

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

DECEMBER 13, 2005

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Thomas G. Moore and Commissioners Thomas C. D'Aprile, Adam Cummings, Matthew D. DeBoer and Sara J. Devos. 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 Stacey Miller and Deputy Clerk Karen S. Mitchell. The meeting was called to order at **9:02 A.M.**

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

CHANGES TO THE AGENDA

ADDITIONS:

**Regular
Agenda**

Agenda Item Y-5, Commission Office - Reappoint Patrick D. Laurendine to the Construction Industry Licensing Board (CILB) representing the General Contractor category

Agenda Item Y-6, Commission Office - Reappoint members to the Marine Advisory Committee (MAC)

Agenda Item Y-7, Budget Office - Approve scheduling the Board of County Commissioners Impact Fee Workshop for January 10, 2006

Agenda Item Y-8, Commission Office - Review Committee Assignments

Presentations Jo Morrison will present her book, "Babcock Ranch and Tales of Bygone Days," a history of Babcock Ranch

DELETIONS:

Economic

Development Agenda Item H-1, Approve Assignment of Agreement from The Florida Gulf Coast Group, LLC to Janet Watermeier to assure continuity of service

Regular

Agenda Agenda Item Y-3(a)(iv), Human Services - Coastal Safe Haven requested to be removed from consideration

CHANGES:

General

Services Agenda Item L-11 - Wording Change in Box 3 of the Goldenrod - ...with option to renew for ~~two (2)~~ one (1) additional ~~two~~ one-year terms...

Human

Services Agenda Item M-1 - Wording Change in Box 6 of Goldenrod - Any other changes to individuals will then be effective in the first pay period of March, ~~2005~~ 2006.

COMMISSIONER DEVOS MOVED APPROVAL OF THE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. Commissioner DeBoer asked staff come to his office to talk to him about the deletions.

SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING DECEMBER 21, 2005 AS "NATIONAL HOMELESS PERSONS' MEMORIAL DAY IN CHARLOTTE COUNTY" ON MOTION BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. Anna Romillo,

Homeless Coalition Executive Director, accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE MONTH OF DECEMBER, 2005 AS "DAVID MATHEWSON, JR., ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. David Mathewson, Jr. accepted the proclamation.

A PROCLAMATION STIPULATING DECEMBER 13, 2005 AS "JOSEPH TRINGALI DAY" was issued after the conclusion of this Board meeting due to learning of the seriousness of Mr. Tringali's health.

Presentations:

Joyce Ross, Communications & Marketing Department Manager, accepted a Crystal Award on behalf of her department from the Florida Government Communicators Association.

COMMISSIONER DeBOER MOVED APPROVAL TO TAKE AGENDA ITEM AA OUT OF ORDER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

VIII. PRESENTATION AGENDA

AA. 10:00 A.M.

Jo Morrison presented copies of her book, "Babcock Ranch and Tales of Bygone Days," a history of Babcock Ranch, to each of the Board members.

SPECIAL RECOGNITION

Employee Recognition:

Bruce D. Loucks, County Administrator, and **Commissioner Cummings** recognized the following employees for their service with the County: **Five Years** - Emily Chidester, Information Technology; JoAnn Crombie, Transit; Bob Hebert, Administration; Patrick Judy, Fire/EMS; Michael Kilduff, Fire/EMS; George Smith, Jr., Public Works; Sharon Ullrich, Parks, Recreation, & Cultural Resources; **Ten Years** - Steve Van Vliet, Public Works; **Fifteen Years** - Diane Clim, Community Development; Kate Czaja, Fire/EMS;

Dina Modesto, Fire/EMS; Pat Pisaturo, Social Services; Kim Sternal, Facilities Construction & Maintenance; Irwin Wolfe, Transit; **Twenty Years** - David Mahon, Fire/EMS; Rob Powell, Public Works; and Don Purcell, Public Works.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Geri L. Waksler, Esq. with the law firm of Moore and Waksler, P.A. addressed **Agenda Item Z-5, Discussion and direction on the intensity of development within the coastal development hazard area**, said the Board has been effective in growth management in coastal high hazard areas and throughout the County, the Manasota Key plan significantly reduced density but still provided for varieties of housing and densities, the 3.5 unit per acre across-the-board prohibition goes against the Board's recent direction to staff to look at height within certain specified areas one of which being the Charlotte Harbor CRA, opined it was virtually impossible to consider putting up a building of five or more stories and maintain 3.5 units per acre so the proposed limitation would be contrary to the explicit direction you recently provided staff, and asked the Board to please consider directing staff not to expand the Comprehensive Plan (Comp Plan) prohibition to a 3.5 units per acre density cap across-the-board within the coastal high hazard area.

Sue Reske addressed **Agenda Item Y-4, Discussion/direction on whether to file a Petition for Administrative Hearing as it relates to the Altman Tract**, said water was the County's biggest asset, it needs to be protected especially from strip mining, and asked the Board to have the foresight to protect this community by funding the fight against strip mining in the Altman Tract and the headwaters of Horse Creek.

Vincent "Catadela" started to address an item that was not on the agenda. **Chairman Moore** interrupted him, explained this section of the agenda was for agenda items only, and asked him to contact his office directly regarding his concerns.

II. COMMITTEE VACANCIES

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

Board of Zoning Appeals

- one (1) applicant in District #4

Buena Vista, Grassy Point, ELF Waterway Unit

- one (1) applicant who is a full-time owner/resident of the Unit residing on the south side of Edgewater Drive to complete an unexpired term through October 12, 2007 (Appointees on agenda)

Construction Industry Licensing Board

- one (1) volunteer to represent the Professional Engineer category

Deep Creek Street & Drainage Advisory Committee

- one (1) one-year term position expiring in 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 (Appointees on agenda)

Englewood East Street & Drainage Advisory Committee

- one (1) vacancy for an alternate position for a two-year term

Grove City Street & Drainage MSBU Committee

- one (1) volunteer needed - applicant must be a landowner and a full-time resident residing within the Unit

Planning & Zoning Board Representative

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

Murdock Village Community Redevelopment Agency Advisory Committee

- one (1) Contractor Representative

South Gulf Cove Community Plan Advisory Committee

- one (1) volunteer needed to fill a term which will expire on June 14, 2007 - applicant must own property and be a full-time resident living within the boundaries of the Unit

III. REPORTS RECEIVED AND FILED

Informational County Investment Report/Interest on Investments - Clerk of the Circuit Court

IV. CONSENT AGENDA

COMMISSIONER DeBOER MOVED APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER D'APRILE. Commissioner DeBoer referred to **Agenda Item M-1**, recalled they've approved a number of wage adjustments this year, this particular type of wage adjustment was done in 2003, said a cumulative study was needed of all these different wage policies and their overall impact to the budget because it seems some of our policies are working counter to each other, and the bottom line is that eventually they won't be able to afford the increases in these budget line items unless they continue to raise taxes. **Commissioner DeBoer** said he understands the demand for labor actually exceeds the supply but they need to look at all these policies as a group and not just individually. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

CLERK OF THE CIRCUIT COURT

A. Finance Division

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

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

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

Memorandum #2 Total Disbursements for the period November 16, 2005 through December 6, 2005 in the amount of \$14,936,226.30

B. Minutes Division

No items.

