would go back to HUD; after demolition has been completed, a lien will be placed on the property for the total costs of demolition, the property owner would be required to pay back the full costs plus interest, and foreclosure is possible in the event liens are not satisfied. Mr. Berman recalled initially the program was to involve only the unincorporated sectors of the County but communications with the City Manager and Community Development Department indicate they have identified 42 single-family dwellings and 4 multi-family occupancies that could be eligible for demolition; the City would provide additional funding beyond the CDBG monies; and outlined recommendations on the timetable for reimbursement over a three to five-year period based on a sliding scale of income or the ability to pay and the actual costs of the demolition; the next phase could be applied to mobile homes; he has identified a potential 460 mobile homes that could be eligible for the program; other funding sources need to be identified for use after CDBG grant funds have been exhausted, and suggested additional staff for Code Enforcement. **Commissioner D'Aprile** stated the Code Enforcement Board should have a lot more authority to enforce these complaints. Mr. Loucks stated this program deals specifically with unsafe structures but there are other Code Enforcement issues. **Chairman Devos** requested the additional staff hired for Code Enforcement. Mr. Loucks explained Code Enforcement is in the process of reviewing needs to bring back a request based on the anticipated workload. **Chairman Devos** commented on the insufficient staff in Code Enforcement, even prior to Charley, and suggested this be considered as part of the request. Janette S. Knowlton, County Attorney, recalled originally the focus of the program was to be on homeowners who owned the house

free and clear pre-Charley and not investors who bought damaged property for resale and suggested the title search be done, other than the County Attorney's Office, and be made a part of the owner's cost. Attorney Knowlton stated a high percentage of homes were demolished on a voluntary basis after SUBAC notices were sent out. **Chairman Devos** commented on the importance of ridding the County of public safety concerns and requested staff to review timing to enforce liens. Mr. Loucks pointed out the program is asking for a three to five year reimbursement and, if not, liens can be foreclosed. **Chairman Devos** stated homeowners should be aware of this possibility up front. Mr. Berman explained the voluntary demolition agreement includes the lien information, interest costs, and foreclosure procedures. **Commissioner Cummings** requested details on the number of homes eligible for the program. Mr. Berman stated of the initial 2,000 to 3,000 homes, 1,008 homes were identified but some already had permits pulled, and 470 have responded that their homes are fine. **Commissioner Cummings** stated, based on the 27 homeowners who are willing to participate in the program, this will not resolve the problems on a wholesale basis. **Commissioner Cummings** suggested a review of the database be performed by an individual to identify elders and low-income families who cannot afford to repair and/or demolish homes and, along with someone who is knowledgeable about available financial assistance, visit these homes. **Commissioner Cummings** stated investors should get the SUBAC notices to initiate the abatement process. Daniel Gallagher, Deputy County Attorney, recalled discussions about the home demolition program and having homeowners sign a promissory note, filing the lien at the same time, and putting them on a payment plan versus the standard lien process. **Commissioner Cummings** stated he would consider foreclosing a lien on property other than homestead exempted. Attorney Gallagher stated liens might be enforced voluntarily on homestead property. **Commissioner Moore** stated he has no issue with placing liens on these properties but he is concerned about people who cannot afford to pay the demolition debt and the length of time for reimbursement. Mr. Loucks reiterated this is a voluntary participation program that allows a lot of flexibility and the next phase involves mobile home owners. Attorney Knowlton stated the Board is desirous of moving forward with the program considering all types of payment schedules and assumed the Board agreed with having the homeowner

do the title search. **Commissioner Cummings** requested costs that may be covered by affordable housing funds.

Agenda Item Y-3, County Attorney, Approve Development Agreement between Wal-Mart and the County as it pertains to transportation improvements associated with the Wal-Mart Supercenter project at Kings Highway and Sandhill Boulevard

