

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

November 22, 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, and Thomas C. 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 Stacy Miller, and Deputy Clerk Gail Manley. (**Commissioner DeBoer was not present for the meeting.**) The meeting was called to order at **9:05 A.M.**

The **invocation** was given by **Reverend Duane Waters** of Trinity UMC, followed by the Pledge of Allegiance to the Flag.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

(Chairman Devos relinquished the gavel to County Attorney Janette Knowlton.) Attorney Knowlton opened the floor for nominations for Chairman. **COMMISSIONER DEVOS NOMINATED COMMISSIONER MOORE FOR CHAIRMAN, SECONDED BY COMMISSIONER D'APRILE. COMMISSIONER DEVOS MOVED TO CLOSE THE NOMINATIONS SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). CALL ON THE MOTION FOR CHAIRMAN: DECLARED UNANIMOUS (4:0).** Attorney Knowlton opened the floor for nominations for Vice Chairman. **COMMISSIONER DEVOS NOMINATED COMMISSIONER D'APRILE FOR VICE CHAIRMAN, SECONDED BY COMMISSIONER CUMMINGS. CALL ON THE MOTION FOR VICE CHAIRMAN: DECLARED UNANIMOUS (4:0).** (Attorney Knowlton relinquished the gavel to Chairman Moore.) Chairman Moore accepted the gavel with appreciation.

CHANGES TO THE AGENDA

ADDITIONS:

Z-1: Public Hearing at 10:00 A.M. to remove Sections 1-8-51 through 1-8-54 from the County Code.

Y-4: Set an Executive Session for December 6, 2005 at 10:00 A.M., or as soon thereafter in the Administration Conference Room to discuss the case of Lamb v. Charlotte County, an ADA matter.

Y-5: Approve to recommend Peace River Authority Board member to approve the Peace River Water Authority to move forward with the Regional Expansion Financing as proposed.

DELETIONS:

T-6: Approve Resolution authorizing the Chair of the Charlotte County Board of County Commissioners to execute an exchange agreement between the County and the Charlotte County School Board. This Board action will provide the County with a 40-acre parcel on Veterans Boulevard for new Public Works.

COMMISSIONER D'APRILE MOVED APPROVAL OF THE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0)

I. SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING SATURDAY, DECEMBER 3, 2005 AS "CHARLOTTE COUNTY CHAMBER OF COMMERCE CHRISTMAS PARADE DAY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DEVOS, AND DECLARED UNANIMOUS (4:0). Kevin Russell, President of the Chamber of Commerce, accepted the Proclamation with thanks.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING DECEMBER 10, 2005 AS "EL JOBEAN COMMUNITY CHRISTMAS PARADE AND FESTIVITIES DAY", ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DEVOS, AND DECLARED UNANIMOUS (4:0). Jim Marshall, President of the El Jobean Community League accepted the Proclamation with thanks and congratulated Chairman Moore on his appointment and former Chairman Devos for excellent past service.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE MONTH FROM NOVEMBER 25TH THROUGH DECEMBER 24TH 2005 AS "SHOP CHARLOTTE MONTH", ON MOTION BY COMMISSIONER DEVOS, SECONDED BY COMMISSIONER CUMMINGS, AND DECLARED UNANIMOUS (4:0). Kevin Russell, President of the Charlotte County Chamber of Commerce, accepted the Proclamation; thanked the Board for its support of "Shop Charlotte"; and stated this was the 18th year the Chamber has conducted the program.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MONDAY, DECEMBER 5, 2005 AS "FOR THE LOVE OF KIDS DAY", ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DEVOS, AND DECLARED UNANIMOUS (4:0). Randy Spence accepted the Proclamation with thanks and gave a brief overview of the purpose and events of "For The Love of Kids"; presented a Certificate to the Charlotte County Commissioners from "The Love of Kids" in recognition and appreciation of the Proclamation.

Presentation:

Commissioner D'Aprile presented a plaque to **Commissioner Devos** in appreciation for service as Chairman of the Board of County Commissioners from November 2004 to November 2005. **Commissioner Devos** accepted the plaque and thanked the Commission and community for the support. **Commissioner Cummings** pointed out that **Commissioner Devos** served as Chairman with style and grace and thanked her for an excellent job.

