

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**FEBRUARY 28, 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, and Matthew D. DeBoer. Also in attendance were County Administrator Bruce D. Loucks, County Attorney Janette S. Knowlton, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board Diane Gant, and Minutes Supervisor Diane J. Nice. The meeting was called to order at **9:00 A.M.** (Commissioner Devos was not present for this portion of the meeting.)

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

**CHANGE TO THE AGENDA**

**ADDITION:**

**VI. REGULAR  
AGENDA**

Agenda Item Y-6, County Attorney, Consideration of a settlement proposal from Mosaic regarding the revised Altman Tract Mine permit

**COMMISSIONER DeBOER MOVED APPROVAL OF THE CHANGE TO THE AGENDA, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).** (Commissioner Devos was present for the remainder of the meeting.)

**I. SPECIAL RECOGNITION**

**Proclamations:**

**THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH 12 THROUGH 18, 2006 AS "FLORIDA SURVEYOR'S WEEK" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER DEVOS AND**

**DECLARED UNANIMOUS.** Del Hayner, a 25-year Charlotte County surveyor, accepted the proclamation on behalf of all surveyors in Florida.

**THE BOARD AGREED TO ISSUANCE OF A PROCLAMATION STIPULATING MARCH 11, 2006 AS "GREAT AMERICAN CLEANUP DAY" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.** Glenda G. Anderson, Keep Charlotte Beautiful Coordinator, accepted the proclamation and expressed appreciation for the Board's support; reported Charlotte County volunteers will be a part of three million people expected to volunteer in the Great American Clean Up this spring; and encouraged everyone to volunteer to help clean up and beautify the County and attend the kick off on Saturday, March 11, 2006 from 8:00 A.M. until 2:00 P.M. at the new Mid-County Mini Transfer and Recycling Center.

**Presentations:**

None.

**II. CITIZEN INPUT - AGENDA ITEMS ONLY**

Gail Giles, Debbie Highsmith, Sue Riske, James Cooper, William Dryburgh, Grace Amodeo, and Raymond Jasica expressed numerous concerns relating to adverse impacts caused by phosphate strip mining, reclamation obligations, conservation easements along waterways, sand tailing, the short time frame to review the settlement agreement, and if the County has received the best possible results from the \$12 million expended in the phosphate mining fight under **Agenda Item Y-6, Consideration of a settlement proposal from Mosaic regarding the revised Altman Tract Mine permit**, the need for an area-wide cumulative impact and Estuary impact studies to protect County residents, lands, water quality and quantity, the environment, wildlife habitats, the Horse Creek watershed, and the Estuary; guarantees and penalties should be in the agreement; and the penalties should be severe enough to put Mosaic out of business. Kaley Miller, a Charlotte County resident and a Public Affairs Manager for Mosaic, requested the Board to look beyond emotions and consider the facts; the Altman permit has been in litigation since 2000 and issues concerning wildlife, water, reclamation, and protections have been addressed; reported phosphate operations

