

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

JANUARY 24, 2006

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, Finance Director Ann Navan, Executive Assistants to the Board Bonnie Stoner and Bonnie Blair, and Minutes Supervisor Diane J. Nice. The meeting was called to order at **9:00 A.M.**

The **invocation** was given by Pastor Mark Clark, Grace Bible Church, Port Charlotte, Florida, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

ADDITIONS:

Proclamation El Jobean Community Awareness Day - February 11, 2006

**V. REGULAR
AGENDA**

Agenda Item Y-6, DRC recommends denial of the DRC-PD-0503pp Final Detail Plan Resolution permitting HLP Holdings, LLLP, HLP I, II, LLC to construct Heritage Lake Park

Agenda Item Y-7, Final Plat Map, Heritage Lake Park

Agenda Item Y-8, Board of County Commissioners, Follow up to comments at the January 17, 2006 meeting, Mosaic is available and willing to answer questions on the Altman Permit, discussion

and approval to set Board Workshop on February 7, 2006

CHANGES:

**V. REGULAR
AGENDA**

Agenda Item Y-3, NOPC-05-09-58, Benderson Development Company, LLC requesting to amend the Victoria Estates Development of Regional Impact (DRI) Development Order, to **VI. PUBLIC HEARING AGENDA**, Agenda Item Z-6, to be heard at 2:00 P.M.

**S. Public
Works**

Agenda Item S-1, Consider instituting a program to fund and implement infrastructure improvements in the Charlotte Ranchettes, to **V. REGULAR AGENDA**, Agenda Item Y-3

Agenda Item S-2, Consider instituting a program for infrastructure improvements on Farabee Road, to **V. REGULAR AGENDA**, Agenda Item Y-4

Agenda Item S-3, Consider instituting a program to fund and implement improvements in Tropical Gulf Acres, to **V. REGULAR AGENDA**, Agenda Item Y-5

DELETION:

**VI. PUBLIC
HEARING
AGENDA**

Agenda Item Z-3, Community Development, Approve PA-05-05-34-LS, a Text Amendment to the Recreation and Open Space Element

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

I. SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING FEBRUARY 9 THROUGH 11, 2006 AS "FLORIDA FRONTIER DAYS" ON MOTION

BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. Nancy Corliss, on the Board for the Museum Society, the fund raising arm of the Historical Center, accepted the proclamation on behalf of the Society and Center; expressed appreciation to the volunteers that make this a successful event; and invited everyone to attend the 10th Annual Frontier Days. James Marshall, on the Board for the Society, expressed appreciation to the Board and invited everyone to the event.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING FEBRUARY 2, 3, AND 4, 2006 AS "FORGET-ME-NOT DAYS" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. Betty Albertson, Chairman of the Disabled American Veterans Forget-Me-Not Drive, advised Disabled Americans Veterans Chapter 82 has one such drive each year; the money raised is used locally to assist disabled veterans to file and upgrade pension claims; the service office is currently located at 1232-B-2 Market Circle; three trained volunteer counselors are available Monday through Friday from 10:00 A.M. to 2:00 P.M.; and approximately 90 veterans and spouses are assisted each month.

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING FEBRUARY 11, 2006 AS "EL JOBEAN COMMUNITY AWARENESS DAY" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. James Marshall, President of the El Jobean Community League, expressed appreciation to the Board and invited everyone to the 40th Anniversary Celebration on February 11, 2006. Randy Spence, former President, current Vice President, and a Community Relations representative, expressed appreciation and stated "old is gold but antique is neat."

THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING FEBRUARY 1 THROUGH 5, 2006 AS "KNIGHTS OF COLUMBUS TOOTSIE ROLL DRIVE DAYS" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. A Port Charlotte Council Member for the Knights of Columbus accepted the Proclamation; reported donations would go to Special Olympics, Star Program of Charlotte County, and Charlotte Harbor School for special needs children; another community project is the blue and green reflective address signs for mail box posts; over \$13,000 has been given to Charlotte County charities over the

last four years; and last year the St. Charles Borromeo Council gave over \$59,000 to church, school, and community.

Presentation:

None.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

Chairman Moore announced procedures. **Commissioner DeBoer** indicated anyone wishing to speak on a public hearing agenda item might wait until that time.

Barry Snider, Philip Graham, Thomas R. Vick, Keith Waltz, Lucius Anthony, James Elliott, Herb Koenig, Mary Vick, Jack Cronheight, Robert Slavkousky, Larry Zittlow, Joseph Karow, Eugene Busson, Joel Pierce, Gerald Shellberg, Howard Shaw, and Nick Weber, commented on numerous issues that need to be addressed regarding canals north of Edgewater Drive and expressed support for **Agenda Item Y-1, Public Works, Consider the petition received from residents of the Buena Vista/Grassy Point/ELF Waterway MSBU, who live north of Edgewater Drive, who want to be removed from this MSBU to form their own District.**

RECESS: 10:00 A.M. - 10:05 A.M.

III. COMMITTEE VACANCIES

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

Construction Board of Adjustments & Appeals

- two (2) volunteers, one (1) electrical contractor and one (1) plumbing contractor for three (3) year terms

Construction Industry Licensing Board

- one (1) volunteer who represents the professional engineer category

Grove City Street & Drainage MSBU Committee

- one (1) volunteer and landowner/full-time resident who resides within the Unit

Planning & Zoning Board

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

Murdock Village Community Redevelopment Agency Advisory Committee

- one (1) contractor representative

IV. REPORTS RECEIVED AND FILED

Manasota & Sandpiper Key Advisory Committee December Minutes
Special Meetings of the Charlotte Harbor Community Redevelopment
Agency Advisory Committee of 12/12/05 and 12/15/05

V. CONSENT AGENDA

**COMMISSIONER DeBOER MOVED APPROVAL OF THE FOLLOWING ITEMS,
SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

CLERK OF THE CIRCUIT COURT

A. Finance Division

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

Memorandum #1 Status of Contingency Reserves - FY 04/05
Memorandum #1A Status of Contingency Reserves - FY 05/06
Memorandum #2 Total Disbursements for the period January 4
through 17, 2006 in the amount of \$7,729,570.19

B. Minutes Division

Agenda Item B-1, Approval of Minutes

5:01 P.M.	July 14, 2005	MSBU/TU Public Hearings
9:00 A.M.	July 18, 2005	Executive Session - IMC
9:00 A.M.	July 19, 2005	Land Use Public Hearings
9:00 A.M.	August 9, 2005	BCC Regular Meeting
9:00 A.M.	August 10, 2005	Indigent Care Roundtable
9:00 A.M.	August 16, 2005	Land Use Public Hearings
9:00 A.M.	August 23, 2005	BCC Regular Meeting
11:00 A.M.	August 30, 2005	BCC Regular Meeting & Executive Session - Mission Unity

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

No items.

D. Administration

No items.

E. County Attorney

Agenda Item E-1

Resolution #2006-014 and release/satisfaction of lien releasing Edward and Barbara Buda from the Developer's Agreement and Performance Guarantee Lien on the Pelican Pete project based upon payment of \$21,000 in full and final payment and satisfaction.

Agenda Item E-2

Agreement #2006-001 between Charlotte County, Charlotte County Airport Authority, Southwest Land Developers, Inc., and Florida Lakes, Inc. for construction of a 10,862 linear feet roadway, including water and sewer facilities, on Airport property to connect to Piper Road; the agreement incorporates changes requested by the Federal Aviation Administration to **Agreement #2004-044** approved by the Board on August 10, 2004.