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint Judith H. Barnosky and William E. Ryan to the Buena Vista, Grassy Point, ELF Water Unit Committee with terms expiring October 12, 2007.

D. Administration

No items.

E. County Attorney

Agenda Item E-1

Set an Executive Session for December 13, 2005 at 12:00 Noon in the Administration Conference Room to discuss phosphate issues and strategies in the matter of Charlotte County vs. Mosaic.

Agenda Item E-2

Set a Public Hearing for January 10, 2006 at 2:00 P.M. to consider the Interlocal Planning Agreement for Babcock Ranch (as revised November 29, 2005 by the Lee County Board of County Commissioners), including the revised Water Resources provision.

Agenda Item E-3

Agreement #2005-055 Settlement Agreement and Release with Novell, Inc. for the sum of \$49,000.

F. Budget Office

Agenda Item F-1

Set a Public Hearing on January 10, 2006 at 10:00 A.M. to adopt an ordinance for the annual Capital Improvements Program (CIP) for FY 2005/2006 through FY 2009/2010.

Agenda Item F-2

Transfer \$50,000 from the County Law Enforcement Trust Fund to the Sheriff's Law Enforcement Trust Fund checking account.

Agenda Item F-3

Transfer \$18,000 from the Criminal Justice Education Fund to the Sheriff's Department pursuant to F.S. 318.18(11)(c); and **Budget Amendment #06-A08 in the amount of \$33,500** to carry forward FY05 ending balance and recognize anticipated FY06 revenues.

Agenda Item F-4

Transfer \$64,000 from the Crimes Prevention Fund to the Sheriff's Department pursuant to F.S. 775.083(2); and **Budget Amendment #06-A09 in the amount of \$129,946** to carry forward FY05 ending balance and recognize anticipated FY06 revenues.

Agenda Item F-5

Budget Amendment #S06-A02 in the amount of \$293,500 to allocate the Voting Systems Assistance Grant funding. The contract is between the State of Florida, Department of State, Division of Elections, and Charlotte County Supervisor of Elections, Mac V. Horton.

Agenda Item F-6

Resolution #2005-228 authorizing the Charlotte County Sheriff to utilize \$125,150 from the Drug Abuse Trust Fund (#1017) to assist in funding a three-pronged approach to substance abuse prevention.

G. Community Development-Building Construction Services

Agenda Item G-1

Resolution #2005-229 for Preliminary Detail Plan and Partial Final Detail Plan for DRC-PD-88-4Xpp for Centex Homes to develop Sawgrass Pointe, Unit One.

Agenda Item G-2

Resolution #2005-230 for Partial Final Detail Plan DRC-PD-88-4Zpp for Centex Homes to develop for Sawgrass Pointe, Unit Two.

Agenda Item G-3

Resolution #2005-231 for Partial Final Detail Plan DRC-PD-88-4AApp for Centex Homes to develop Sawgrass Pointe, Units Three through Five.

Agenda Item G-4

Final Plat for Creekside Phase II, Petition FP-04-06-13; **Agreement #2005-056** Developer's Agreement requiring improvements to be constructed as shown on construction plans; and **Surety Bond** from Fidelity and Deposit Company of Maryland, #08816710 in the amount of \$467,210.98 which is 110% of the construction cost estimate provided.

H. Economic Development

No items.

J. Environmental & Extension Services

Agenda Item J-1

Convert part-time Solid Waste Facility Operator, position #2046IN-001, to full-time Solid Waste Facility Operator position.

K. Facilities Construction and Maintenance

No items.

L. General Services

Agenda Item L-1

Bid #06-044, Legal & Official Advertising for Charlotte County to SunCoast Media Group, Sun Newspaper of Port Charlotte, FL at the cost of \$5.75 per column inch for first and subsequent

insertions of legal and display ads; \$15.29 per column inch for full run classified ads; and \$0.50 per agate line for publishing delinquent tax rolls; and **authorize** the County Administrator to approve renewal options for up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent.

Agenda Item L-2

Equipment deletions for the month of December, 2005.

Agenda Item L-3

File #06-102, One (1) John Deere 544J Loader from Nortrax Equipment Co. of Ft. Myers, FL (Piggyback off City of Florida Sheriffs Association, Florida Association of Counties & Florida Fire Chiefs' Association Bid Award No. 05-13-0822, Specification #38) in the amount of \$215,432.76.

Agenda Item L-4

Bid #06-031, Fire Station #4 Remodeling to Robert Wayne Commercial Builders, Inc. of Port Charlotte, FL in the amount of \$481,022.

Agenda Item L-5

RFP #06-011, Construction Engineering & Inspection Services - Stormwater to start negotiations with Giffels-Webster Engineers, Inc.; and **authorize** Chairman to sign the contract as long as the fees do not exceed \$320,000.

Agenda Item L-6

Change Order #1, Contract #05-130, Wireless Fuel System with SCI Distribution, LLC of Clearwater, FL for the not-to-exceed amount of \$45,000 with a total revised contract amount of \$129,691.10.

Agenda Item L-7

Change Order #7, Contract #00-066, Sidewalk Design - Groups 3 & 4 with Giffels-Webster Engineers, Inc. for landscape and irrigation services at the cost of \$3,500 and a revised contract amount of \$596,038.

Agenda Item L-8

Change Order #2, Contract #05-244, North County Paving Program with APAC Southeast, Inc. to increase the contract in the amount of \$2,051,813 for a revised total contract of \$4,938,989.

Agenda Item L-9

File #06-105, Replacement Ambulances from American LaFrance MedicMaster of Sanford, FL ("Piggyback" off the Florida Fire Chiefs Association, Florida Sheriffs Association, and the Florida Association of Counties Bid #05-06-0823) for the purchase of two (2) ambulances in the amount of \$312,078.