are science based; Mosaic officials have worked with the Peace River Manasota Water Supply Authority on the Horse Creek Stewardship program; the science shows that mining operations and releases from mining facilities are not adversely impacting water quality; and Mosaic is a strong financially secure company that will live up to its commitments. David Goodrich, a Charlotte County resident, commented on **Agenda Item F-2, Approve the application to the Edward Byrne Memorial Justice Assistance Grant Program**, by pointing out that yesterday the United States Senate did not approve the pre-approval of the Patriot Act and it does not seem the Act will pass at this time; expressed concerns about implementing intelligence gathering procedures including who will be domestically spied upon; and questioned the existence of a plan to protect citizens' civil liberties. Roger Peterson, a Charlotte County resident and a Member of Team Punta Gorda, advised the Team strongly supports building the Event Center on the Auditorium's former site as part of **Agenda Item Y-3, (a) Site Concept Plan for the Charlotte County Event Center and (b) Partnering with the City of Punta Gorda on construction of a public parking garage on the Center site**, as well as addressing stakeholders' desires and moving the Center back as far as feasible on the site to provide green space for out door concerts and other things that cannot be done in other parts of the City; and Glen Gould is present to read from the position statement developed by the City Council and Team Punta Gorda. Julie Mathis, Charlotte County Chamber of Commerce Executive Director, stated the Chamber's Board of Directors voted last night to support **Agenda Item Y-2, Approve the Resolution to support the three local hospitals' request to include the Punta Gorda MSA in the Sarasota CSA to increase Medicare reimbursements**. Glen Gould, Punta Gorda Chamber of Commerce President, referenced **Agenda Item Y-3, (a) Site Concept Plan for the Charlotte County Event Center and (b) Partnering with the City of Punta Gorda on construction of a public parking garage on the Center site**, by recalling the position statement developed in January 2006 endorsed constructing the Event Center on the same site as quickly as possible based on the information provided at that time; since that time, new information has been provided; the Chamber's position along with that of Team Punta Gorda is that the new Event Center must be built on the site of the former Auditorium in downtown Punta Gorda and be an important economic engine for the future of Punta Gorda and Charlotte County, any design should provide a principal gateway

into Punta Gorda and create a striking and inviting public face for downtown, an architecturally and functionally contributing structure to the rest of downtown, a facility designed and sized to accommodate as many of current and future public uses identified by the design team as possible with flexibility for future expansion, an esthetically pleasing parking structure obscured from public sight, and a great lawn on the Harbor side of the Center to support scheduled outdoor activities such as concerts and exhibits that enhance public access to the Harbor; Charlotte County and the City Council must collaborate to complete the project in a timely manner and to ensure that the new Event Center will serve the public now and in the future; and reiterated the Event Center should also be built as close to downtown as feasible on the site considering parking and the great lawn. John Bernande concurred with Mr. Gould on **Agenda Item Y-3, (a) Site Concept Plan for the Charlotte County Event Center and (b) Partnering with the City of Punta Gorda on construction of a public parking garage on the Center site**, and pointed out public comments endorse integration of the Event Center on the former Auditorium site. William Dryburgh stated the Event Center should be constructed on the former Auditorium site under **Agenda Item Y-3, (a) Site Concept Plan for the Charlotte County Event Center and (b) Partnering with the City of Punta Gorda on construction of a public parking garage on the Center site**, reiterated a request for \$3 million to make the Event Center right and plan for the future; expressed support for the plan with the Event Center, a great lawn, and parking garage; and agreed with Ms. Mathis's comments in support of **Agenda Item Y-2, Approve the Resolution to support the three local hospitals' request to include the Punta Gorda MSA in the Sarasota CSA to increase Medicare reimbursements**. Joe Surior, Managing Member for the Harbor Inn Resort and Yacht Club to be built adjacent to the Event Center site, concurred with the position of Team Punta Gorda on **Agenda Item Y-3, (a) Site Concept Plan for the Charlotte County Event Center and (b) Partnering with the City of Punta Gorda on construction of a public parking garage on the Center site**; stated the Event Center is separate from the parking garage and the remainder of development on the site; suggested moving forward with the Event Center; and offered to cooperate with County staff in the most effective manner to continue the Resort's open promenade that will be accessible to the public along the Event Center waterfront.

**III. COMMITTEE VACANCIES**

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

**Construction Industry Licensing Board**

- one (1) volunteer who represents the Professional Engineer category

**Grove City Street & Drainage MSBU Committee**

- three (3) volunteers who are landowners and full-time residents that reside within the Unit

**Gulf Cove Waterway Unit**

- six (6) volunteers for five (5) regular members whose terms will be pulled by lot number to serve one to three years and one (1) alternate member to serve a two-year term

**Little Gasparilla Island Advisory Board**

- one (1) volunteer from the Hideaway Beach Club Owner's Association to complete an unexpired term through January 22, 2007; one (1) member of the Little Gasparilla Island Property Owners Association (POA) to represent the POA; one (1) member of the Placida Beach Club Owner's Association to represent the Association; and two (2) Members-at-Large