Chief Laurie Feagans, Manatee County Emergency Management Chief, presented Certificates of Recognition from the State of Florida to Jerry Mallet and Lisa Schaber, Charlotte County Emergency Management, for providing recovery effort assistance and mutual aid support in Hancock County, Mississippi after Hurricane Katrina. Jerry Mallet expressed appreciation of the recognition; acknowledged Chief Feagans for sharing her knowledge and experience; and stated he is grateful to work for an Administration and Board that realizes the importance of payback because Charlotte County received a great deal of assistance after Hurricane Charley. Bruce D. Loucks, County Administrator, agreed with Chief Feagans and stated Jerry Mallet and Lisa Schaber continue adding to the Emergency Management operation and community. **Commissioner Cummings** stated successful emergency

recoveries at the national level consistently occur due to formation of local management teams with the authority to use resources provided by the Federal Government; and acknowledged the talent of Jerry Mallet, Lisa Schaber and Chief Feagans with gratitude and appreciation.

Bruce D. Loucks, County Administrator, recognized the following participants who completed the sixth Charlotte County Citizens' Academy: Alberta Berstein, Ann Chapman, Andrew Collis, Linda Matos, Court Nederveld, Elizabeth O'Brien, Justin Ossmann, Robert Sekula, David Steele, Anthony Varlas, Thomas Vick, Frank Walton, and Dennis Wojcik.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Erv Pierce, employed with Blue Cross Blue Shield, stated that agency desires a long-term relationship with Charlotte County government and its employees; and applauded the County Commission, Mr. Loucks, Risk Management Department, and Kurt Gehring, County Consultant, for the attention to detail in satisfying the needs of County employees and network management arena. Dick Loftus, Chairman of the Charlotte Harbor CRA Advisory Committee, issued congratulations to **Chairman Moore** and thanks to **Commissioner Devos** for her service as former Chairman to the Board; stated the Charlotte Harbor CRA Advisory Committee supports the amendment to Agenda Item L-5. Betsy McCallum thanked the Board for her reappointment to the Manasota Key Advisory Board and appreciates the confidence. Steve Stump thanked the Board for the confidence instilled in his appointment and pledged to work diligently with other committee members. B.J. Galbraith expressed her appreciation to **Commissioner Devos** and congratulated **Chairman Moore**; stated the landscaping for Beach Road and Gulf Boulevard in Englewood was designed by a landscape architect to minimize light on the nesting beach; the trees are expected to grow wide, but slowly; the ground cover should keep pedestrians from jaywalking; and supports approval of agenda item L-4.

III. II.COMMITTEE VACANCIES

Charlotte County seeks volunteers to serve on the following committees:

Buena Vista, Grassy Point, ELF Waterway Unit

- One (1) applicant who is a full-time owner resident of Unit residing on the south side of Edgewater Drive to complete an unexpired term through 10/12/07.

Board of Zoning Appeals

- One (1) applicant in District #4.

Construction Industry Licensing Board

- One (1) volunteer, a licensed professional engineer, to serve on CILB who represents the Professional Engineering category.

Deep Creek S&D Advisory Committee

- One (1) one-year term position expiring December 2006; Two (2) two-year term positions expiring December 2007; One (1) three-year term position effective January 2006, expiring January 2009; and One (1) three-year term position expiring December 2008; all positions are effective immediately. (**Chairman Moore** explained this is a house-cleaning issue.)

Englewood East Street & Drainage Advisory Committee

- One (1) vacancy for an alternate position for a 2-year term.

Grove City Street & Drainage Unit

- One (1) applicant, a full-time landowner and resident who resides within the unit.

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 - Appointees selection by ballot on agenda.

Manasota/Sandpiper Key Advisory Committee

- Appointee on agenda and re-appointee on agenda.

Murdock Village Community Redevelopment Agency Advisory Committee

- One (1) Contractor Representative.

Planning & Zoning Board Representative

- One (1) applicant in District #4, term expires in May 2008.

III. REPORTS RECEIVED AND FILED

Englewood Area Planning Advisory Board (EAPAB), October 13, 2005, 9:30 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 November 2, 2005 through November 15, 2005 in the amount of \$11,501,392.04

B. Minutes Division

None.

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint Mr. Steve Stump to the Manasota/Sandpiper Key Advisory Committee and reappointment Ms. Betsy McCallum for one additional term.

D. Administration

Agenda Item D-1

Cancel the December 20, 2005 Land Use Meeting and the December 27, 2005 Board of County Commissioners Regular Meeting due to the Christmas Holiday.