COMMISSIONER DeBOER MOVED APPROVAL OF AGREEMENT #2005-049 REGARDING TRANSPORTATION IMPROVEMENTS ASSOCIATED WITH THE WAL-MART SUPERCENTER PROJECT, SECOND BY COMMISSIONER CUMMINGS. **Commissioner D'Aprile** requested clarification of the County's responsibility under paragraph 6e, page 5, or if the Sandhill MSTU will be billed on the project. Richard Brown, Assistant County Attorney, expressed uncertainty regarding the first sentence that "The County shall take the steps necessary to ensure that the Sandhill MSTU is funded during fiscal year 2006 and 2007." Attorney Brown explained the second sentence does not require MSTU funding but it is discretionary. **Commissioner D'Aprile** reiterated the question to ascertain if the Sandhill MSTU will be billed for the improvements. Raymond Sandrock, County Budget Director, explained the Sandhill MSTU would not be used as a funding source for the project; the costs are to be paid from gasoline taxes and impact fees. **Commissioner D'Aprile** pointed out paragraph 8b indicates "if the County is unable to acquire the right-of-way necessary for the Kings Highway Improvement by October 1, 2008, then Developer shall be relieved of the obligation to construct the Kings Highway Improvement. . . ." **Commissioner D'Aprile** stated project construction has commenced and questioned the deadline. Geri Waksler, Moore & Waksler, appeared on behalf of Wal-Mart, explained the agreement defines the four laning of Kings Highway to the DeSoto County line, if the County does not acquire the right-of-way, Wal-Mart is still obligated to construct site-related improvements including the turn lane and deceleration and acceleration lanes. **Commissioner D'Aprile** questioned the expectation of the County acquiring the necessary right-of-way. Thomas O'Kane, Public Works Director, stated one more parcel is necessary to the four laning; the property owner has been contracted regarding donation of the right-of-way; if the owner is not interested in donating the

right-of-way, the next step would be to negotiate for the acquisition; and stated, hopefully, this issue would be resolved much sooner. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-4, Utilities, Update to questions from the October 18, 2005 Public Workshop on the Uniform Extension Policy and Developers' Agreements

Mr. Locks distributed the handout in response to questions raised during the workshop and introduced David G. Schlobohm, Utilities Director. Mr. Schlobohm reviewed responses to questions raised during the public workshop; stated as of tomorrow, he would be assuming the role of the Engineering Services Manager, along with his other duties, on an interim basis until a permanent manager is hired; he has identified a point person who is familiar with the developer process to assure good communications between engineering and the development community; suggestions will be brought back to the Board on the establishment and duties of the Oversight Committee; and introduced Lisa Freemont, the new Customer Relations Program Manager, who will assist with communications. (Discussion ensued regarding the \$1.2 million General and \$2 million Rate Stabilization Reserves of about \$3.2 million from the O&M Fund and \$3.7 million General and \$6.1 million in Future Capital outlay under Connection Fund Reserves; spread out of developer fees would necessitate the County issuing a bond and proving the availability of a revenue stream for the bond; the process for individual homeowners differs from the process for developers; the need for good communications with impacted customers on a proactive rather than reactive basis; sewers in line with the US 41 Beautification project; the Board's agreement on establishing an Oversight Committee including the membership and timelines; a more equitable distribution of residential and commercial line extension costs pursuant to the Uniform Extension Policy; delays of plan reviews caused by the extensive workload and lack of information for processing; time lines and delays relating to service and new line requests; Eastport and Westport plant expansions; conversion of plans and files in electronic format and information on the Website; recommendations from the Oversight Committee should be presented to the Board in March 2006; and providing status updates.)

VII. PRESENTATION AGENDA

None.

VIII. PUBLIC WORKSHOP AGENDA

None.

IX. CITIZEN INPUT - ANY SUBJECT

None.

AA. County Administrator

No items.

BB. County Attorney

No items.

CC. Commissioner Comments

Commissioner DeBoer updated the Board on his recent meetings in Tallahassee on the Babcock Ranch acquisition is that most of the Legislators are concerned with using too much of Florida Forever funds and using over \$100 million in General Revenues when there are a lot of unmet needs including education; the preference is to bond the entire purchase now; why Charlotte County is not allocating more funding when so much of the land is located within County boundaries; why water is being allocated from the Conserve Area (State owned lands) to Kitson as an exclusive provider; extra wells are need for use by Charlotte and Lee Counties; the "scripts syndrome" that occurred on Florida's East Coast; and Charlotte County balking on the process regarding the Rural Lands Stewardship Program. **Chairman Devos** reminded Board Members to complete Attorney Knowlton's evaluation since it is time to negotiate a new contract and suggested the item be placed on the Board's next regular meeting agenda.

MEETING ADJOURNED: 1:00 P.M.

Signature on file in Commission Minutes
Sara J. Devos
Chairman

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

djn