**Murdock Village Community Redevelopment Agency Advisory Committee**

- one (1) Contractor Representative

**Planning & Zoning Board**

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

**IV. REPORTS RECEIVED AND FILED**

Annual Accident Report dated January 31, 2006 filed pursuant to Resolution #2002-185

**V. CONSENT AGENDA**

**COMMISSIONER D'APRILE MOVED APPROVAL OF THE FOLLOWING ITEMS,  
SECONDED BY COMMISSIONER DEVOS 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 February 8,  
2006 through February 21, 2006 in the amount of  
\$10,255,735.84

**B. Minutes Division**

Agenda Item B-1, Approval of Minutes

1:00 P.M.	November 21, 2005	Workshop - Lemon Bay League Initiative and Public Hearing on Babcock Ranch
9:00 A.M.	November 22, 2005	Regular BCC Meeting

**BOARD OF COUNTY COMMISSIONERS**

**C. Commission Office**

No items.

**D. Administration**

Agenda Item D-1

**Approve the recommendation from the City of Punta Gorda pursuant to Agreement #2005-026 between the Board of County Commissioners and the Punta Gorda City Council to begin to purchase land for affordable housing under Grant #2005-022 for the \$9 million Community Development Block Grant (CDBG).**

**F. Budget Office**

Agenda Item F-1

**Budget Amendment #06A13 for \$3,434,446.52** to transfer funds from Landfill to Public Works for reimbursement of out-of-pocket road and bridge debris removal expenditures.

Agenda Item F-2

Application for **Grant #2006-011** for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program to implement the Charlotte County Sheriff's Office "Drug Enforcement Initiative" project; Charlotte County's allocation, based on population and crime statistics, is \$23,628; and authorize the Chairman to execute the necessary grant documents.

**G. Community Development - Building Construction Services**

No items.

**H. Economic Development**

No items.

**K. Facilities Construction and Maintenance**

No items.

**L. General Services**

Agenda Item L-1

**Bid #06-144, West County Paving Program,** to the lowest responsive, responsible bidder, Ajax Paving Industries of Nokomis, FL, for a total estimated cost of \$3,955,835.11.

Agenda Item L-3

**Approve Negotiations for Request for Proposed (RFP) #06-072, Design - Operations Building - East Port Water Reclamation Facility,** with the first-ranked firm, Thomas A. Huff Architect, Inc. of Punta Gorda, FL, and authorize the Chairman to sign the

contract after negotiations have been completed as long as the fees do not exceed \$200,000.

Agenda Item L-4

**Bid #06-127, Wheeled Excavator,** to Flagler Construction Equipment, LLC, of Ft. Myers, FL, in the amount of \$192,168.00.

Agenda Item L-5

**Change Order #1 to Contract #06-0975, Dredging Alligator Creek,** to Florida Marine Construction, of St. James City, FL, in the amount of \$47,389.00 with a revised total contract of \$492,192.29.

Agenda Item L-6

**Bid #06-149, Zemel Road Waste Storage and Processing Facility,** to Lodge Construction, Inc. of Ft. Myers, FL, in the amount of \$1,688,419.57 and **Budget Transfer #06-012 and Budget Amendment #06-C10** for \$188,419.57 over the Capital Improvements Program (CIP) budget.

Agenda Item L-7

**Bid #06-157, Track Style Dozer with Waste Handler,** to Nortrax Equipment Company of Ft. Myers, FL, less trade-in for a total cost of \$404,750.00 (\$514,750.00 less \$110,000.00 for trade-in of Property #25999, a 2001 D-7 Caterpillar Waste Handler Dozer), a guaranteed maximum cost of repairs of \$11,250.00, a guaranteed buy-back in the amount of \$115,000.00, and **Budget Transfer #06-011 and Budget Amendment #06-C09** for \$136,750.00 over the CIP budget.

**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-2

**Grant #2006-012** for \$19,898 for maintenance/enhancement of the existing Community Emergency Response Team (CERT) program under the FDEM/DHS Federal FY 06 Citizen Corps/CERT Sub-grant Program with no County match.