E. County Attorney

None.

F. Budget Office

Agenda Item F-1

- (a) Approve Budget Amendments in the amount of \$95,117,687.
- (b) Budget Transfers in the amount of \$24,749,581. The amendments and transfers impact various funds and are required to complete Fiscal-Year 2004/2005 budget closing process.

G. Community Development

Agenda Item G-1

Approve DRC-PD-80-4EEE Partial Final Detail Plan Resolution #2005-219 permitting Gulf Coast Lodging, Inc. to develop the Sleep Inn.

Agenda Item G-2

Approve Final Plat for Tern Bay Golf and Country Club Resort, approved as Preliminary Plat under the name of "Tern Bay Resort Phase I", Petition FP04-10-21.

Agenda Item G-3

Set a Public Hearing for December 13, 2005 at 10:00 A.M., or as soon thereafter as the petition may be heard, for an Appeal to the Board from certain provisions of the Transfer of Density Units Ordinance.

Agenda Item G-4

Approve Resolution #2005-220 and accompanying restrictive covenant adopting a Certification of Sending Zone, petition #CSZ-05-10-12, for Thunderation Land Trust.

Agenda Item G-5

Approve Resolution #2005-221 and accompanying covenant adopting a Certification of a Sending Zone, petition # CSZ-05-09-11 for J. Michael Rooney and Steven V. Hall, Co-Trustees.

Agenda Item G-6

Set a Public Hearing for December 13, 2005 at 10:00 A.M., or as soon thereafter as may be heard, to approve transmittal of Petition PA-05-09-63-LS to the Department of Community Affairs for Objections, Recommendations and Comments report.

H. Economic Development

None.

J. Environmental & Extension Services

None.

K. Facilities Construction and Maintenance

None.

L. General Services

Agenda Item L-1

Approve File #05-272, WO#10, Contract #05-042, Engineers of Record, for Phase I of Bio-solids Analysis, with Malcolm Pirnie, Inc., of Tampa, Fl., in the not-to-exceed amount of \$390,000.

Agenda Item L-2

Approve Change Order #1 to Contract #05-392, Cleaning Services-Charlotte County Facilities, with United States Service Industries of Ft. Myers, Florida, for the monthly amount of \$3,583.33 (annual increase of \$42,999.96) for a total revised contract amount of \$423,018.96.

Agenda Item L-3

Approve to Award Bid #05-393, South Gulf Cove Lock Refurbishment, to the lowest responsive, responsible bidder, Coastal Marine Construction, Inc., of Venice, Florida, for a total cost of \$318,475.08.

Agenda Item L-4

Approve to Award Bid #06-023, Landscaping Manasota Key, to Sarasota Irrigation, LLC, of Nokomis, Florida, in the amount of \$163,013.74.

Agenda Item L-5

Approve Amendment #1 to Contract #2003000547, Bayshore Live Oak Park-Construction Management, with Matthews Taylor Construction, LLC, for the Guaranteed Maximum Price (GMP) of \$4,450,000.

Agenda Item L-6

1. Approve CIP Amendment 06-C03 in the amount of \$1,270,000.

2. Approve File #05-262, WO#7, Contract 05-042, Engineers of Record, for Water Treatment Plant Expansion, with Malcolm Pirnie, Inc. of Tampa, Fl. for the not-to-exceed amount of \$1,270,000.

Agenda Item L-7

Approve Change Order No. 1 to Contract #05-052 with RouteMatch Software, Paratransit Dispatch Software in the amount of \$17,500 for a total contract amount of \$103,995.

M. Human Resources

Agenda Item M-1

Approve the annual Accounting & Retention Agreement between Blue Cross/Blue Shield of Florida and the Board of County Commissioners regarding employee health insurance. **Commissioner Devos** stated the County looks forward to a long-term relationship with Blue Cross Blue Shield as well; she was the Commissioner who pulled the item when it was last on an agenda; and expressed appreciation to Kurt Gehring for his responsiveness to the County's concerns.

N. Human Services

None

P. Information Technology

None

Q. Parks, Recreation & Cultural Resources

Agenda Item Q-1

- a) Grant #2005-039 with the Florida Department of State, Division of Library and Information Services, to receive \$10,000 for the Community Libraries in Caring Program for the Glades County Library.
- b) Budget Amendment #06-A06, in the amount of \$10,000.