Agenda Item L-10

Contract #06-041, Plumbing Contractor to Ray's Plumbing, Inc. of Punta Gorda, FL for the term of January 1, 2006 through December 31, 2006; and **authorize** the County Administrator to approve renewal options for up to two (2) additional one-year terms at the same prices, terms and conditions, by mutual consent.

Agenda Item L-11

RLI #06-002, Professional Services Library with 61 firms as listed in the material for the period January 1, 2006 up to and including December 31, 2008 with option to renew for one (1) additional two-year term at the same terms and conditions, by mutual consent; **authorize** the County Administrator to approve renewal options; and **authorize** Chairman to sign Contracts.

Agenda Item L-12

Bid #06-074, Ready Mix Concrete - Supply & Deliver to the sole responsive, responsible bidder Miami Valley Ready Mix of Florida, Inc. of Placida, FL at the unit costs submitted; and **authorize** the County Administrator to approve renewal options for up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent.

Agenda Item L-13

Bid #06-009, Distribution/Collection System Supplies to multiple vendors as listed in the material for the term from January 1, 2006 up to and including December 31, 2006 with the option to renew for two (2) additional one-year terms; and **authorize** the County Administrator to approval annual renewals at the same prices, terms and conditions, by mutual consent.

Agenda Item L-14

One (1) month extension through and including January 31, 2006 of Bid #05-036, Grounds Maintenance Annual Contract with Veteran's Law Service and JaeMax, Inc. at the current prices, terms and conditions indicated on the Bid Form.

Agenda Item L-15

Change Order #2, Bid #04-264, Airport Road and Taylor Road Intersection Improvements to General Contracting Services, Inc. of Port Charlotte, FL in the amount of \$167,972.37 with a revised total of \$2,850,213.90; and **Budget Transfer #06-004 in the amount of \$378,155 and CIP Amendment #06-C04 in the amount of \$378,155.**

Agenda Item L-16

Bid #06-091, Annual Supply of Perlite to Dicaperl Minerals Corporation of Crawfordsville, IN at a unit cost of \$0.215 per lb. for a contract term from January 1, 2006 through December 31, 2006; and **authorize** the County Administrator to approve renewal options for up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent.

Agenda Item L-17

Bid #06-075, Alligator Creek Maintenance Dredging to Florida Marine Construction of St. James City, FL in the amount of \$444,803.29.

Agenda Item L-18

Bid #06-045, Cape Horn Boulevard Walkway/Trail - Phase 1 to C-Squared Certified General Contractor, Inc. of Bradenton, FL in the amount of \$213,622.50.

M. Human Resources

Agenda Item M-1

Pay Plan based on results of recent wage study by Florida Employer Solutions, Inc., including pay adjustments for Non-Bargaining and IUPAT Bargaining Unit employees to be brought into pay ranges effective October 5, 2005; and allow for factoring in comparable ratio adjustments for incumbents' pay distribution within pay ranges.

N. Human Services

Agenda Item N-1

Agreement #2005-057 providing a loan in the amount of \$200,000 to Charlotte County Habitat for Humanity, Inc. to be used in the construction of 20 homes for low and very low income homeowners. Funds for the loan are derived from the State Housing Initiatives Partnership (SHIP) Program and will be repaid by habitat over a period of 10 years at 0% interest.

Agenda Item N-2

Agreement #2005-058 with the Housing Corporation (HC) of Charlotte County, Inc. to authorize their continued services in the implementation of strategies funded by the State Housing Initiatives Partnership (SHIP) Program. The anticipated annual distribution is \$1,145,000.

Agenda Item N-3

Community Development Block Grant (CDBG) Change Order for one (1) recipient needing additional septic system, demolition and fill dirt, and electric hookup; work exceeds the \$5,000 limit and per the Department of Community Affairs (DCA) requirements must be approved by the Board (**Amends Grant #2004-021**).

Agenda Item N-4

Agreement #2005-059 with the Housing Corporation (HC) of Charlotte County to administer the Hurricane Housing Recovery (HHR) Homeowner and Mobile Home Strategies.

P. Information Technology

No items.

Q. Parks, Recreation & Cultural Resources

Agenda Item Q-1

Appoint Esther A. Horton, Nancy J. Miller-Houck and Dr. Michael Reiner as members to the Historical Advisory Committee for three-year terms from September 2005 to September 2008, and Barbara A. Fleshman to fill the remaining term that will expire September 30, 2007 due to the resignation of Joanne Ryder.

Agenda Item Q-2

Resolution #2005-232 for an Urban and Community Forestry Grant Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry (Bid No.: RFP/DF-04/05-99); and **Budget Amendment #06-A10** in the amount of \$70,500 for the grant revenue and expenditures.

R. Public Safety

Agenda Item R-1

Purge \$744,644.74 of unpaid EMS Medical Transport Accounts for the Period of March 1, 2002 to April 1, 2004.

S. Public Works

No items.

T. Real Estate Services

Agenda Item T-1

Resolution #2005-233 authorizing the Chairman to execute a grant of utility easement to Florida Power & Light Company (FPL) to be located in a certain portion of Section 9, Township 41 South, Range 23 East, also known as Carmalita Park.

Agenda Item T-2

Resolution #2005-234 authorizing the Chairman 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 (a portion of the Bachman Tract) for new Public Works facilities and provide the County with a 28-acre parcel of land to mitigate for Scrub-Jay habitat within the boundaries of Murdock Village. This exchange will also provide the School Board with a 16-acre site known as the Crest Tract on Florida Street; a 35-acre site within the boundaries of Murdock Village; and a payment of \$540,000 by the County to the School Board to make the transaction equitable to both parties.

V. Tourism Development

No items.

W. Utilities

No items.

X. Communications & Marketing

Agenda Item X-1

Agreement #2005-060 with the City of Punta Gorda for purchase of airtime on CCTV-20.