**S. Public Works**

Agenda Item S-1

**Set a Public Hearing on March 14, 2006, at 10:00 A.M.,** or as soon as thereafter as it may be heard, to consider an Ordinance to amend the territory of the South Gulf Cove Waterway MSBU to include dry lots within the unit.

**T. Real Estate Services**

Agenda Item T-1

**Resolution #2006-031** authorizing the Chairman to execute a grant of a ten-foot (10') wide utility easement to Florida Power and Light Company to be located in a certain portion of Tract H, Block 1504, Port Charlotte Subdivision, Section Thirty-Four (34), lying in Section 3, Township 40 South, Range 22 East, for development and management of Fire Station #8.

Agenda Item T-2

**Resolution #2006-032** approving release of portions of two (2) six-foot (6') wide utility and drainage easements located in Section Fifty-Eight (58) and the release of a portion of two (2) twenty-foot (20') wide canal maintenance easements in Port

Charlotte Subdivision, Sections Seventy-Nine (79) and Fifty-Four (54) and authorizing the Director of Real Estate Services to execute County Deeds releasing said easement portions to Divaldo and Migdalia Hernandez, Bobbie and Christine Evans, and Jack and Regina E. Israel.

Agenda Item T-3

**Resolution #2006-033** approving land lease **Agreement #2006-008** with Charlotte County Airport Authority on approximately .84 acre for the purpose of constructing Fire Station #7 on Mooney Avenue at the Airport to replace the station that was destroyed by Hurricane Charley at 3624 Ash Street, Punta Gorda, FL.

**V. Tourism Development**

No items.

**W. Utilities**

No items.

**ITEMS FOR DISCUSSION**

**D. Administration**

Agenda Item D-2, Approve a resolution supporting the Permanent Protection for Florida Act of 2006

**Commissioner DeBoer** stated, after reviewing the resolution and information provided by Representative Michael Grant's Legislative Aid Maureen Garrard, he has concerns with conclusions and extremes in the resolution; it is premature for the County to approve the resolution since the Florida Legislative Delegation has not indicated support; and questioned the basis for "the potential for an oil or gas bill is significant and the damage . . . to communities could be catastrophic." **Commissioner DeBoer** related the information he received indicates this Legislation might move off shore drilling another 25 miles away from Charlotte County's coast line; questioned if the issue is that the additional 25 miles off the Florida coastline would provide more response time in case of a spill; requested information on the number and the oil

platforms that have created spills; and pointed out spills that have affected Charlotte County have been as a result of transportation of petroleum products via trucks. **Commissioner DeBoer** stated more information is needed before supporting something that might have very little impact on the County. **Chairman Moore** agreed with **Commissioner DeBoer** and expressed opposition because the resolution gave very few details. **Commissioner Cummings** stated he has supported prior resolutions on off shore drilling; pointed out both Senators support the Bill; commented on the drilling process; and he has no objection to approving the resolution. **Commissioner DeBoer** referenced damage to off shore oil platforms as a result of Hurricane Katrina; stated the United States needs to become more independent instead of becoming more dependent on foreign nations that are run by Islamic extremists and that dependence will ultimately cripple this Country; and he would support a resolution that specifically identifies the problem and protects County shorelines. **Commissioner Devos** indicated support for the Florida Senators in this legislation and stated the resolution will not restrict the County from studying and considering ideas to protect County shorelines. **Commissioner D'Aprile** agreed with **Commissioners DeBoer and Cummings**; expressed concern about the United States being too dependent on foreign oil; major impacts from oil spills have resulted from the shipping industry; and opposed the resolution. **COMMISSIONER DeBOER MOVED APPROVAL TO DELAY ACTION ON THE RESOLUTION UNTIL MORE INFORMATION AND ACCEPTABLE LANGUAGE ARE BROUGHT BACK, SECONDED BY COMMISSIONER D'APRILE. CALL ON THE MOTION: CHAIRMAN MOORE AND COMMISSIONERS DeBOER AND D'APRILE VOTED "YES" AND COMMISSIONERS CUMMINGS AND DEVOS VOTED "NO." MOTION CARRIED: (3:2).**