R. Public Safety

Agenda Item R-1

- a) Grant #2005-040 for the Homeland Security Grant #06-DS-3W-09-18-01, providing funds of \$41,931. The contract between Florida Dept. of Community Affairs and Charlotte County is funded from the Dept. of Homeland Security, Office of Domestic Preparedness.
- b) Budget Amendment #06-A04 for \$41,931 to allocate funds.

Agenda Item R-2

- a) Budget Amendment #06-A07 for \$198,134 and State EMS Matching Grant Agreement #2005-004.
- b) Budget Transfer #06-002 for \$66,044 to allocate County match funds in the FY05/06 EMS Budget to purchase mobile computers for all the licensed rescue vehicles for a total of \$264,178.

Agenda Item R-3

- a) Modification #2 to Grant Agreement #2004-017, under Department of Community Affairs Contract #05DS-2N-09-18-01-109, CFDA Number 97.004, to extend the deadline for reimbursements from October 31, 2005 to January 31, 2006.

S. Public Works

Agenda Item S-1

Set a Public Hearing on December 13, 2005 at 10:00 A.M., or as soon thereafter as it may be heard, to consider and adopt an Ordinance amending Charlotte County Code Section 4-7-200, Assessment Roll, and Section 4-7-204, Territory of the Alligator Creek Waterway Unit.

Agenda Item S-2

Set a Public Hearing on December 13, 2005 at 10:00 A.M., or as soon thereafter as it may be heard, to consider an ordinance, pursuant to the authority granted by Section 316.189, Florida

Statutes, to set the Speed Limit on newly paved Zemel Road from U.S. #41 to Burnt Store Road at 45 miles per hour.

Agenda Item S-3

Resolution #2005-222 for Local Agency Program Supplemental Agreements (LAP Agreement #411767-1) with the State of Florida Department of Transportation (FDOT) for the construction of paved shoulders both sides of Burnt Store Road from Notre Dame Boulevard to one mile south of Notre Dame Boulevard and authorize the Chairman of the Board of County Commissioners to execute the Agreement and other documents relative to these projects.

T. Real Estate Services

Agenda Item T-1

Resolution #2005-223 and County Deed releasing portions of two (2) ten-foot (10') wide utility and drainage easements, both located in Port Charlotte Subdivision, Section Fifteen, to William Wilkens and Janina Tokarski; and further authorizing the Director of Real Estate Services to execute a County Deed releasing said portions of the two (2) utility and drainage easements.

Agenda Item T-2

Resolution #2005-224 approving the release of a forty-foot (40') wide ingress, egress, and underground utility easement located in Tracts A and B, Punta Gorda Isles Subdivision, Section Twenty-One, in Charlotte County, Florida, to Seeview Development, L.L.C., a Florida limited liability company; and further authorizing the Director of Real Estate Services to execute a County Deed releasing said forty-foot (40') wide ingress, egress, and underground utility easement.

Agenda Item T-3

Resolution #2005-225 accepting a twenty-five foot (25') wide perpetual easement for public road right-of-way use and a fifteen-foot (15') wide non-exclusive utility easement from Seeview Development, L.L.C., a Florida Limited Liability

Company, in a certain portion of tracts A and B, Punta Gorda Isles Subdivision, Section Twenty-One, in Charlotte County, Florida.

Agenda Item T-4

Second Addendum to Lease Agreements #2002-077 and #2003-020 to provide office space for the Real Estate Services, Tourist Development and Economic Development Departments currently located at 18501 Murdock Circle, to extend the leased space for an additional three (3) years.

Agenda Item T-5

- a) Resolution #2005-227 approving a real property lease agreement with Charlotte County Airport Authority for the lease of a hangar at Charlotte County Airport, Punta Gorda, Florida; authorizing the execution of the lease; and, authorizing the execution of all other necessary documents appurtenant to the lease.
- b) Agreement #2005-054 for Commercial Building Lease as authorized by Resolution #2005-227 between the Charlotte County Airport Authority and Charlotte County for the lease of the hangar at the Charlotte County Airport on behalf of the Charlotte County Sheriff's Department and Mosquito Control Section for 10 years commencing on January 1, 2006 and terminating December 31, 2015, with option to renew for two (2) additional terms of five (5) years.

V. Tourism Development

None.