G. Community Development

Agenda Item G-1

Resolution #2006-015 approving DRC-PD-80-4JJJ, Final Detail Plan for AmSouth Bank, located on Lot 3 of Peachland Promenades in Section 7, Township 40 South, Range 23 East.

Agenda Item G-2

Set a Public Hearing on February 14, 2006, at 10:00 A.M., or as soon thereafter as may be heard, for an appeal to the Board from certain provisions of the Transfer of Density Units Ordinance.

Agenda Item G-3

Resolution #2006-016 approving a conservation easement adopting a Certification of a Sending Zone as requested in Petition # CSZ-05-12-13 for A. Karim Khudairi and Sajida Khudairi, Trustees.

H. Economic Development

No items.

J. Environmental & Extension Services

No items.

K. Facilities Construction and Maintenance

No items.

L. General Services

Agenda Item L-1

Change Order #1 to Contract #03-461, Solid Waste Facility Site Improvement - Vegetative & Special Waste Storage & Processing, with Globex Engineering & Development of Deerfield Beach, FL, for additional design services in the amount of \$7,500 and a revised contract amount of \$114,614.

Agenda Item L-2

Change Order #4 to Contract #04-007, Sludge Dewatering & Hauling Services ("Piggyback off Sarasota County's Contract No. 2003-95), with Synagro Southeast, Inc., of Winston-Salem, NC, for dewatering and disposal services of biosolid residuals at the Charlotte County Landfill through December 31, 2006 at a not-to-exceed amount of \$1,920,000.

Agenda Item L-3

Change Order #2, Stump Pass Beach State Park Innovative Stabilization Project, with Beach Restoration of Florida, Inc., in the amount of \$135,500 with a total revised contract amount of \$1,131,372.

Agenda Item L-4

Bid #06-021, Grounds Maintenance Annual Contract, to the lowest responsive, responsible bidder for each group, Group 1 - Mid County and Group 2 - West County to Amera-Tech, Inc. of Ft. Myers, FL, and Group 3 - South County to JaeMax, Inc. of Murdock, FL, at the unit prices indicated on the Bid Forms for a contract period effective February 1, 2006 through and including December 31, 2006 and **authorize the County Administrator** to approve renewal options up to two (2) additional one-year terms at the same prices, terms, and conditions by mutual consent.

Agenda Item L-5

Addendum #15 to Contract #01-015, Sarasota/Charlotte County Beach Restoration Study, with Coastal Technology Corporation of Sarasota, FL, for additional professional services in conjunction with Charlotte County Erosion Control Project - Phase 1, as set forth by the Scope of Work, in an amount not-to-exceed \$484,969.

Agenda Item L-6

Change Order #8 to Contract #05-051, West County Paving Program, to AJAX Paving Industries, of Nokomis, FL, in the amount of \$308,776 with a revised total contract of \$11,692,374.98.

Agenda Item L-7

Start negotiations with the top-ranked firm, Strollo Architects, Inc. for **RFP #06-056, Design - Charlotte County Jail Expansion**; **authorize the Chairman** to sign the contract after negotiations have been completed, as long as the fees do not exceed \$2,400,000; **and approve CIP Amendment #06-C07 and Budget Transfer #06-007.**

Agenda Item L-8

Bid #06-106, Dredging - Stump Pass, to Marinex Construction Company, Inc. of Charleston, SC, in the amount of \$3,521,600.

M. Human Resources

No items.

N. Human Services

No items.

P. Information Technology

No items.

Q. Parks, Recreation & Cultural Resources

No items.

R. Public Safety

Agenda Item R-1

Grant #2006-006 between Charlotte County and Florida Department of Financial Services, Division of the State Fire Marshal for \$76,226.50 for Florida Regional HazMat/WMD Response Teams from the State Homeland Security Grant Program to be used for planning, equipment, training, and exercise activities to further domestic preparedness.

Agenda Item R-2

Grant #2006-007 between Charlotte County and Florida Department of Financial Services, Division of the State Fire Marshal for \$7,595 for Florida Regional HazMat/WMD Response Teams from the State Homeland Security Grant Program to be used for purchasing equipment for specialized decontamination teams.

Agenda Item R-3

Grant #2006-008 between Charlotte County and Florida Department of Financial Services, Division of the State Fire Marshal for \$10,830.62 for Florida Type II Technical Rescue Teams from the State Homeland Security Grant Program to be used for specialized training for technical rescue teams.

S. Public Works

Items S-1, S-2, and S-3 moved to Items Y-3, Y-4, and Y-5.

T. Real Estate Services

Resolution #2006-017 approving the release of portions of five (5) canal maintenance easements (three platted and two recorded) and portions of two (2) utility and drainage easements; the portion of canal maintenance easements are located in Port Charlotte Subdivision, Sections Forty-Four (44) and Eighty-Two (82) and portions of utility and drainage easements are located in Port Charlotte Subdivision, Section Sixty-Nine (69) and authorizing the Director of Real Estate Services to execute County Deeds to William Patrick Smith, Thomas C. and Marilyn S. Brown, James B. and Nancy J. Fisher, and Ricky C. and Lillian M. Fernald.

Agenda Item T-2

Resolution #2006-018 authorizing the Chairman to accept a thirty-five foot (35') wide permanent easement for public road right-of-way and drainage use to be located in a certain portion of Section 19, Township 40 South, Range 23 East from West Coast Developers Incorporated, a Florida corporation.

V. Tourism Development

No items.

W. Utilities

No items.

ITEM FOR DISCUSSION

F. Budget Office

Agenda Item F-1, Set a Public Hearing for Tuesday, February 14, 2006 at 10:00 A.M. for the Board to consider an Ordinance updating Impact Fees for new construction

Commissioner DeBoer requested a public workshop be scheduled on February 14, 2006 in order to receive recommendations from the Economic Development Council, Enterprise Charlotte Subcommittee on Impact Fees prior to a public hearing. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO SET A PUBLIC WORKSHOP FOR TUESDAY, FEBRUARY 14, 2006 AT 10:00 A.M. TO DISCUSS AN ORDINANCE UPDATING IMPACT FEES FOR NEW CONSTRUCTION, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

VII. PUBLIC HEARING AGENDA

Z. 10:00 A.M.

Agenda Item Z-1, Economic Development, Consider approving and adopting, by resolution, an amendment to the Charlotte Harbor Community Redevelopment (CRA) Plan (Proof of Publication was in order)