**E. County Attorney**

Agenda Item E-1, Approve Joint Resolution and Second Supplemental Cooperation and Funding Agreement with Lee County for Joint Phosphate efforts

**Commissioner DeBoer** requested the source of the first resolution in the packet that pledges mutual support for actions protecting the Charlotte Harbor Estuary and to coordinate land and water use planning efforts to ensure protection of Charlotte Harbor and questioned if the resolution is pleading Charlotte County's support for a position that Lee County might take against

development and water issues in Charlotte County. Janette S. Knowlton, County Attorney, explained the resolution mirrors the 2004 agreement with Lee County. **Commissioner DeBoer** requested verification that items 1 and 2 on page 2 provide flexibility for Charlotte County to disagree with Lee County regarding protections for the Estuary and the watershed based on financial or philosophical reasons. Attorney Knowlton stated the intent is not to limit Charlotte County's discretion on anything at this point in time. **COMMISSIONER DeBOER MOVED APPROVAL OF RESOLUTION #2006-034 AND AGREEMENT #2006-009, SECONDED BY COMMISSIONER DEVOS.** **Commissioner Cummings** reported Lee County would appreciate Charlotte County's support to better regulate flows in the Caloosahatchee River and releases from Lake Okeechobee. **Commissioner DeBoer** expressed awareness of the situation, stated part of that has involved legal action against the South Florida Water Management District, and they worry that Charlotte might join with Lee County in these types of lawsuits. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

**J. Environmental & Extension Services**

Agenda Item J-1, Approve an Amended Resolution to the Conservation Easement Resolution to permit Elimination of specific Municipal Service Benefit Units (MSBU) Assessments as part of the Conservation Easement Program

**Commissioner DeBoer** questioned the restriction of people's votes and what vote they have as referenced on page 2, the end of the second line in paragraph 4, that indicates "nor will said property owner be eligible to participate by voting on future capital expenditure projects for their respective MSBU district." James Thomson, Environmental and Extension Services Director, explained only property owners that are assessed vote on capital improvements. **Commissioner DeBoer** requested the capital improvement projects that property owners in the MSBU vote on. Mr. Thomson stated Solomon Road paving project. **Commissioner DeBoer** concluded that would be a special assessment, an owner with five properties would not get five votes, and questioned why the property owner would relinquish his vote if 75% of his land is placed in a conservation easement. Mr. Thomson reiterated the property owner would not be expected to pay into the capital improvement but if they were assessed, then they would have a vote. **Commissioner Cummings**

expressed understanding that property owners were assessed per parcel and exempted parcels would not have a vote. **Commissioner DeBoer** pointed out the property owner's ability to vote is being taken away. **Commissioner DeBoer** suggested delaying action until the next meeting. **COMMISSIONER CUMMINGS MOVED APPROVAL TO TABLE ACTION UNTIL THE NEXT REGULAR BOARD MEETING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.**

**RECESS: 10:13 A.M. - 12:26 A.M.**

**L. General Services**

Agenda Item L-2, Approve Change Order #3 to Contract #05-428, Murdock Library Renovation, to Magnum Builders of Sarasota, Inc., of Sarasota, FL, in the amount of \$161,345.44, with a revised total contract of \$1,190,939.65

**R. Public Safety**

Agenda Item R-1, Approve (a) Budget Amendment #06-A15 in the 2002 Sales Tax Extension Fund to allocate an additional \$200,000 to the Mobile Operations Unit project and (b) CIP Amendment #06-C08 to amend the project in the FY05/06 CIP

**COMMISSIONER DeBOER MOVED APPROVAL OF AGENDA ITEMS L-2 AND R-1, SECONDED BY COMMISSIONER D'APRILE. Commissioner DeBoer** stated he pulled both items based on changes that could have been planned for earlier in the bid process and the Capital Improvement Program. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