W. Utilities

Agenda Item W-1

Resolution #2005-226 approving and authorizing the Chair of the Board of County Commissioners of Charlotte County, Florida, to execute an Upland Easement Application to the Florida Department of Environmental Protection for a temporary construction easement and a permanent utility easement for a new water

transmission main; and, authorizing the execution of any future agreements or documents associated with said application.

Agenda Item W-2

Set a Public Hearing on December 13, 2005 at 10:00 A.M., or as soon thereafter as possible, to consider adoption of a Resolution setting forth the new Utility water, sewer and reuse rates, fees and charges effective with bills rendered January 1, 2006, for all Charlotte County Utility customers.

RECESS: 9:45 A.M. - 10:05 A.M.

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1 Human Services Remove Sections 1-8-51 through 1-8-54 from the County Code. (Proof of Publication in Order.)

Marty Burton, Assistant County Attorney, advised the deletion of a section from the County Code is a housekeeping matter that needs to be deleted from the Code because it is duplicative and the functions taken over by, included, and encompassed within the new Affordable Housing Advisory Committee that does the work required by the State SHIP Program. COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER DEVOS MOVED ORDINANCE #2005-097 DELETING CHARLOTTE COUNTY CODE SECTIONS 1-8-51 THROUGH 1-8-54, SECONDED BY COMMISSIONER D'APRILE. CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).

V. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Human Services, Approve, independently, assistance to each of the four Multi-family proposals from the County's Hurricane Recovery Fund: 1) Hampton Point seeking \$4,992,000; and 2) Charlotte Crossing seeking \$3,224,000; and 3) Charleston Cay seeking \$750,000; and 4) Marian Manor seeking \$775,000; and 5) Authorize the Chair to sign the Contract Award

with each developer for the corresponding proposals approved by the BCC, after review by the County Attorney's Office.

Loraine Helber, Human Services, Housing Coordinator, explained four multi-family developers responded to the advertisement requesting proposals for projects and seek funding through the local allocation of Hurricane Housing Recovery Funds; and reviewed a summary of the projects. Ms. Helber stated a Developer Agreement draft was provided in the Board packet and requested the Chair be authorized to execute the agreement for any project approved after review and approval by the County Attorney. **Commissioner Devos** suggested the locations of the project be given and presentations done individually. **Commissioner D'Aprile** agreed. Robert Berntsson, Esq., McKinley, Ittersagen, Gunderson and Berntsson law firm, appeared on behalf of the Charleston Cay project; stated \$750,000 is sought for a 128 unit affordable apartment complex project located on Harborview Road immediately to the east of Whidden Industrial Park across from Melbourne Street; and a 200+ condominium project geared toward workforce housing/first-time home buyers will be to the rear of Charleston Cay project. **Commissioner Devos** stated she likes this project because of the 200 condominium units to help first-time homeowners, 128 affordable apartments, and the least amount of money being requested; and asked the dates anticipated for occupancy. Mr. Berntsson stated the project is moving through the Planned Development process as quickly as possible, and groundbreaking is anticipated in February 2006. Jonathan Wolfe advised groundbreaking is anticipated in February 2006; hopes to open for residency within seven or eight months; and complete the community within twelve months. **COMMISSIONER DEVOS MOVED TO APPROVE ASSISTANCE FROM THE COUNTY'S HURRICANE RECOVERY FUND IN THE AMOUNT OF \$750,000 FOR CHARLESTON CAY, SECONDED BY COMMISSIONER D'APRILE. COMMISSIONER DEVOS AMENDED THE MOTION TO PROVIDE FOR THE CHAIRMAN TO SIGN REQUIRED DOCUMENTS, SECONDED BY COMMISSIONER D'APRILE. CALL ON THE MOTION: DECLARED UNANIMOUS (4:0)** Chip Cornell of Pacerne Development stated the Hampton Point Phase II project is off Luther Road; 192 units; 60% area median income (AMI); \$4,992,000 is requested, and is a loan to be repaid. **Commissioner D'Aprile** expressed concern with difficulties Deep Creek residents have with children and residents of Hampton Point; and requested confirmation that Hampton Point would work with the Board, staff, Board of Education and Transportation Department in a