V. REGULAR AGENDA

Y. Regular Agenda

Agenda Item Y-1, Commission Office - Choose/reappoint (via ballot) 4 volunteers to serve on the Deep Creek Street & Drainage Advisory Committee

The completed ballots were passed to Mr. Loucks who read the results into the record, "Charles C. Stuart for the term expiring May 2007; Wayne J. Kowalski for the term expiring January 2008; and Donald R. Eiler and Robert L. Queener for the terms expiring January 2009." **COMMISSIONER DeBOER MOVED APPROVAL OF THE APPOINTMENTS AS READ INTO THE RECORD BY MR. LOUCKS, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

Agenda Item Y-2, Human Services - a) Approve the Agreement between the County and the Housing Corporation (HC) of Charlotte County to create a Community Land Trust (CLT) utilizing Hurricane Housing Recovery (HHR) funds; and b) Direct staff to work with HHR Selection Committee and BCC to develop a proposed slate for the initial CLT Board of Directors

Lorraine Helber, Housing Coordinator, explained State and Federal government can remove themselves from providing, owning and managing public housing; past projects were cumbersome and very expensive, and the government frequently found itself of various violations; and today governments seek out private developers to provide needed housing for the special needs population and low-income households. Mrs. Helber said the proposed agreement with the Housing Corporation (HC) would allow HC to create a Community Land Trust (CLT) using Hurricane Housing Recovery (HHR) funds in the amount of \$750,000 to purchase lots, develop homes on those lots and eventually sell them to eligible households. Mrs. Helber stated staff recommends approval of this agreement and continued direction from the Board on the seating of the CLT's charter board. **Commissioner DeBoer** said he'd previously voted against this because of the lack of structure which now seems to have been rectified, a policy that goes after housing lot by lot just doesn't seem like it will produce the desired effect, he'd spoken with Mr. Noel who agreed it wasn't the best approach but it will improve, and he will vote in favor of this today. **COMMISSIONER DEVOS MOVED APPROVAL**

OF AGREEMENT #2005-061 AND TO DIRECT STAFF TO WORK WITH THE HHR SELECTION COMMITTEE AND THE BOARD TO DEVELOP A PROPOSED SLATE FOR THE INITIAL CLT BOARD OF DIRECTORS, SECONDED BY COMMISSIONER DeBOER. Chairman Moore said he liked the concept of the CLT but he can't see the light at the end of this tunnel and he will oppose this. **CALL ON THE MOTION: COMMISSIONERS CUMMINGS, D'APRILE, DeBOER AND DEVOS VOTED "YES" AND CHAIRMAN MOORE VOTED "NO." MOTION CARRIED: (4:1).**

Agenda Item Y-3, Human Services - a) Review and approve, independently, assistance for each of the three non-profit proposals seeking assistance from the County's Hurricane Recovery Fund: (i) Genesis Safe House, seeking \$1,400,090; (ii) Genesis Bishop House, seeking \$406,800; and (iii) Genesis Chara House, seeking \$1,433,944; and b) Authorize the Chairman to sign, after review the by County Attorney's Office, the contract award with the developer, the Charlotte County Homeless Coalition, for corresponding proposals approved by the Board of County Commissioners

Loraine Helber, Housing Coordinator, explained this item was for three proposals for the use of the extremely low-income funds in the HHR plan, the fourth proposal for Coastal Safe Haven has been withdrawn by the HC's Executive Committee, and staff requests approval of the remaining three proposals individually. **Commissioner DeBoer** recalled facility staffing would be two full-time and two part-time, said with a 24/7 operation he thought it was required there be at least four full-time and one part-time to cover all the shifts and he felt they would be understaffed. Rex Cook, Charlotte County Homeless Coalition Board President, responded they have many excellent community volunteers, security was very important and there will be people present at all times. **Commissioner DeBoer** asked where the \$75,000 grant funds were coming from. Anna Romillo said they were State emergency shelter grants but they can't access them right now because they don't have a shelter, they can request a maximum of \$100,000 per shelter per year, the State has told them they were in the program, and the monies will be available next year when the shelters were ready. **Commissioner DeBoer** asked if County monies would be required. Mr. Cook said no, they were working to be self-sufficient. **Commissioner DeBoer** asked if the floor plans could easily be adjusted to accommodate whatever male to female ratio was needed. Mr. Cook said yes.

Commissioner DeBoer said they'd done a great job and he was impressed. COMMISSIONER DeBOER MOVED APPROVAL OF (A) AGREEMENT #2005-062 FOR \$1,400,090 FOR GENESIS SAFE HOUSE, AGREEMENT #2005-063 FOR \$406,800 FOR GENESIS BISHOP HOUSE, AND AGREEMENT #2005-064 FOR \$1,433,944 FOR GENESIS CHARA HOUSE, AND (B) TO AUTHORIZE THE CHAIR TO SIGN, AFTER REVIEW BY THE COUNTY ATTORNEY'S OFFICE, THE CONTRACT AWARD WITH THE DEVELOPER, THE CHARLOTTE COUNTY HOMELESS COALITION, FOR CORRESPONDING PROPOSALS APPROVED BY THE BOARD, SECONDED BY COMMISSIONER CUMMINGS. Commissioner D'Aprile said he'd always had a problem with this in the past but with the additional efforts it's clear to him now that this program is very overdue and thanked everyone for getting this done. Commissioner Devos commended Mrs. Helber for all her efforts in finding the dollars needed. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

RECESS: 9:58 A.M. - 10:10 A.M.

VI. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1, Utilities Department - a) Resolution setting forth the new Utility water, sewer and reuse rates, fees and charges effective with bills rendered January 1, 2006 for all CCU customers. The resolution is for District 1, CCU Service Area, the Deep Creek Service Area and District 2, Burnt Store Service Area; and b) Upon adoption of the resolution, request the Board to approve Budget Amendment #06-A05 (in the amount of \$1,100,000) and CIP Amendment #06-C02 (in the amount of \$850,000) (Proof of Publication was in Order.)

David G. Schlobohm, CCU Director, requested approval of the proposed resolution setting new charges effective January 1, 2006 for all CCU customers, approval of a budget amendment and a CIP amendment based on those revenues that would be generated, and explained the proposed rate increase of 3.7% was necessary to cover inflationary costs. Chairman Moore asked when punitive rates for excessively high water usage would be implemented. Mr. Schlobohm responded a rate study was underway that should be completed by late spring or early summer but it could be moved up if the Board wanted. Chairman Moore said that was fine, he just didn't want to hit the average family. Mr. Schlobohm