**VII. PUBLIC HEARING AGENDA**

**Z. 10:00 A.M.**

Agenda Item Z-1, Budget, Resolution of Intent to use the Uniform Method of Collection of Non-Ad Valorem Assessments for Little Gasparilla Island Waterway MSBU; South Bridge Waterway MSBU; Grove City Waterway MSBU; Alligator Creek Waterway MSBU; Rotonda Sands Wastewater MSBU; Rotonda Meadows Wastewater MSBU; West Tarpon Boulevard to Orange Drive Wastewater MSBU; Pirate Harbor Wastewater MSBU; and Edgewater North Waterway Unit MSBU (Proof of Publication was in order)

Raymond Sandrock, Budget Officer, explained Florida Statutes require the Board to hold a public hearing and adopt a resolution of intent to use the Uniform Method of Collection of non-ad valorem assessments; the resolution does not obligate the County to impose these assessments but it provides the authority; and work programs for these MSBUs would be brought to the Board during the July public hearings for discussion and decision. **SEEING NO ONE WISHING TO SPEAK, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED APPROVAL TO ADOPT RESOLUTION #2006-035, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

**Chairman Moore** requested a motion to take **Agenda Item Y-4** out of order. **COMMISSIONER DeBOER MOVED APPROVAL TO TAKE AGENDA ITEM Y-4 OUT OF ORDER, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

#### VI. REGULAR AGENDA

##### Y. Regular Business

Agenda Item Y-4, Court Administration, Approve (a) CIP #06-C11 to expand Courtrooms 3A and 4B on the 3<sup>rd</sup> and 4<sup>th</sup> floors of the Charlotte County Justice Center and (b) Budget Transfer #06-013 to appropriate the necessary funding

Jon Embury, Probation/Pretrial Supervisor, explained Court Administration is attempting to secure funding to expand Courtrooms 3A and 4B for more flexibility in handling high-volume proceedings and provide for a new Circuit Court Judge within 30 to 60 days; two large courtrooms currently have the capacity for 123 people and the expansion should provide two more large courtrooms with the capacity of 100+ people. William Hayes, Court Administrator, stated interviews are being conducted for the new Circuit Court Judge; the Supreme Court has certified the District for an additional County Court Judge and there may be another new Circuit Court Judge in 18 to 24 months; sometimes there are 170 people before Judge Pellicchia for arraignments in a courtroom with the capacity of 123 people; Judge Porter hears Domestic Violence cases, sometimes with 60 to 70 people in a courtroom with a capacity of 48 people; and requested funding for the expansion of these two courtrooms and

three additional courtrooms be placed in the CIP. **Commissioner Cummings** expressed understanding that each of the courtrooms has four associated meeting rooms, the connecting walls would be demolished for two of the meeting rooms, and this would make more efficient use of the same space. Mr. Hayes stated there is an abundance of meeting/mediation rooms. **COMMISSIONER CUMMINGS MOVED APPROVAL OF CIP #06-C11 TO EXPAND COURTROOMS 3A AND 4B ON THE 3<sup>RD</sup> AND 4<sup>TH</sup> FLOORS OF THE CHARLOTTE COUNTY JUSTICE CENTER AND BUDGET TRANSFER #06-013 FOR \$439,000, SECONDED BY COMMISSIONER DEVOS.** **Commissioner DeBoer** requested verification that two of the converted meeting rooms will increase the capacity from 49 to 123 seats. Mr. Hayes stated, based upon discussions with Facilities Management officials, the capacity can be increased to 100 to 123 seats. **Commissioner DeBoer** stated there is already a need for court functions in the Old Courthouse especially with two additional Judges and the State Attorney's Office is the lowest funded in the State for the number of cases handled. **Commissioner DeBoer** expressed a preference that this type of matter be incorporated as part of the budget process instead of an emergency process, indicated concern about taking \$500,000 from Contingency just prior to the start of hurricane season, and stated better communications should be conducted with the Court Administrator in the future. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-1, Budget, Update Board concerning Status of Charlotte County Revenues for Last Year (FY04/05) and the Forecast for this Year (FY05/06)