joint effort to eliminate the problems. Mr. Cornell indicated a meeting was scheduled with the President of the Homeowner's Association and there will be resolution. **Commissioner Devos** advised she copied the School Board with his memos and emails received from the Deep Creek residents; and recommended inclusion of the School Board in discussions. **Commissioner Devos** stated the amount of money requested is considerable for 192 units, but likes the way the project is structured because it is a loan that the County will earn money on; and eventually there will be more money for other projects. **COMMISSIONER DEVOS MOVED TO APPROVE ASSISTANCE FROM THE COUNTY'S HURRICANE RECOVERY FUND IN THE AMOUNT OF \$4,992,000 FOR HAMPTON POINT AND PROVIDE FOR THE CHAIRMAN TO SIGN THE REQUIRED DOCUMENTS SECONDED BY COMMISSIONER D'APRILE. CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).** Lloyd J. Boggio, CEO, advised Charlotte Crossing is an affordable 124-unit project for the elderly located North of Sandhill Boulevard between San Cristobal and Rio de Janeiro with 31 units at 40% area median income (AMI); there are 15 one-bedroom units with net rent of \$289/mo and 16 two-bedroom units with net rent of \$348/mo; the remaining 93 units are at 60% AMI; one-bedroom net rent is \$471/mo; two-bedroom net rent is \$564/mo. **Commissioner Cummings** expressed concern with the project not being available to elders and families. Mr. Boggio explained the project began as a family development with 200 units but was reduced to 124 units for the elderly in an effort to work with community concerns about density and family versus elderly. **Commissioner Devos** stated she favored this project less because of the amount of funding for only 124 units and inquired if a larger percentage could be put aside for the \$289 and \$348 rents. Mr. Boggio said the project needs the subsidy because it is 100% affordable; the Request for Proposal (RFP) set the limits of the request and the percentage is what the state requires; elderly projects are more expensive to build because of the need for elevators and handicap accessible units; and all possible has been done in economic terms. **Commissioner Devos** inquired how long the rents would remain the same and if there are any surcharges for washer and dryer. Mr. Boggio explained rents are tied to income set by statute as a percentage of the area median incomes and subject to adjustment each year by the Federal Government; there are laundry rooms in the development for which there is no surcharge; the units have space for a washer and dryer and individuals could purchase their own units or arrangements could be made for lease of washers and dryers;

and there is no surcharge for that. **Commissioner Devos** clarified the rents shown are the true figures with no other surcharges. Mr. Boggio indicated HUD sets the average monthly cost of utilities; the Federal Government requires rent be reduced to allow the discount for utilities, and that is how net rent is determined. **Commissioner D'Aprile** pointed out he is familiar with the project and the efforts made to lower density because of the area of location; there are not as many elderly apartments and residences available as there were in the past due to Hurricane Charley; and requested that Mr. Boggio explain an incentive program this project has. Mr. Boggio stated 5% of rents goes into an escrow account available for down payment assistance toward the purchase of a home, mobile home, condominium or town house; and explained the funds being obtained for this project is a loan and will be paid back with interest. **COMMISSIONER DEVOS MOVED TO APPROVE ASSISTANCE FROM THE COUNTY'S HURRICANE RECOVERY FUND IN THE AMOUNT OF \$3,224,000 FOR CHARLOTTE CROSSING AND PROVIDE FOR THE CHAIRMAN TO SIGN THE REQUIRED DOCUMENTS, SECONDED BY COMMISSIONER D'APRILE. CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).** Sister A. Cathryn Bustow, Vice President of Catholic Charities Housing Diocese of Venice and Marion Manor, Inc. stated a separate single-purpose corporation was formed for construction of thirty-one (31) two-bedroom, two-bath apartments on Vick Street; the project is for families in the 30% to 60% income brackets; up to 10 units are set aside for low and extremely low income families; and Punta Gorda Housing Authority has been requested to be the management company. Sister Bustow indicated Lister Street dead-ends near the project property and will be extended; there is a shortfall of \$1.6 Million and even if the funding request of \$775,000 is approved, it is necessary to pursue loans through several sources. **Commissioner Devos** said she received a letter from Sister Bustow advising of the additional cost for the project and discussed it with Ms. Helber to determine if other funds were available, but did not have an answer. **Commissioner Devos** opined that some of the additional charges could be mitigated if the owner of the Publix Shopping Center was still interested in making road improvements. Thomas E. O'Kane, Director of Public Works, stated the Publix Shopping Center owner was previously interested in extending Lister Street and unable to obtain cooperation from adjacent property owners, but there has been no additional discussion. **Commissioner Devos** expressed concern that the project would be delayed because of the shortfall, most of