Debrah Forester, Economic Development Redevelopment Manager, explained on November 17, 2005, the Charlotte Harbor Community Redevelopment Area Advisory Committee (CRAAC) unanimously approved a motion to recommend to the Board approval of the modifications; on January 9, 2006, the Planning and Zoning (P&Z) Board, acting as the Local Planning Agency, reviewed and made recommendations as to conformity of the modification to the Comprehensive Plan; and requested this Board, also as the Charlotte County Community Redevelopment Agency, to approve the modification. Ms. Forester stated the modification establishes four sub-districts, although CRA boundaries would remain the same, it sets out capital costs and a Tax Increment Financing (TIF) analysis, a sidewalk master plan, and creates a free-standing document whereas the current CRA Plan is a part of the Comprehensive Plan. Ms. Forester stated the purpose of the CRA Plan is to guide long-term redevelopment in the CRA, establish the legal framework, and the Board's commitment. Ms. Forester

reviewed the eight sections in the Plan and backup information in the appendix along with an overall history of the CRA starting in 1992 and the vision to revitalize the CRA by promoting the ambiance of an old Florida waterfront with its tree canopy. Ms. Forester gave a slide presentation on the Riverwalk, Charlotte Harbor Neighborhood, U.S. 41 Gateway, Melbourne Neighborhood Sub-Districts, and Phase 2 including goals, boundaries, and proposed improvements; reviewed the conceptual design plan developed by Wilson Miller several years ago that was submitted to the Florida Department of Transportation under a feasibility study; Phase 2 would involve the second five-year development of the plan including other implementation strategies that may be done if funding is available in the first five years; and the sidewalk master plan was identified in the Comprehensive Plan and includes additional sidewalk connections especially in the Charlotte Harbor Neighborhood and U.S. 41 Gateway areas to enhance pedestrian connections to the Bayshore Park. Ms. Forester advised the Plan also considered managed growth, promoting Infill redevelopment and redevelopment as set out in Policy 6 of the Comprehensive Plan. Ms. Forester pointed out reductions on page 51 of the Capital Projects from \$11,000,000 to \$1,000,000 for US 41 Revitalization and Beautification in the Riverwalk District, from a total of \$15,045,000 to \$9,795,000, and from \$11,045,000 to \$11,035,100 in the U.S. 41 Gateway District for a reduction from \$50,605,000 to \$46,455,000 on page 52; estimated about \$19,000,000 of the \$46,455,000 might be funded through potential TIF revenues; other funding sources include grants, developer contributions, and special assessments; implementation strategies consist of promoting positive forms of development, completing and upgrading infrastructure, increasing non-residential tax base, enhancing and preserving existing neighborhoods, providing partnership opportunities with the private sector, coordinating with other entities and agencies, and creating funding options. **Chairman Moore** opened the floor for public input. Dick Loftus, Chairman of the Charlotte Harbor CRAAC, announced the Committee fully supports the Plan modification; concurred with Ms. Forester's presentation; expressed appreciation to Ms. Forester, Jorge Perez, and staff members for all of their efforts; adoption of the plan is essential to secure long-term financing to begin implementation of infrastructure and U.S. 41 Beautification; and requested approval of the plan. Ron Witt, a Shady Lane resident,

questioned the existence of height restrictions in relation to the Harbor Motel site on which a 9-story structure may be built on the corner of U.S. 41 and Melbourne across from the Race Track. **Chairman Moore** explained the question would be appropriate under **Agenda Item Z-2, concerning Height Restrictions within the CRA.** Charlotte Ventola, a member of the Charlotte Harbor CRAAC, stated efforts have been expended to preserve residential areas within the CRA; she is having hurricane upgrades done to her mother's home; and stated others should do upgrades and keep the old Florida façade. Jerry Dopper, a Charlotte Harbor CRAAC member and CRA property owner, stated input has been received from Committee members, the consultant, residents, business owners, and property owners during a weeklong series of charrettes and requested approval. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.** **Commissioner DeBoer** questioned expiration of the CRA. Ms. Forester stated, based upon Florida Statutes, modification of a plan created prior to 2002, would allow an additional 30 years to continue the work of the CRA with TIF funding until 2036; the TIF ordinance requires review after five years; and revision of the implementation date may be made by the Board. **Commissioner DeBoer** asked for verification that \$46,000,000 would cover Phase 1. Ms. Forester responded affirmatively and explained overall CRA projects identified are engineering work for sewers, water, and stormwater management and capital costs are for other phases. **Commissioner DeBoer** requested the total for the entire work program. Ms. Forester reported the total for work identified in the Plan is \$46,000,000 and some of the work, listed on page 51, applies to the overall area. **Commissioner DeBoer** indicated CRAs should be self-sustaining and requested other funding sources and amounts. Ms. Forester reported grants and developer contributions under the height ordinance and performance standards for certain infrastructure improvements including the U.S. 41 Beautification. **Commissioner DeBoer** reiterated the request for the additional funding sources and amounts. Ms. Forester stated a handout is available that identifies projects with TIF monies, other funding options and amounts, work that is funded, and work not funded. **Commissioner DeBoer** requested an explanation regarding the \$19 million of TIF revenues. Ms. Forester projected approximately \$1 million in TIF would be received on an annual basis by 2010 and the next step would be to seek approval of long-term financing for the

CRA for a \$15 million bond payable over a 25-year period. **Commissioner DeBoer** concluded that the CRA and TIF monies would be collected another 30 years. Ms. Forester indicated it may be collected but the ordinance would have to be amended to allow that to occur. **Commissioner DeBoer** requested the information on the sources for the balance of the monies. Ms. Forester distributed the handout. **Commissioner DeBoer** pointed out Unfunded - Other Sources includes \$1 million from the Municipal Services Benefit Unit. **Commissioner Devos** advised she met with Mr. Loftus and Ms. Forester yesterday, she is pleased with the proposal, and it is time to move forward. **COMMISSIONER DEVOS MOVED APPROVAL OF RESOLUTION #2006-019 AMENDING THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT PLAN, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner D'Aprile** questioned if the TIF projection might be higher based on potential buildout. Ms. Forester stated it is conservative based on a 6% across the board property increase. **Commissioner D'Aprile** commented on the need for infrastructure especially in the residential areas. Ms. Forester advised Community Development Block Grant (CDBG) monies have been received to do the engineering for the wastewater and water lines and CDBG dollars available to assist with low income on sewer hookups throughout the County might be used in the CRA area. **Commissioner DeBoer** expressed opposition due to the closing and vacating of Bayshore Drive without a traffic analysis and establishing a precedent by approving the work within the CRA being funded by sources outside of the CRA including the taxpayers of Charlotte County. **Commissioner DeBoer** suggested, instead of approving the Plan today, developing funding sources and stated using eminent domain for this project is controversial to policy since "great strides have been made in eliminating the six areas used in the findings of blight" versus the claim of blight for condemnation purposes. **Chairman Moore** expressed concern about extending the CRA another 30 years. **Commissioner D'Aprile** commented in support of moving forward with the proposed modification and resolving unfunded work issues in the future. **CALL ON THE MOTION: COMMISSIONERS CUMMINGS, DEVOS, AND D'APRILE VOTED "YES" AND CHAIRMAN MOORE AND COMMISSIONER DeBOER VOTED "NO." MOTION CARRIED: (3:2).** **Commissioner DeBoer** pointed out \$3,000,000 to \$4,000,000 has been spent on the Bayshore Park that was to be the cornerstone and questioned the source of repayment. **Commissioner DeBoer** also reported that \$27,000,000 has come from taxpayers outside of the CRA for this project.