agreed and said they will find a way to bring this in a lot sooner. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.** Commissioner DeBoer said he was totally against this, the majority of the justification appeared to be an effort to make up for past rate reductions, asked what happened to all the programs the Board funded that were supposed to produce efficiencies in order to keep those rates down, and where's the accounting for the refinancing of bonds that was supposed to go into the rate stabilization fund. **Commissioner DeBoer** pointed out this resolution would relegate all authority to CCU for future increases without the need for any hearings which means there's absolutely no oversight in terms of the public, and any other utility has to go through public hearings to adjust their rates to prove what's used and useful but here it's just going to be something that staff in quiet is going to decide what the index is for utilities and just pass through rate increases. **Commissioner DeBoer** summarized this is terrible and he was just adamantly opposed to this. **Chairman Moore** said he was somewhat surprised at how CCU's rates have seemed to change in multiple ways through the years and most of the utilities he's seen over the years have had relatively stable rates. **COMMISSIONER DEVOS MOVED APPROVAL TO ADOPT RESOLUTION #2005-235, SECONDED BY COMMISSIONER CUMMINGS. CALL ON THE MOTION: COMMISSIONERS CUMMINGS, D'APRILE AND DEVOS VOTED "YES" AND CHAIRMAN MOORE AND COMMISSIONER DeBOER VOTED "NO." MOTION CARRIED: (3:2).** **COMMISSIONER DEVOS MOVED APPROVAL OF BUDGET AMENDMENT #06-A05 IN THE AMOUNT OF \$1,100,000 AND CIP AMENDMENT #06-C02 IN THE AMOUNT OF \$850,000, SECONDED BY COMMISSIONER CUMMINGS. CALL ON THE MOTION: CHAIRMAN MOORE AND COMMISSIONERS CUMMINGS, D'APRILE AND DEVOS VOTED "YES" AND COMMISSIONER DeBOER VOTED "NO." MOTION CARRIED: (4:1).**

Agenda Item Z-2, Public Works - Ordinance to set the Speed Limit on Zemel Road from U.S. 41 to Burnt Store Road at 45 miles per hour (Proof of Publication was in Order.)

Thomas F. O'Kane, Jr., P.E., Public Works Director, explained Zemel Road was recently paved and the proposed ordinance would set a reasonable speed limit. THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED

UNANIMOUS. **Commissioner Cummings** asked the width of the road. Mr. O'Kane said 24 feet. **Commissioner Cummings** asked if there was any paved shoulder. Mr. O'Kane said no. **Commissioner Cummings** asked the rational of 45 mph versus 55 mph. Mr. O'Kane said the traffic people reviewed this and for safety reasons they felt this was a reasonable speed for this roadway since there was a lot of truck traffic. **COMMISSIONER DEVOS MOVED APPROVAL TO ENACT ORDINANCE #2005-098, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

(Assistant County Attorney Thomas A. Browne replaced County Attorney Janette Knowlton for this portion of the meeting.)

Agenda Item Z-3, Community Development - Appeal from certain provision of the Transfer of Density Units ordinance (Quasi-judicial)

Inga Williams, Planner III, stated this was an appeal to the TDU ordinance by Andrew and Sherri Dodd; this was a proposed Certification of Sending Zone (CSZ) in West County east of Placida Road, and south and west of Gasparilla Pines Boulevard; the site contained 7.38+ acres; and the site was a certifiable Sending Zone (CZ) because it was within a Tropical Storm and Category 1 Storm Surge Zone but the applicants were proposing to qualify it as Environmentally Sensitive (ES). Ms. Williams explained the applicants were asking the Board to allow them to utilize the gross density of the property which was 73 units instead of the density calculated through the TDU ordinance which was 42 units. Ms. Williams said the applicants propose to give the County access to this property, the site does have Xeric Oak habitat which is utilized by Scrub Jays but the viability of that habitat was in question as staff does not have enough information at this point to say that it was useable habitat, and there was also a process to go through to show whether this was truly ES lands.

Ms. Williams stopped and said she needed to be sworn in. **Chairman Moore** apologized for the oversight and announced this hearing was quasi-judicial. **(Deputy Clerk Karen S. Mitchell administered the oath to prospective witnesses.)**

Ms. Williams stated everything she'd said before being sworn in was the same and staff recommended denial. **Commissioner D'Aprile** asked why. Ms. Williams said the TDU ordinance doesn't address ES lands and there was no proof this was viable ES habitat.

Commissioner DeBoer said before they open the public hearing, he wanted to disclose that he had a conversation with Mr. Dodd. **Chairman Moore** and **Commissioners Cummings, D'Aprile** and **Devos** made the same disclosure. **Chairman Moore** apologized for not asking for disclosures in advance.

Andrew Dodd explained his request was to use the gross density definition currently included in the zoning code as the density method calculation within the ordinance, the ordinance calculation of density was different than the zoning code, and clarified if he decided this site was appropriate for development he could come forward and request the 73 units he's asking to be severed in density for development on the property. Mr. Dodd said since this application was submitted a couple of months ago, he's been able to negotiate with the Sandalhaven Utility to swap part of his property for their property which would make this property contiguous to the Amberjack Preserve. Mr. Dodd stated he's proposing to sell the property to Charlotte County for whatever the appraised value was but not-to-exceed \$40,000 after the 73 density units have been severed from the property, he wasn't asking to qualify this property based on environmental sensitivity but rather on the site being in the Coastal High Hazard (CHH) zone, he wasn't going to retain any rights for mitigation, and any Scrub Jay mitigation value of this property would be conveyed to Charlotte County along with the property pursuant to the ordinance in management ready condition. **Chairman Moore** asked when the agreement with Sandalhaven was completed. Mr. Dodd said he has a letter dated December 9, 2005 from the utility. Robert H. Berntsson, Esq. with the law firm of McKinley, Ittersagen, Gunderson & Berntsson, P.A., said he was speaking as a friend of the Dodd's, recalled trying to work with and tweak this ordinance for sometime in an effort to bring changes to the Board. Attorney Berntsson stated during the last year this ordinance has been so tedious and difficult to work and so difficult to compute units where if you come in to develop the property you quickly know how many units can be put on your property. Attorney Berntsson summarized this

site was the perfect example of an area that was not desirable for development, and asked the Board to approve this and use it to review changes to the TDU ordinance. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER D'APRILE MOVED APPROVAL TO ADOPT RESOLUTION #2005-236, SECONDED BY COMMISSIONER DEVOS.** Commissioner DeBoer said since this ties into a public purpose he will support it. **Chairman Moore** stated it's always a great benefit to the County if we find out there's land we can get that will help us with the ongoing Scrub Jay problem. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Z-4, Community Development - Petition PA-05-09-63-LS to the Department of Community Affairs for an Objections, Recommendations and Comments (ORC) Report (Legislative) (Proof of Publication was in Order.)