which is for infrastructure and increase in building costs. Mr. O'Kane indicated it is necessary to construct Vick Street up to the entrance of the project; and it is a good idea to extend Lister Street, but not essential to the project. **Commissioner Devos** inquired if any funds were available from the CRA for infrastructure improvements. Mr. O'Kane stated he would have to check, but would pursue the Lister Street extension with the owners if Marian Manor funding is granted. **Commissioner Devos** stated she would like to have all options researched for assistance. Loraine Helber, Housing Coordinator, stated the gap is mostly for infrastructure and the Hurricane Housing Fund is restricted to housing, but she would determine if the CBDG grants for infrastructure and Charlotte Harbor CRA could be an option. **COMMISSIONER DEVOS MOVED TO APPROVE ASSISTANCE FROM THE COUNTY'S HURRICANE RECOVERY FUND IN THE AMOUNT OF \$775,000 FOR MARIAN MANOR AND PROVIDE FOR THE CHAIRMAN TO SIGN THE REQUIRED DOCUMENTS, SECONDED BY COMMISSIONER D'APRILE. CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).** Ms. Helber thanked the developers for answering specifics on affordable housing in Florida. **Commissioner D'Aprile** stated he would have other questions in the future about utilizing the remaining funds.

Commissioner Devos expressed concern about the Community Land Trust and requested it be brought back to the Board for reconsideration on structuring. Ms. Helber said it would be put back on the December 13, 2005 agenda and a briefing done with the Commissioners prior to that time.

Agenda Item Y-2 Administration Approve, Board discussion of Florida Association of Counties Department of Juvenile Justice Detention cost shift options.

Kelly Shoemaker, Assistant County Administrator, requested Board direction on the Florida Association of Counties (FAC) Department of Juvenile Justice (DJJ) detention cost shift; and advised the options are:

Option 1 - dollar-for dollar buyout of the DJJ detention cost shift using a percentage of county revenue sharing dollars in exchange for a complete repeal of the DJJ detention cost shift. Cost to Charlotte County - estimate \$979,602.

Option 2 - a combination of the dollar-for dollar buyout and the current scenario (counties pay/DJJ operates).

Option 3 - Counties Pay/DJJ Operates (Current Scenario). Cost to Charlotte County - estimate \$364,833 annually.

Commissioner Devos asked what was recommended. Ms. Shoemaker advised Option 3 was recommended.

COMMISSIONER CUMMINGS MOVED APPROVAL OF OPTION 3, SECONDED BY COMMISSIONER DEVOS. CALL ON THE MOTION: DECLARED UNANIMOUS (4:0)

Agenda Item Y-3 Commission Office Request Board to select two members by ballot to service on the Gulf Cove Street and Drainage Advisory Committee.

Chairman Moore explained there two unexpired terms to be filled; the six candidates are Ms. Bette A. Lytle, Mr. Les Weyant, Ms. Claire R. Kuhlman, Mr. Frank Callahan, Mr. Charles G. Crafton, Jr. and Mrs. Paul G. Chase; Board members are requested to mark their ballots for selection of two members; and all candidates will accept either a one or two year term. Bruce D. Loucks, County Administrator, acknowledged the selection of Ms. Betty A. Lytle for the term that expires October 26, 2006, and Ms. Claire R. Kuhlman for the term that expires October 26, 2007. **COMMISSIONER CUMMINGS MOVED APPROVAL OF THE SELECTIONS, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).**

Agenda Item Y-4 County Attorney Set an Executive Session for December 6, 2005 at 10:00 A.M., or as soon thereafter as possible in the Administration Conference Room to discuss the case of Lamb v. Charlotte County, an ADA matter.

COMMISSIONER DEVOS MOVED TO SET AN EXECUTIVE SESSION FOR DECEMBER 6, 2005, at 10:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE IN THE ADMINISTRATION CONFERENCE ROOM TO DISCUSS THE CASE OF LAMB V. CHARLOTTE COUNTY, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).

Agenda Item Y-5 Utilities Approve to recommend Peace River Authority Board member to approve the Peace River Water Authority to move forward with the Regional Expansion Financing as proposed.