Agenda Item Z-2, Community Development, Adopt an Ordinance establishing building height standards in certain portions of the Charlotte Harbor CRA (Proof of Publication was in order)

Jorge Perez, Planner III, gave a slide presentation on the ordinance to increase building heights in specific areas of the CRA; a lot of the Riverwalk District is already developed with condominiums at the 35' height, a boat yard, vacant lots, and some commercial uses; two prime areas for redevelopment are vacant, the marina on the west side and the site of the former Harbor Inn; the sizes and location of Riverwalk parcels cannot be changed but structural heights might be changed; increases in height are to be addressed through performance standards allowing for additional 10' to 15' incremental building height increases by complying with certain site design criteria; obligatory performance standards require 7.5' of side yards be designated green space to gain more open and green space between buildings and a 12' easement to the County for construction of the Riverwalk and compliance with these standards would allow up to a 55' building height over base level elevation; and optional height increments may be obtained by (1) dedicating an area equivalent to at least 50% of the square footage of the largest story to uses other than residential/hotel for an additional 15' in height, (2) providing funds, based on road frontage, to the U.S. 41 Revitalization Plan, or (3) funding or construction of their dedicated 12' wide easement portion of the Riverwalk for an additional 10' in height. Mr. Perez reported the U.S. 41 Gateway District runs parallel to U.S. 41 and contains mostly commercial except some Coastal Residential areas; the residential within the Coastal Residential would not be eligible for height increases because of the CRA's desire to protect single-family residences; most of the U.S. Gateway District already allows for 60' height structures but a maximum 90' height would be allowed after compliance with performance standards including the 7.5' feet minimum side yard for an additional 10' in height and providing mixed uses for an additional 15', agreeing to fund a proportionate share of the U.S. 41 Revitalization Plan for an additional 10', or funding/constructing a proportionate share of the Riverwalk Concept Plan for an additional 10'. Mr. Perez reiterated the ordinance applies to specific areas, implements certain goals while providing for mixed uses and encouraging consolidation of

lots for large parcels. Dick Loftus, Chairman of the Charlotte Harbor CRAAC, expressed support of staff's position on the height ordinance, advised CRAAC is working with the Punta Gorda CRA to create an attractive gateway to Charlotte County and the City of Punta Gorda, and requested approval. Charlotte Ventola, a CRAAC Member, commented in support to provide compatible areas on both sides of the Peace River. Ron Witt pointed out the Plan would allow 90' commercial along U.S. 41 backing up to the 35' residential, the step-back type of approach in the Riverwalk area would provide more waterfront views, and requested approval to move forward. Mike Hamilton, a certified General Contractor and Real Estate Broker, stated he and his wife own the Banana Bay Motel; commended staff and CRAAC efforts in developing the ordinance modification and Plan; stated a lot of waterfront is not accessible to the public but the Riverwalk would provide that access and enjoyment to residents and visitors. Tom George, a Real Estate Broker who assembled the Preserve, stated he has been trying to attract investors to the CRA area and Charlotte County; commented in support of the building height increases that will also increase build out of the properties; reported the City of Punta Gorda is allowing the new Hilton Hotel to build to 85'; agreed with Mr. Hamilton on providing accessibility to the waterfront and increasing structural heights within the CRA; and suggested increasing density to make it more attractive to investors. Mike Collins, a Charlotte County Real Estate Broker, expressed concern about allowing 60' and 90' buildings that would block the view from U.S. 41; suggested utilizing a step approach closer to Edgewater Drive and the back of the CRA and going back to the original Charlotte Harbor façade in the 1800's with small shops along Bayshore to revitalize that area and provide for mixed uses even along the feeder streets. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.** **Chairman Moore** requested an explanation regarding the closure of a portion of Bayshore Drive. Mr. Perez explained Bayshore serves as an alternate route from Edgewater Drive to U.S. 41 that people drive at 45 mph and only a small segment of Bayshore starting from U.S. 41 would be closed to provide additional parking or a pedestrian connection, depending on how the land is assembled, waterfront with non-waterfront lands. **Commissioner DeBoer** stated closure of a roadway because people speed on it or use it as a by-pass are not sufficient reasons especially without a traffic plan, requested verification that a

building height will be determined based upon the building next door, and he has no objection to building heights increasing away from the waterfront. Mr. Perez stated that is mostly applicable in the Gateway District, reviewed the obligatory and optional performance standards, and this CRA allows for some of the most flexible zoning for mixed uses in the County. **Commissioner DeBoer** suggested more attention be given to the monetary impact to private and public sectors. **Commissioner Devos** requested the location of the Riverwalk. Mr. Perez showed slides depicting conceptual plans developed by Wilson Miller of the Riverwalk and alternatives. **Commissioner Devos** suggested creating an option for Gateway District development to help pay for the Riverwalk. Mr. Perez stated the option might be added and it would depend on a correlation between the Riverwalk and the development. **COMMISSIONER CUMMINGS MOVED APPROVAL TO ENACT ORDINANCE #2006-008, SECONDED BY COMMISSIONER D'APRILE. Commissioner Devos** reiterated her request to add the option. **COMMISSIONER CUMMINGS ACCEPTED THE AMENDMENT TO THE MOTION TO ADD ANOTHER OPTION FOR GATEWAY DISTRICT DEVELOPMENT TO HELP PAY FOR DEVELOPMENT OF THE BOARDWALK UNDER THE U.S. 41 BRIDGE, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item Z-3, Community Development, Approval PA-05-05-34-LS, a Text Amendment to the Recreation and Open Space Element

Deleted.

Agenda Item Z-4, Public Works, 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 (Proof of Publication was in order)

Thomas O'Kane, Public Works Director, stated the Alligator Creek Waterway Unit Advisory Committee, requested the change from a Municipal Services Taxing Unit (MSTU) to a Municipal Services Benefit Unit (MSBU). Dr. David Phelen, Chairman of the Alligator Creek Waterway Advisory Committee, reported the Committee strongly recommends approval of the change without opposition; the change will correct a bad situation where one community has been carrying as high as 95% of the tax burden and the remainder paying only a penance; and the change to MSBU will reduce a several hundred dollar assessment under the MSTU to about \$70 per year for each residential lot within the MSBU.

COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. COMMISSIONER CUMMINGS MOVED APPROVAL TO ENACT ORDINANCE #2005-009, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.

Agenda Item Z-5, County Attorney, Consider the Interlocal Planning Agreement for Babcock Ranch (revised November 29, 2005 by the Lee County Board of County Commissioners) including the revised Water Resources Provisions (Proof of Publication was in order)

Janette S. Knowlton, County Attorney, recalled the Board approved the Interlocal Planning Agreement on November 21, 2005; the Governor and Cabinet approved the Purchase and Sale Agreement on November 22, 2005 that included the Water Resources paragraph 33; that paragraph is also incorporated into this four-party agreement as Exhibit F; minor word changes were made by Lee County when they approved the four-party agreement on November 29, 2005 including capitalization and collaborative to collective and joint process; and the only substantive change was the identification of possible hurricane shelters as one of the goals and Lee County added "to Category III Hurricane Standards." Attorney Knowlton stated Exhibit F, the Water Resources paragraph, is attached; originally it indicated that Charlotte County would get up to 10 mgd and now it indicates that Charlotte County has the ability to make an initial application for 10 mgd of water to allow County access to the property to begin conducting studies and apply for a Consumptive Use Permit (CUP); and pointed out subparagraph 4 in the Water provision states there is no assurance that the CUP would be issued. **Chairman Moore** announced public input procedures. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED APPROVAL OF AGREEMENT #2006-002 AS REVISED, SECONDED BY COMMISSIONER D'APRILE.** Commissioner DeBoer reiterated a long-standing request that revisions be reflected by underscores and strikethroughs. **COMMISSIONER DEVOS** expressed dissatisfaction with Exhibit F, the second paragraph and the second paragraph under subparagraph 4; stated this is the time to take a stand to secure a guarantee of water; and she would not support this in March without that guarantee. **Commissioner Devos** calculated the County would receive about \$57,000,000 in impact fees but \$213,000,000 in Transfers of Development Rights