Michael Konefal, Community Development Director, explained this was a large scale plan amendment for transmittal to Department of Community Affairs (DCA) that deals with changing the Level of Service (LOS) from "C" to "D" on U.S. 41 and SR 776 adjacent to the Murdock Village project, the first amendment that has already been sent to DCA was to identify Murdock Village as an exception area for transportation or traffic concurrency but they don't know if DCA will approve that amendment, this was a back-up amendment to provide some additional flexibility as we enter into negotiations with Murdock Village developers at the beginning of next year, and staff and the Planning and Zoning (P&Z) Board recommended approval. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AN DECLARED UNANIMOUS. COMMISSIONER DEVOS MOVED APPROVAL OF THE TRANSMITTAL OF PETITION PA-05-09-63-LS TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR AN OBJECTIONS, RECOMMENDATION AND COMMENTS REPORT, SECONDED BY COMMISSIONER D'APRILE.** Chairman Moore asked when the first amendment was expected back. Mr. Konefal said they expect to receive an answer from DCA in a couple of weeks, if DCA's answer is positive this application will be withdrawn, if not they will move forward with this item and DCA will have 60 days to respond. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Z-5, Community Development - Discussion and direction on the intensity of development within the coastal development hazard area

Inga Williams, Planner III, explained this was a request by staff for the Board to provide direction on Goals, Objectives and Policies (GOPs) in the Comprehensive Plan (Comp Plan) dealing with development in the Coastal High Hazard (CHH) area, or as it's now being termed the Coastal Development Hazard Area (CDHA), this area covers both the CHH area plus the Tropical Storm and Category 1 Hurricane Storm Surge Zones, and used a large display map to depict the affected areas. Ms. Williams reviewed her memorandum to the Board dated November 30, 2005 detailing staff's interpretations of the GOPs, and reviewed the policies needing further Board direction as detailed in the material. Ms. Williams said staff wants to clarify the policies in the Comp Plan and come back with text amendments to make those policies clearer so that staff's interpretation matches Board policy and interpretation. **Commissioner Cummings** said the 3.5 units per acre would only apply if there was a parcel someone wanted to plat. Ms. Williams agreed; clarified staff wants to have that apply to multi-family or single-family, and if the density was below 3.5 that it be restricted to 3.5 regardless of whether it was single or multi-family; and explained people were coming in with AE zoning and a Future Land Use Map (FLUM) designation of Low Density and requesting to rezone to 5 units per acre density as multi-family and then saying they don't have to plat therefore they're not restricted to 3.5 units of density. **Commissioner Cummings** summarized people were coming in with AE property with an underlying land use of Low Density Residential and without going through a plat they put in a multi-family of 5 units per acre. Ms. Williams said that was correct. **Commissioner Cummings** summarized staff wants a density of 3.5 units per acre to apply to platted or unplatted property. Ms. Williams said yes. Robert H. Berntsson, Esq. with the law firm of McKinley, Ittersagen, Gunderson & Berntsson, P.A., said this was a very important issue, recalled when the 1997 plan was adopted there was a 3.5 units per acre platting limit, to his knowledge RSF-5 was the only zoning category affected, and originally there were interpretations that you could do a cluster development in RSF-5 and cluster that development doing a condo on that RSF-5 so the 3.5 units per acre wouldn't apply. Attorney Berntsson indicated if the Board

adopted a policy that all CHH property was designated as 3.5 units per acre then they've basically voided the TDU process, all the work on the Manasota Key plan becomes moot, the County wasn't applying the map the same way the Regional Planning Council (RPC) would when it considers what's CHH and what isn't, there were far reaching implications and urged the Board to thoroughly review this before making a decision. Attorney Berntsson added the FEMA elevation issue wasn't being considered at all, opined this will hurt the tourist industry because visitors want water access and asked the Board not to adopt this. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.** Commissioner DeBoer said he believed the best answer to the question that's in front of them was to go back and tweak the TDU ordinance, they need to create incentives to move some of the development out of specific areas, as we learned from Hurricane Charley vulnerable areas are throughout the entire County, agreed with Attorney Berntsson that those issues were better answered through the construction requirements, and in terms of the Board trying to create a policy that has more construction outside of the most vulnerable areas they need to review the TDU ordinance and create incentives for TDUs to be moved into less dangerous areas. **Commissioner Devos** concurred. **Commissioner D'Aprile** agreed this was something they need to reconsider especially in light of the CRA development in Charlotte Harbor and said he doesn't approve of what's been proposed. Ms. Williams clarified the intent was to request that the CRA be exempt from policies restricting development. **Commissioner D'Aprile** said he didn't know that but what Attorney Berntsson and **Commissioner DeBoer** said was very important, and agreed they need to re-evaluate the TDU ordinance. **Commissioner Cummings** asked the status of the Comp Plan amendment that affected the incentives for TDUs, i.e., did we submit it for an ORC. Ms. Williams said it was adopted and sent to DCA, and it was being reviewed for their final approval. **Commissioner Cummings** recalled they'd just approved a thing that removed any incentives that were in place for TDUs from the Comp Plan. Ms. Williams agreed that language was removed from the Comp Plan but said if the Board's direction is to place some incentives into the actual ordinance itself that could be accomplished. **Chairman Moore** said he's struggling to understand where they're going on this and agreed with the other Board members the proposal was not called for. Ms. Williams clarified the policies and objectives were in place and asked if the Board wants any language changes

because they need specific direction regarding the existing policies. **Commissioner Devos** said she thought they would be reviewing this ordinance in January and asked why this was important today. Ms. Williams agreed the ordinance was scheduled for review in late January but pointed out the transmittal hearings were coming up for the next text amendment cycle, they have projects coming forward now, and staff needs some direction. **Commissioner Cummings** asked for clarification on DCA's involvement in this particular policy. Ms. Williams clarified state statutes require us to place policies in the Comp Plan regarding coastal development and she didn't recall if the 3.5 platting issue was a directive from DCA or not but DCA is very adamant about not allowing population density increases in the CHH. **Commissioner Cummings** stated he understood timing was an issue but they need more time to review this. **Chairman Moore** opined the Board hasn't really told her what they want, said he wasn't prepared to make any language changes today and asked Ms. Williams to meet with him. **Commissioner D'Aprile** said he has the same need. **Commissioner Devos** agreed with Attorney Berntsson wholeheartedly but said she didn't really understand what guidance staff was looking for today. Ms. Williams referred to Greg Eagle's property on Burnt Store Road which is zoned Agricultural Estates (AE) or 1 unit per acre, explained the front part of the property was outside of the Tropical and Category 1 Storm Surge but the rear part of the property was within, the owners were requesting to have 5 units per acre on their total property moving most of the density into the Tropical and Category 1 Storm Surge area and do condo developments, and as staff we are saying their actual density is restricted to 3.5 units per acre in a Tropical and Category 1 Storm Surge area. **Commissioner Devos** said she felt the elevation issue would kick in and would be the equalizing factor. Ms. Williams said she understood that argument but she also thought it would put more people in an Tropical and Category 1 area who would have to evacuate. **Commissioner Devos** said if that's the reason for this discussion then she doesn't support what's in front of them today. **Commissioner Cummings** opined maybe it was an item that should be addressed by Wayne Sallade. **Chairman Moore** recalled the Board recently approved high condos in South Gulf Cove. Thomas A. Cookingham, Planning Services Manager, said yes but it was outside of the storm surge area. **(Discussion continued regarding the issue of subdividing property versus rezoning to get multi-family or 5-units per acre versus 3.5 units per acre in**