David G. Schlobohm, Utilities Director, advised Agenda Item Y-5 is the proposed financing for the Peace River Expansion; a single Bond issue in the amount of \$130,390,000 to the Authority; and Charlotte County's portion of the debt is 27%, which is \$24,348,656 for the (REP) Expansion, and \$8,939,000 for the refinancing of some of the previous expansion debt. Mr. Schlobohm stated he and staff are comfortable with the package because of some additional benefits to Charlotte County and recommend approval. Tommy Q. White, Chief Deputy, Board Services, explained the financing is straightforward but the opinion of Mr. Schlobohm and staff for benefits to Charlotte County was important. **COMMISSIONER DEVOS MOVED FOR APPROVAL TO RECOMMEND PEACE RIVER AUTHORITY BOARD MEMBER ADAM CUMMINGS TO APPROVE THE PEACE RIVER WATER AUTHORITY TO MOVE FORWARD WITH THE REGIONAL EXPANSION FINANCING PROPOSAL, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).**

X. CITIZEN INPUT - ANY SUBJECT

Laura Hawley stated the back yard of her home abuts Hampton Point Apartments; and shared some the difficulties she has experienced from residents of the apartments. Randy Spence expressed concern for the safety of residents, and stated many are denied insurance coverage, due to the lack of fire hydrants in the El Jobean area. Mr. Spence said he has been unable to get an answer from Utilities who has jurisdiction of fire hydrants; and requested the Board look into the issue.

AA. County Administrator

Bruce D. Loucks, County Administrator, expressed his thanks to **Commissioner Devos** for her guidance as Board Chair and requested Mr. O'Kane give comments regarding the Florida Department of Transportation (FDOT) work program. Thomas E. O'Kane, Director of Public Works, and Mark L. Gumula, Metropolitan Planning Organization (MPO) Director, presented a draft summary of changes to the FDOT five-year work program; and discussions ensued relative to funding cuts to the budget by FDOT. Mr. O'Kane reported members of the Commission and City Counsel would be extended an invitation to attend the regular MPO Board meeting on December 12, 2005 when the state will discuss the draft five-year work program. Mr. O'Kane pointed out the Aqu

Esta money is Federal money, not State money; there is an Interlocal Agreement signed by the State, City of Punta Gorda and Charlotte County; and he does not know what happens when one of the parties, such as the State has done, fails to fund the program. **Commissioner Cummings** stated the handling of this matter is contrary to the extraordinary relationship experienced for decades between the MPO and FDOT. **Commissioner Devos** stated the County Legislative Delegation need to be made aware of this issue; she will personally speak with Representatives Kreegel and Grant, but requested staff speak to them directly as well to provide more detail; and staff should inquire of Representatives Kreegel and Grant if there are others they could contact.

BB - County Attorney

None.

Commissioner Moore advised that **Commissioner DeBoer** phoned to say the Governor and Cabinet passed the purchase agreement with language that Charlotte County suggested; and the water terminology regarding Babcock Ranch has been handled in the manner Charlotte County requested.

CC - Commissioner Comments

Commissioner Cummings shared experiences regarding the establishment of Town and Country Utilities and his concerns of future development on Babcock Ranch. **Commissioner Cummings** said the Burnt Store sector plan is consistent with the Comprehensive Plan; a natural extension of the existing urban service area, and closes a gap between the urban service areas of Punta Gorda and Cape Coral; and is an example that the Comprehensive Plan is working because a commitment was made to hold the line and insist if additional development density is wanted it must be purchased from another area. **Commissioner Devos** stated there clearly is a management issue at Hampton Point; suggested there be a greater presence of the Sheriff's Department until the issue is under control, and that the Sheriff's Department be represented at the discussion table; congratulated **Chairman Moore**; and clarified misrepresentations in newspaper articles. **Commissioner D'Aprile** expressed concerns with the difficulties that exist at Hampton Point; agreed the Sheriff's Department will need to become more stringent in that community; and

advised Ms. Hawley that he will meet with the Section Twenty Three Property Owner's Association members and developer to address the issue. **Commissioner D'Aprile** stated he also has concerns about the Babcock Ranch development; thinks Mr. Kitson will be better to deal with than others who have talked with him; and looks positively at the project and benefits that might be afforded the County. **Chairman Moore** stated it promises to be an interesting year; the public needs to see what has been done and is yet to be done; and acknowledged his appreciation for the vote of confidence instilled in him as Chair.

ADJOURNED 12:00 P.M.

Signature on File in Commission Minutes
Thomas G. Moore
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