would be given up and indicated she advised Mr. Kitson of her acceptance only with a guarantee of water. **Commissioner Cummings** stated this was a bad idea before and is still a bad idea; it contradicts the County's Comprehensive Plan; pointed out Mr. Kitson offered to purchase the ranch for \$750,000,000 and it is not worth that much until after the County puts in place all development rights; and if the ranch was worth that much, Mr. Kitson would have already paid for it and proceeded with development. **Commissioner D'Aprile** questioned if this Interlocal Planning Agreement prevents the County from getting the water. Attorney Knowlton explained the Agreement does not preclude the County from getting the water but there are no assurances in the Agreement that the County would get the water and Exhibit F allows the County to go through the CUP process but there is no guarantee of the end result. **Commissioner Devos** pointed out the Agreement indicates the County may apply for the CUP but there is no guarantee. **Commissioner D'Aprile** requested verification if the County does not receive the water, may the Board say no to Mr. Kitson. **Chairman Moore** clarified the four-party agreement neither gives the County nor forbids the County from getting the water and when this matter comes back to the Board at the end of March, a decision can be made. **Commissioner D'Aprile** stated he does not want to stop the process but he does want the water. **Commissioner DeBoer** indicated the conversation revolves around asking the State to waive its laws and rules and it will not happen. **Commissioner DeBoer** pointed out paragraph 33, Exhibit F, does allow the County to go on State lands to permit water withdrawals; this is a new policy for the State; local governments must still go through the process to apply for well sites and justify the need, prove through science that the water is available, and it would not harm the environment. **Commissioner Devos** agreed but she still wants an assurance that once the County proves the need, the water is guaranteed; reiterated her opposition; and stated Tallahassee needs to step in. **Commissioner DeBoer** expressed a willingness to go to Tallahassee and try to change the language that a guarantee "would not be unduly withheld" if the County meets all of the requirements of the laws and rules. **Commissioner Cummings** concluded the agreement gives Charlotte County the right to apply for the legal processes and permission for the Cabinet to pay them for the right to put wells on the land and the County can do the exact same thing across the roadway on Hall Ranch on private property and he would question the worth. **Commissioner**

DeBoer stated it is not quite that simple, it is an attempt to under mind this, and called the question. **CALL ON THE MOTION: CHAIRMAN MOORE AND COMMISSIONERS D'APRILE AND DeBOER VOTED "YES" AND COMMISSIONERS CUMMINGS AND DEVOS VOTED "NO." MOTION CARRIED: (3:2).**

VI. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Public Works, Consider the petition received from residents of the Buena Vista/Grassy Point/ELF Waterway MSBU, who live north of Edgewater Drive, who want to be removed from this MSBU to form their own District

Thomas O'Kane, Public Works Director, pointed out numerous comments were heard earlier from residents and stated the Advisory Committee voted in favor of separating out property owners north of Edgewater Drive in response to a petition filed by residents. **Commissioner Devos** indicated she initially voted against this because of the lack of representation for property owners north of Edgewater Drive; there has been a lot of misinformation; Public Works staff has not been creating new policies, they have been working in response to a Board directive based upon complaints from citizens; there is a benefit for everyone in the MSBU and the MSBU should remain as it is; she does not mind changing the methodology for representation; and splitting the MSBU would be against the Board's desire to decrease the number of MSBU/TUs. **Commissioner DeBoer** commented in support of separating property owners north of Edgewater Drive for purposes of self-governing and addressing problems in canals abutting their properties but all dredging that does not directly abut properties should be distributed amongst all waterfront properties in both units. **Commissioner Devos** agreed and stated a dredging plan is needed for north of Edgewater Drive. **Commissioner Cummings** questioned levying assessments for work performed outside of an MSBU's boundaries even though property owners within the MSBU benefit and suggested extending boundaries of the MSBU area north of Edgewater drive along the canals in rights-of-way without incorporating private properties. Dan Quick, County Engineer, interpreted the suggestion is that property owners on the north side can pay for dredging, when and if it is done in those

canals, since those are clearly defined as platted canal rights-of-way; canals south of Edgewater Drive are also clearly defined as platted canal rights-of-way; canals within Charlotte Harbor are dredged since the County has a sovereign submerged land easement from the Florida Department of Environmental Protection (FDEP) clearly defining those areas; and the costs may be broken out into three separate components. **Commissioner Cummings** expressed understanding of the rights to dredge and delineate costs and questioned if the County has the legal right to charge property owners on the north side for dredging of the mouth located outside of the MSBU boundaries. Mr. O'Kane expressed the belief that the answer is yes but suggested the County Attorney render an opinion and agreed with Mr. Quick on defining the three areas and breaking out the costs. **Commissioner Cummings** suggested the enabling ordinance contain language extending boundaries to slightly overlap the sovereign submerged lands and including the mouth. Mr. O'Kane reiterated the need for the County Attorney's input and realistically, the property owners would be deriving a direct benefit by keeping the mouths of channels open. **Commissioner Cummings** opined a County-wide canal maintenance program should be established in order to respond as quickly as the City of Punta Gorda did after Charley; stated not everyone would pay the same rate and assessments could be levied on a tiered rate system; representation should be proportionate based on who is being assessed; and the easier route, from a citizen consensus viewpoint, would be to separate out two MSBUs and make sure they pay for all of their dredging. **Commissioner Devos** questioned the assessment methodology for people who own small boats that do not need the mouth dredged to allow them access to Charlotte Harbor. **Commissioner Cummings** stated two separate MSBUs would create a lot of conflict with two MSBU Advisory Committees disagreeing on a regular basis but one of the ultimate goals is to develop construction specifications for the profile of canals and a program to maintain the profiles not just the center of canals whether the dredging is done in house or on an out sourced basis. **Chairman Moore** commented in support of establishing an MSBU for property owners north of Edgewater Drive. **COMMISSIONER DeBOER MOVED APPROVAL TO SEPARATE THE MSBU INTO NORTH AND SOUTH AND ALLOW PROPERTY OWNERS ON THE NORTH TO BE A SEPARATE DISTRICT, SECONDED BY COMMISSIONER D'APRILE. COMMISSIONER D'APRILE SUGGESTED AMENDING THE MOTION TO INCLUDE EQUAL DISTRIBUTION OF EXPENDITURES FOR MAINTENANCE DREDGING OUTSIDE OF THE CANALS.**

COMMISSIONER DeBOER ACCEPTED THE AMENDMENT TO THE MOTION. CALL ON THE MOTION, AS AMENDED, DECLARED UNANIMOUS.

Agenda Item Y-2, Public Works, Consider a request for an exemption from the Mid-County Stormwater Unit Assessment for certain agricultural land

Mr. O'Kane stated the request for an exemption from this assessment was made during the budget public hearings in July 2005; the only exemption he recalls is that of South County agricultural properties; many of those property owners went to the Agricultural and Natural Resources Advisory Committee (ANRAC) and discussed environmental actions after which the ANRAC Chairman made a presentation to this Board that resulted in leaving those properties in the Stormwater Unit with a \$0 assessment; and requested direction. **Commissioner DeBoer** indicated the Board needs to decide whether or not to establish a policy that allows bona fide agricultural uses to apply for an exemption from Stormwater assessments. **COMMISSIONER DEVOS MOVED APPROVAL TO DIRECT STAFF TO DEVELOP AND BRING BACK A POLICY ALLOWING BONA FIDE AGRICULTURAL USES TO APPLY FOR AN EXEMPTION FROM STORMWATER ASSESSMENTS, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner DeBoer** suggested staff review and bring back the requirements that were met relating to Federal standards for water retention, detention, and quality for exemption of the South County agricultural uses. Mr. O'Kane recalled many of the groves were required to install berms and reduce salt content of the water leaving their properties. **Chairman Moore** requested the approving entity for the standards. Mr. O'Kane stated FDEP, the Southwest Florida Water Management District, and South Florida Water Management District. **Commissioner DeBoer** stated he would request ANRAC to provide the standards and it will not be up to staff to go out and exempt the properties, this will establish a process for agricultural uses to make an application for exemption from the Stormwater assessments. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

RECESS: 12:30 P.M. - 2:00 P.M.