CHH.) Mr. Cookingham said he thought he was getting the general drift of what the Board wanted. **Commissioner DeBoer** reiterated he still felt incentives were needed. **Commissioner Devos** agreed.

V. REGULAR AGENDA

Y. Regular Agenda

Agenda Item Y-4, County Attorney - Discussion/direction on whether to file a Petition for Administrative Hearing as it relates to the Altman Tract

COMMISSIONER DEVOS MOVED TO TAKE AGENDA ITEM Y-4 OUT OF ORDER AND DISCUSS AFTER COMPLETION OF THE EXECUTIVE SESSION, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.

Agenda Item Y-5, Commission Office - Reappoint Patrick D. Laurendine to the Construction Industry Licensing Board (CILB) representing the General Contractor category

COMMISSIONER DEVOS MOVED APPROVAL OF AGENDA ITEM Y-5, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Agenda Item Y-6, Commission Office - Reappoint members to the Marine Advisory Committee (MAC)

COMMISSIONER CUMMINGS MOVED APPROVAL OF AGENDA ITEM Y-6, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.

Agenda Item Y-7, Budget Office - Approve scheduling the Board of County Commissioners Impact Fee Workshop for January 10, 2006

COMMISSIONER D'APRILE MOVED APPROVAL TO SET AN IMPACT FEE WORKSHOP ON JANUARY 10, 2006 AT 10:00 A.M., SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.

Agenda Item Y-8, Commission Office - Review Committee Assignments

Chairman Moore reviewed Commission Committee assignments, **Commissioner Devos** announced she would be resigning effective June 1, 2006, and discussion ensued resulting in the following assignments:

Chairman Moore *Finance Committee*
Metropolitan Planning Organization
Public Safety Coordinating Council
Value Adjustment Board
West Coast Inland Nav. Dist. (WCIND)
Affordable Housing/Alt
Marine Advisory Committee/Alt
PR/MRWSA (Water Supply Auth.)/Alt
SWFRPC (Regional Planning)/Alt

Commissioner Cummings *Metropolitan Planning Organization*
National Estuary Program (NEP)
PR/MRWSA (Water Supply Auth.)
SWFRPC (Regional Planning)

Commissioner D'Aprile *Airport Overlay Board*
Beaches & Shores Advisory Council
Charlotte Harbor CRA Adv. Committee
Charlotte Harbor Environmental Ctr
Marine Advisory Committee
Murdock Village CRA Advisory Committee
Value Adjustment Board
Tourist Development Council/Alt

Commissioner DeBoer *ANRAC (Agricultural/Natural Resources)*
Children's Services Council
(As of June 1, 2006)
Enterprise Charlotte
Finance Committee
SWFRPC (Regional Planning)
Value Adjustment Board

Commissioner Devos *Affordable Housing*
Arts & Humanities Council
Children's Services Council
(Through May 31, 2006)
Community Action Agency
Council on Aging
Indigent Health Care Advisory Board
Juvenile Justice Council & Gang Prev.
Metropolitan Planning Organization
Value Adjustment Board/Alt

Chairman Moore announced that the Board would now be recessing into the Executive Session scheduled for Noon today.

RECESS: 12:02 A.M. - 1:13 P.M.

(County Attorney Janette S. Knowlton replaced Assistant County Attorney Thomas A. Browne for the remainder of the meeting.)

Agenda Item Y-4, County Attorney - Discussion/direction on whether to file a Petition for Administrative Hearing as it relates to the Altman Tract

Janette S. Knowlton, County Attorney, explained on November 18, 2005 the Department of Environmental Protection (DEP) issued a new Notice of Intent to grant a permit for the Altman Tract, in September 2003 DEP denied IMC's prior application, IMC then reapplied for the permit a few months later, and said it's been in the review process ever since. Attorney Knowlton reported the recent action was the proposal to grant the reapplication with certain conditions, and the new permit was definitely an improvement over the last permit but at this point the Board needs to decide whether they want to challenge it or not. Attorney Knowlton stated if the Board goes forward with a challenge she would recommend a limited challenge to maintain the ground they'd already gained in the Ona proceeding. Outside Consultant Edward de la Parte, Esq. with the law firm of de la Parte, Gilbert & Bales, agreed with Attorney Knowlton's comments, said there were still two items that directly conflict with the Ona decision - the recharge wells and the financial security proposed for this project, if this permit were to issue on December 21, 2005 then those items would be in conflict with what we believe will be the final order in the Ona matter which will issue sometime at the beginning of next year, and that will be the only limited area that we believe should be addressed in an administrative process. **Commissioner Devos** asked the cost for a limited challenge. Attorney Knowlton said an estimated \$250,000. **Commissioner Devos** asked **Commissioner Cummings** if he would seek financial support. **Commissioner Cummings** said with the Board's okay he would ask for monetary support from other folks specifically Lee County. **Commissioner Devos** asked if the Commissioner wasn't successful can we change our mind. Attorney Knowlton stated their initial deadline to make this decision was December 9, 2005 with an extension to December 20, 2005 so she