(Assistant County Attorney Richard Brown replaced County Attorney Janette S. Knowlton for this portion of the meeting.)

VII. PUBLIC HEARING AGENDA

Z. 2:00 P.M.

Agenda Item Z-6 Community Development, NOPC-05-09-58, Benderson Development Company, LLC requesting to amend the Victoria Estates Development of Regional Impact (DRI) Development Order by providing for a revised Map H; providing an updated land use and phasing schedule; providing biennial monitoring report requirements; extending the effective period of the Development Order; finding that this amendment does not constitute a substantial deviation; and providing an effective date; the Victoria Estates DRI consists of 293+ acres located south of Village Drive, west of I-75, north of Rampart Boulevard and east of Kings Highway and 72+ acres located south of Suncoast Boulevard, west of Minneola Avenue, east of Loveland Boulevard, and north of Old Landfill Road a/k/a Suncoast Lakes; in Sections 7, 8, and 18, Township 40 South, Range 23 East in Port Charlotte, FL (Proof of Publication was in order)

Jason Utley, Planner II, explained discussions have been held with the applicant following the January 17, 2006 Board meeting and started a slide presentation on the application. Michael P. Haymans, of the Farr law firm, appeared on behalf of the applicant, stated a significant difference of opinion exists between the County Traffic Engineer and applicant's engineer, and requested this matter be continued once again to a date and time certain. Bruce D. Loucks, County Administrator, advised the next regular Board meeting would be Tuesday, February 14, 2006, the next Land Use Public Hearings would be Tuesday, February 21, 2006, and the next subsequent regular Board meeting would be Tuesday, February 28, 2006. **Chairman Moore** requested the time sensitivity of the application. Attorney Haymans expressed a preference for moving forward with minor changes in the Development Order that would allow a more protracted negotiation with Public Works on the traffic situation at Rampart Boulevard and applicant's responsibility. **COMMISSIONER DeBOER MOVED APPROVAL TO CONTINUE THE PUBLIC HEARING TO TUESDAY, FEBRUARY 14, 2006, AT 10:00 A.M., AS SOON THEREAFTER AS MAY BE HEARD, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

(County Attorney Janette S. Knowlton replaced Assistant County Attorney Richard Brown for the remainder of the meeting.)

VI. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-3, Public Works, Consider instituting a program to fund and implement infrastructure improvements in the Charlotte Ranchettes including roadway construction, paving, and stormwater facilities

Mr. O'Kane outlined the following assessment options to make improvements on 11-mile segments with 10 year paybacks: (1) assess only those properties that abut roads being paved at \$1,313 per year/per acre on 662 acres for \$13,125 over ten years/per acre, (2) assess only those properties that abut marl roads at \$439 per year/per acre on 1,978.4 acres for \$4,393 over ten years/per acre, or (3) assess all properties in the subdivision at \$419 per year/per acre on 2,073.4 acres or \$4,192 over ten years/per acre. **COMMISSIONER DEVOS MOVED APPROVAL TO ASSESS ALL PROPERTIES IN THE SUBDIVISION AT \$419 PER YEAR/PER ACRE FOR \$4,192 OVER TEN YEARS/PER ACRE.** Commissioner Devos recalled this option was to be done if the property owners did not make a proposal. **Commissioner DeBoer** requested clarification of the motion to notify property owners of the assessment. **COMMISSIONER DEVOS RESTATED TO MOTION FOR APPROVAL TO NOTIFY ALL PROPERTY OWNERS OF THE INTENTION TO LEVY AN ASSESSMENT OF \$419 PER YEAR/PER ACRE FOR \$4,192 OVER TEN YEARS/PER ACRE, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.** Mr. O'Kane explained this will be the start of the infrastructure improvements and there are 37.26 miles in the Charlotte Ranchettes. Dawn Harrison, Municipal Services District Representative, stated the option selected would require a 30-year payback whereas option 1 would require a 3-year payback and only affect property owners on dirt roads and option 3 will also assess property owners that previously paid for currently existing paved roads. **Commissioner DeBoer** suggested bonding the cost to pave all roads not currently paved. Mr. O'Kane stated if all of the roads were done, it would be about \$2,000 per acre per year for 10 years. Ms. Harrison explained parcels are different sizes, 1.25 acres are required for a building site, and some property owners have two

to five acres. **Commissioner Devos** pointed out payback periods have been lengthened and requested the life cycle of a paved road. Mr. O'Kane reported intermediate work is being done that requires a rejuvenation project about every five years and if asphalt roads are maintained, the life cycle may go as long as 15 to 20 years. Mr. O'Kane advised rejuvenation treatment and micro-resurfacing are a lot less costly than the actual paving. **Commissioner Devos** opined payback should be over a 15 to 20 year period. **COMMISSIONER DEVOS MOVED TO RECONSIDER THE BOARD'S ACTION IN THIS MATTER, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.** **Chairman Moore** requested staff's recommendation. Mr. O'Kane stated getting all of the work done at one time would be the least costly approach and, at the very least, the work needs to be started in segments. **COMMISSIONER DEVOS MOVED APPROVAL TO NOTIFY ALL PROPERTY OWNERS IN THE CHARLOTTE RANCHETTES OF THE INTENT TO LEVY AN ASSESSMENT FOR REPAYMENT OF THE COSTS TO DO ALL OF THE INFRASTRUCTURE IMPROVEMENTS OVER 20 YEARS.** **Commissioner DeBoer** commented on the difficulties in building a consensus on this matter and expressed support for the 20-year cycle even though there is a possibility for rejuvenation in 15 years. Ms. Harrison pointed out 2.9 miles of paved roads currently exist in the unit and suggested eliminating them from this assessment since they have already paid. **Commissioner Devos** requested clarification of the recommended action. Ms. Harrison stated property owners that are to receive the paving should pay for it through the 11 miles, and the next year, the same thing; property owners who are not, should continue to pay into the assessment of the dirt roads to maintain them for grading; and \$100 is not sufficient for maintaining dirt roads. **COMMISSIONER DEVOS WITHDREW THE MOTION.** **Commissioner Devos** expressed a preference for paving all of the roads at one time and bonding the cost. **Commissioner DeBoer** agreed. **COMMISSIONER DeBOER MOVED APPROVAL TO NOTIFY ALL EFFECTED PROPERTY OWNERS IN THE CHARLOTTE RANCHETTES, LESS THE 2.9 MILES OF PROPERTY OWNERS THAT HAVE ALREADY PAID TO PAVE THEIR ROADS, THAT THE BOARD WILL BOND THE PAVING/CONSTRUCTION OF ALL ROADS IN CHARLOTTE RANCHETTES WITH PAYMENTS BASED ON THE PRINCIPAL AND INTEREST OF A 20-YEAR BOND, SECONDED BY COMMISSIONER DEVOS.** **Commissioner Cummings** questioned if rejuvenation costs would be built in. Mr. O'Kane stated that is a possibility but those costs have not been programmed since the issue involves roadway construction and drainage work. **Commissioner Cummings** pointed out repayment over a longer period

of time would not reduce the overall assessment and suggested calculating in rejuvenation costs separate from the up-front bonding. Mr. Loucks stated rejuvenation costs would be included in maintenance assessments. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-4, Public Works, Consider instituting a program to fund and implement infrastructure improvements on Farabee Road including roadway construction and paving

Mr. O'Kane reported Ms. Harrison has spent considerable time with property owners who have identified many of the routes that are utilized for access by property owners to the east; stated options 1A and 1B apply to 15,740.2 acres over 5 and 10-year paybacks and options 2A and 2B apply to 24,137 acres including DeSoto County (although no positive action has been taken by DeSoto County) over 5 and 10-year paybacks; this is an approximate \$1 million project for a 24-foot wide roadway with necessary drainage pipe replacement and swales; this will not solve all drainage problems in the area; and staff continues to work with Southwest Florida Water Management District (SWFWMD) officials on directing and redirecting water from the roadway. **Chairman Moore** stated it is difficult to vote on the options without a decision from DeSoto County. Mr. O'Kane recommended going forward with one of the assessments on the 15,740.2 acres and, if DeSoto County decides to participate, then the assessment for Charlotte County residents can be reduced. **Commissioner DeBoer** commented in support of option 1B due to various differences of opinion from DeSoto County officials on other issues. **COMMISSIONER DeBOER MOVED APPROVAL TO NOTIFY EFFECTED PROPERTY OWNERS OF THE 15,740.2 ACRES OF THE INTENT TO PAVE THE ROADS AND UTILIZE THE ASSESSMENT UNDER OPTION 1B, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner Devos** requested an amendment to the motion to pursue an agreement for DeSoto County's participation. **COMMISSIONER DeBOER ACCEPTED THE AMENDMENT, SECONDED BY COMMISSIONER D'APRILE. CALL ON THE MOTION, AS AMENDED: DECLARED UNANIMOUS.** Mr. O'Kane indicated staff has received a very good response from SWFWMD and suggested moving forward sooner rather than later, perhaps this fiscal year, if authorized to borrow the funds. **Commissioner D'Aprile** requested the maintenance responsibility of the heavy trucks using the roadway. Mr. O'Kane stated the MSBU has a maintenance segment. Ms. Harrison stated Community Development

Department oversees the dirt pits and there are stipulations based on impact including road maintenance due to truck traffic. Mr. O'Kane indicated the condition requires a certain volume of material in place and grading and this would need to be changed since the road would be paved to require overlays and/or cash contributions. **Commissioner DeBoer** suggested a public hearing be held prior to levy of the assessment and performance of the work. **Commissioner Cummings** calculated the cost per lane mile is low compared to other road expansions. Mr. O'Kane reported the project is 4.5 miles, there is fairly good base of material, drainage is the primary issue, this would be an industrial designed roadway because of the high percentage of truck traffic, and the finished roadway will be 24' wide with stone shoulders.

Agenda Item Y-5, Public Works, Consider instituting a program to fund and implement infrastructure improvements including roadway construction and stormwater facilities in Tropical Gulf Acres

Mr. O'Kane proposed an assessment of approximately \$235 over a 10-year period to accomplish all of the roadway and drainage work; reported some environmental issues have been identified including the need for an environmental survey for tortoises, snakes, etc. that may require some mitigation; some of the roads have degenerated to overgrown grass strips and more drainage work may be required; and recommended moving forward with the program and the assessment. **Commissioner Devos** suggested lengthening the payback period or including this area in an affordable housing plan since a lot of Tropical Gulf Acres residents just barely make ends meet and this will impose an economic hardship on them. **Commissioner Cummings** stated all three of the infrastructure programs will cause a certain amount of hardship; it seems that Tropical Gulf Acres may be the affordable housing area for the Burnt Store Area Plan; agreed with the need to move forward; but consideration should be given to potential revenue streams including an affordable housing impact fee. **COMMISSIONER DeBOER MOVED APPROVAL OF STAFF'S RECOMMENDATION, SECONDED BY COMMISSIONER CUMMINGS.** **Commissioner DeBoer** indicated discussion is needed on future affordable housing with a deferrable program on payments and assessments for families qualified as low income on a County-wide basis until the property is no longer used as affordable housing or transferred. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-6, Community Development, DRC recommends denial of the DRC-PD-0503pp Final Detail Plan Resolution permitting HLP Holdings, LLLP, HLP I, II, LLC to construct Heritage Lake Park

Buddy Braselton, Planner II, requested approval even though the Development Review Committee (DRC) reviewed this project in May 2005 and recommended denial and stated a problem exists with petitioner upgrading Tangerine Road to County standards as a secondary access to and from Tangerine Road. Wesley Millard, Transportation Engineer, explained there is a need for more than one entrance for projects of this size; this 400+ unit apartment development will add more traffic onto Rampart Boulevard; and Tangerine Road should be improved for a secondary entrance and connection to Luther Road. **Commissioner DeBoer** questioned the legality of having a developer improve private property outside of the project area. Mr. Millard stated it has been platted as a road right-of-way but there is no road on the right-of-way. **Commissioner DeBoer** expressed opposition due to the lack of other examples when other developers have been required to improve private property outside of a project. Phillip J. Palmer, the developer of Heritage Lake Park, requested an opportunity for clarification. (**Board consensus.**) Mr. Palmer stated all of the roads in Suncoast Ranchettes are owned by Suncoast Peach Corporation; there are access easements over them but they are private property owned by the corporation; and expressed uncertainty as to how to secure the right to improve that property. **Commissioner DeBoer** requested the location of the road. Mr. Braselton stated it is not a County right-of-way or a private road; it is privately owned property over which there is an access easement; and pointed out the location on the map. **Commissioner DeBoer** recalled traffic problems exist regarding Luther Lane and the affordable housing complex. Mr. Braselton advised the affordable housing project provided a 60' easement for future roadway construction through the project as a connection to Harborview that is in the five-year CIP and currently Luther terminates at Nova Lane. **Commissioner D'Aprile** requested an explanation for extending Tangerine to Luther. Mr. Braselton explained the second entrance would provide an alternate to Rampart Boulevard and connection to Harborview in the future. **Commissioner D'Aprile** stated traffic flow and safety issues exist in the Deep Creek area. **Commissioner Devos** questioned approving the proposed resolution with the condition

to upgrade Tangerine Road. Mr. Braselton stated the Tangerine access is condition #3. Mr. Palmer indicated traffic studies do not show any problem with access from Rampart with the addition of the left turn lane; stated the County nor he have ownership to the right-of-way easement over private property; Suncoast Peach is a defunct corporation; and it might be necessary to secure title from the original officers of the corporation. Richard Brown, Assistant County Attorney, stated the Board has authority to impose this condition for approval but it might be impossible to comply with it and suggested deleting condition #3 from the resolution. **Commissioner Devos** expressed a preference to delete condition #3. **Chairman Moore** requested the time period that the corporation has been out of business. Mr. Palmer stated the corporation was probably dissolved for not complying with the annual report-filing requirement. **Commissioner D'Aprile** advised he has lived in the area for 26 years and it seems Suncoast Peach has abandoned the entire project. **Commissioner D'Aprile** agreed with **Commissioner Devos** in allowing the project to move forward and deleting condition #3. **COMMISSIONER DeBOER MOVED APPROVAL TO ADOPT RESOLUTION #2006-020, EXCLUDING CONDITION #3 TO UPGRADE TANGERINE ROAD TO COUNTY STANDARDS, AND APPROVE DRC-PD-05-03PP FINAL DETAIL PLAN PERMITTING HLP HOLDINGS, LLLP, HLP I, II, LLC TO CONSTRUCT HERITAGE LAKE PARK, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner DeBoer** stated the concept that staff proposed is right and proportionate fair share funding schemes have been initiated for abutting properties that would benefit or give developers impact fee credits. **Commissioner D'Aprile** offered a copy of a deed to his property that might be of assistance in pursuing the right-of-way. William McBride, Charlotte Engineering Sports Group, stated there are no outstanding issues of concern. **Commissioner Cummings** requested staff continue to pursue the additional access. **Commissioner DeBoer** suggested staff pursue an easement through the County Attorney's Office even if it requires an eminent domain proceeding. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-7, Community Development, Final Plat Map for Heritage Lake Park