will need direction today and asked Attorney de la Parte if they do file can they withdraw later. Attorney de la Parte said yes and indicated it's also possible DEP may agree to revise the conditions of the permit. **Commissioner Cummings** asked the initial costs. Attorney de la Parte said less than \$10,000. **Commissioner Devos** indicated her comfort level was increasing. **Commissioner Cummings** opined they've made very sustentative improvements in the regulations, this is a test they need to defend, \$125,000 to maintain the gains they've spent \$11 million to obtain was a good investment, they need to move ahead, they should approve an additional budget of \$125,000 and tell me to go find the other half, said Lee County has been a good partner as they've matched us dollar for dollar for last two or three years, and he felt it was important to keep this alive. **Commissioner DeBoer** asked how much has been spent to date on the phosphate fight. Attorney Knowlton responded \$11,278,446. **Commissioner DeBoer** asked if that amount included the \$400,000 budgeted for this year or only what's been expended. Attorney Knowlton said no, only what's been expended. **Commissioner DeBoer** stated when you add the \$250,000 plus the \$400,000 the figure was close to \$12 million if they go ahead, and asked how much money Lee County has actually contributed. Attorney Knowlton said there's \$1 million they're still waiting to receive that's been approved by the Lee County Board for FY04/05 plus a commitment she thought was \$250,000 for FY05/06 but before that she wasn't sure how much Lee County had given. **Commissioner DeBoer** said with all the County's current problems he can't see spending more, agreed they've made some headway, opined it would be more fruitful to just sit down at the table instead of spending \$250,000 to further aggravate them, they lost their point of leverage years ago, the issue was much bigger than they ever realized it would become, and said he could not support going forward with this. **Commissioner D'Aprile** said what bothers him the most was that the other counties affected by this particular fight have never participated except for Lee County who has been our ally all the way through this, all the other counties that surround us haven't come up with even one single dollar, and here were are again stuck paying more money which just disturbs him to a point where he has to make a stand. **Commissioner D'Aprile** said he doesn't understand why these other counties weren't coming up with something to help us with this fight, they should be ashamed of themselves as he was ashamed of them for not

participating with this fight, he won't spend another dime without support from the other counties, this County needs to conserve, the only way he can think of conserving was by cutting back on this issue, and he was sorry but he just didn't know where else to go because they're just not getting the support they need. **Chairman Moore** said fundamentally he goes along the line with **Commissioner DeBoer**, the amount of money being requested wasn't a lot but the current victory was marginal, he felt the phosphate people will negotiate but fresh hands were needed at those negotiations, and he will not support this. **Commissioner Cummings** summarized the Chair didn't want a limited challenge. **Chairman Moore** said that was correct. **Commissioner Cummings** asked **Commissioner D'Aprile** if he would support a limited challenge if he gets the participation. **Commissioner D'Aprile** responded the Commissioner would need to find participation with other counties that can match our dollars and fight as well as this County before he could support this but as it stands right now his vote was not to spend any more money. **Commissioner Cummings** said if they don't take some action to file a challenge now they pass the deadline by the time they come back at the next Board meeting, at a minimum they need to approve \$10,000 to file the challenge, as he has in the past tell him how much he needs to find and he'll go find it. **Commissioner D'Aprile** said he has strong feelings about phosphate and their water but he felt they're just going in circles, he's at a point where he wants a definite decision made on how we're going to preserve our water supply and our estuary, and he's going to stand firm on his decision that he can't support this at this time. **Commissioner Devos** summarized the papers that have to be filed by December 20, 2005 won't cost more than \$10,000. Attorney de la Parte said he was sure it won't. **Commissioner Devos** said she has a strong desire to negotiate but she doesn't want to lose the opportunity to file and \$10,000 wasn't too big a risk. **COMMISSIONER DEVOS MOVED APPROVAL TO COMMIT TO A SUM NOT MORE THAN \$10,000 SO THEY CAN FILE THE NECESSARY PAPERS FOR A LIMITED CHALLENGE AND TO SIMULTANEOUSLY BEGIN THE NEGOTIATION PROCESS WITH WHOEVER THE BOARD DESIRES TO LEAD THOSE NEGOTIATIONS, SECONDED BY COMMISSIONER CUMMINGS.** **Commissioner Devos** asked if they need to meet in Executive Session to decide their strategies. Attorney Knowlton said yes. **Commissioner Devos** suggested they do that pretty quickly after the first of the year. Attorney Knowlton said they can schedule that. **Commissioner DeBoer** asked what was

the next trip date that something has to happen. Attorney de la Parte said an administrative hearing probably wouldn't be scheduled for six months or more. **Commissioner DeBoer** said he could support the motion then. Attorney Knowlton asked if the motion included trying to get funds from other counties in the interim. **Commissioner Devos** said yes. **Commissioner DeBoer** noted there was nothing to preclude **Commissioner Cummings** from seeking funds. **CALL ON THE MOTION: DECLARED UNANIMOUS.** **Commissioner DeBoer** asked if they need to have an Executive Session. Mr. Loucks pointed out he and **Commissioner DeBoer** will be in Tallahassee January 9th, 10th & 11th and January 10th is the next Board meeting. **Commissioner DeBoer** asked if there was a problem if they look into what could be negotiated while they're up there. **Commissioner Devos** said no. **Commissioner DeBoer** said then they'll just wait until January. **Commissioner Devos** stated she felt that works out better because it gives them time to figure out just exactly what it is they want to negotiate so they can all come to the Executive Session with their ideas.

XI. CITIZEN INPUT - ANY SUBJECT

None.

BB. County Administrator

Bruce D. Loucks, County Administrator, reported City and County staff have been meeting to discuss the fence removal on the two U.S. 41 bridges, it will be done at night starting the end of January and it should be completed within two weeks.

CC. County Attorney

No items.

DD. Commissioner Comments

Commissioner DeBoer commented on the reasons for moving his family outside his current district, said he felt making the decision to support your family doesn't warrant being raked over the coals and he also felt there were biased people writing for the newspapers. **Commissioner Devos** said she felt their situations were very much the same, commented on when her personal recovery began, agreed the law doesn't work all the

time, and said her June 1st resignation was a positive step for her. **Commissioner DeBoer** commented on: his trip to Tallahassee regarding the issue of Babcock Ranch, eminent domain and Murdock Village, the Dunwoody property, and the need to find a new location for the Events Center. **Commissioner D'Aprile** commented on: the potholes and bad roads resulting from the shell pits and heavy truck traffic, and the request by some Murdock Village residents who must be out by October 2006 but who need an extension due to contractor delays in new home construction. Mr. Loucks responded the developer will own the property when the contract is signed so the County may not have a legal way to provide an extension. **Commissioner D'Aprile** requested staff try to work with these people. **Chairman Moore** commented on his attendance at the Charlotte County Republican Club and the need for the newspapers to show all the positive steps that have been made during the past year.

MEETING ADJOURNED: 2:28 P.M.

Thomas G. Moore
Chairman

ATTEST:

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

By: _____
Deputy Clerk

/ksm