COMMISSIONER DEVOS MOVED APPROVAL OF FINAL PLAT, PF-05-08-08, FIRST REPLAT OF HERITAGE LAKE PARK FOR HLA HOLDINGS, LLLP, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.

Agenda Item Y-8, Board of County Commissioners, Follow up to comments at the January 17, 2006 meeting; Mosaic is available and willing to answer questions on the Altman Permit; discussion and approval to set Board Workshop on February 7, 2006

Commissioner DeBoer requested the meeting be set for February 14, 2006 in the afternoon to accommodate Florida Department of Environmental Protection and Mosaic officials. **COMMISSIONER DeBOER MOVED APPROVAL TO SET A BOARD WORKSHOP ON FEBRUARY 14, 2006 IN THE AFTERNOON CONCERNING THE ALTMAN PERMIT, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

IX. PRESENTATION AGENDA

None.

X. WORKSHOP AGENDA

None.

XI. CITIZEN INPUT - ANY SUBJECT

Anthony Sadie read a letter that was hand delivered to Board Members and the County Administrator about his use of Library computers to access emails and messages on a personals site and the attitude and harassment of a certain employee; stated this can be considered as a benign and blatant form of censorship and a violation of his civil rights; and requested the employee be disciplined and such action be made a part of the personnel record. **Commissioner DeBoer** called a point of order since Mr. Sadie has exceeded the time limit for citizen input and personal attacks on employees are not allowed. Mr. Sadie questioned why he has not received any response to his letter. **Chairman Moore** expressed a willingness to speak with Mr. Sadie at another time.

AA. County Administrator

Kelly Shoemaker, Assistant County Administrator, provided an update on Legislative matters based on the January 24, 2006 conference call with Florida Association of Counties including the Impact Fee Task Force recommendations and the Bill proposed by Senator Lee Constantine; the Task Force has one meeting on

January 31, 2006 and there does not seem to be many changes to the proposed Bill for discussion at that meeting; and Representative Paige Kreegel has been approached to draft such a Bill for the House. Ms. Shoemaker advised Senator Constantine's proposed Bill is based on the recommendations of the Task Force but there are no funding options and offered to provide a copy of the recommendations and proposed Bill to Board Members. Ms. Shoemaker reported the Homestead Portability Joint Resolution filed by Senator Mike Haridopolos that would provide an additional circumstance for assessing homestead property at less than just value was discussed and stated copies would be provided to Board Members. Ms. Shoemaker mentioned Hometown Democracy has received the required signatures to move forward to the Supreme Court, the Supreme Court has until April 1, 2006 to make a decision, and copies would be provide to Board Members. Mr. Loucks reminded the Board that Hometown Democracy was the initiative that all land use changes would be done by referendum.

BB. County Attorney

No items.

CC. Commissioner Comments

Commissioner D'Aprile requested comments from Board Members on the letter from Fran Nixon, Acting Executive Director, for Project: Return To Work, Inc. of Florida (R2W-FL) seeking approximately \$10,000 for rent and utilities from February 1, 2006 through September 30, 2006, \$25,000 to \$30,000 for a rehabilitation counselor, and \$10,000 for one support person. **Commissioner D'Aprile** stated this is a worthwhile rehabilitation program for disabled Americans in Charlotte County including injured soldiers returning from Iraq and suggested funding options be brought back to the Board at the next meeting. **Chairman Moore** stated he has not had an opportunity to review the request but he will consider it. **Commissioner Devos** suggested Ms. Nixon contact Charlotte Vocational Technical Center since this is an adult program. **Commissioner D'Aprile** stated he would meet with Ms. Nixon and Administration regarding procedures. **Commissioner Devos** reiterated the suggestion for Ms. Nixon to contact Dr. David Gaylor, Charlotte County School Board Superintendent, about such a program. **Chairman Moore**

suggested grant funding might be available. **Commissioner D'Aprile** stated he would follow up on the funding request. Mr. Loucks questioned funding sources after September 30, 2006; pointed out the request is for monies to cover rent and utilities starting February 1, 2006 that is before the next Board meeting on February 14, 2006; and this level of funding would require a transfer from Reserves approved by the Board. **Commissioner D'Aprile** indicated he advised Ms. Nixon that it might take a longer period of time, if it can be done and next year she might make an annual request for funding. **Commissioner DeBoer** reminded **Chairman Moore** that he would support enforcement of the Board's rules at any time. **Commissioner DeBoer** stated he spoke with Ms. Nixon and commented in support of the suggestions. **Commissioner DeBoer** advised he would be checking with the County Attorney's Office on an inquiry he received from a church that was given the opinion that they cannot use the Youth Center for their youth programs because it is a religious group. **Commissioner DeBoer** indicated, after he has summarized his local Impact Fee Task Force notes, copies will be provided to Board Member and advised the focus is on finding other fees to offset impact fees including the County passing a real property transfer fee in conjunction with a phase-in process. **Commissioner DeBoer** expressed his intention to attend a water meeting in Tallahassee on February 8, 2006 and pursue the Board's position. **Commissioner DeBoer** pointed out it seems staff is trying to set their own policy; referenced a recent newspaper article that someone claiming to represent Charlotte County's objection to development in the southern part of DeSoto County; he spoke with DeSoto County Administrator and after obtaining the name of the individual and the number of times it was done, he handed the information over the Mr. Loucks. **Commissioner DeBoer** recalled representations were made by staff on a visit to Babcock Ranch concerning opinions and desires to undermine the Babcock Ranch in front of other people and he intends to provide names, after confirmation, to Board Members. **Commissioner DeBoer** expressed concern because Board Members rely on staff for professional unbiased opinions instead of policy decisions. **Commissioner DeBoer** requested input on a situation he was made aware of a Certificate of Occupancy not being issued for home repairs made as a result of storm damage because the contractor, who is no longer in this area, did not have workers compensation insurance during repair time. Mr. Loucks reported Chief Building Official James Evetts is aware of the situation

and he intends to contact that individual to clear up the problem and tracking procedures are being reviewed to eliminate these types of issues. **Commissioner DeBoer** stated he has received various inquiries about providing covers on dugouts on the Little League fields, commented in support for health and safety reasons, and requested input be given to Administration. **Chairman Moore** stated he would be speaking with Mr. Loucks about scheduling a meeting with officials from the Southwest Florida Water Management District and South Florida Water Management District as soon as possible.

MEETING ADJOURNED: 3:30 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

djn