Raymond Sandrock, Budget Officer, gave a slide presentation based on the Revenue Update in the packets focused on FY04/05 Full Year Actual Revenues and FY05/06 Expectations based on the first quarter in the General Fund of which two major variances/increases were in the State Revenue Sharing and Ambulance Service Fees; the Public Safety Fund had primary increases from Franchise Fees and Building Permits (including hurricane recovery and new growth); a comparison of Five-Year Impact Fee Revenues based on the current and proposed rates and advised adoption of the proposed rates for all impact fees would increase revenues by \$62,221,000 over a five-year period including road impact fees of \$41,794,000 that will address about 40% of costs for road projects identified a year ago, park impact fees of \$14,188,000, library impact fees of \$400,000, and

fire impact fees of \$1,047,000 that might build one new fire station at today's rates. **Commissioner Devos** suggested bonding for road projects to get today's values since the five-year shortfall is currently at about \$100,000,000. Mr. Sandrock explained language to allow bonding of impact fees has been incorporated into the proposed ordinance. **Commissioner Cummings** questioned inclusion of four-laning of Edgewater as part of the \$60,000,000 deficit. Mr. Sandrock stated that was included in the \$100,000,000 deficit as discussed a year ago. **Commissioner Cummings** expressed the belief that only the cost of a segment of the Edgewater expansion was included in the deficit. **Commissioner DeBoer** stated the road deficit is based on a Level of Service C, requested the deficit based on a Level of Service D, and expressed concern about raising taxes again. Mr. Sandrock stated he would need to consult with Public Works staff and pointed out Sales Tax Extensions revenues and the .6 mill increase levied last year are being used to address infrastructure needs. **Commissioner DeBoer** commented on the lengthy 8 to 9-year time period to complete a road from inception and the Growth Management legislative and impact fee changes require expenditure of those funds within 7 years. Mr. Sandrock stated the FY04/05 gas tax revenues were less than projected but the 9<sup>th</sup> cent Motor Fuel tax revenues have been forecasted at \$633,000 for FY 05/06. Mr. Sandrock estimated \$18,000,000 available for new road construction on an annual basis from impact fees (based on the proposed rate), 5<sup>th</sup> cent Local Option Gas Tax, and 9<sup>th</sup> Cent Motor Fuel Tax revenues. Mr. Sandrock reported 2002 Sale Tax Extension revenues are projected from the original \$96,000,000 up by \$22,000,000 to \$118,000,000 and expenditures total \$109,700,000 based on the \$96,000,000 from the original allocation pursuant to referendum and \$13,700,000 in excess allocations for \$8,300,000 available for allocation. **Commissioner DeBoer** opined the CIP program should be updated now to avoid a frenzy of requests for unallocated funds. Mr. Sandrock stated project increases must come back to the Board and these will be addressed in the FY05/06 CIP. **Commissioner Devos** indicated cost estimates on CIP projects are needed and the Board should review and reprioritize projects. **Commissioner D'Aprile** requested the percentage of approved CIP projects with funding that have been completed. Mr. Sandrock stated 70% of the revenues collected to date have been spent. **Commissioner D'Aprile** requested staff provide a list of approved projects that have been completed and a list of projects not

completed with anticipated price increases. Mr. Sandrock explained the Capital Projects fund was created in 1986 to address growth related issues, major fund sources include ad valorem taxes, impact fees for parks, libraries, public buildings, and the millage rate; the .6 mill increase levied last year is projected to bring in \$24,000,000 over four years. **Commissioner Devos** requested the increase percentage used in projections. Mr. Sandrock reported the July 1, 2005 increase and a 6% to 8% increase over time. Mr. Sandrock summarized recovery reimbursements received total \$96,400,000, total recovery expenditures are \$102,200,000, and the \$30,000,000 gap difference last year has been closed to less than \$6,000,000; there are still building recovery expenditures that will cause gaps between the cost of materials and reimbursements from insurance and FEMA but the gaps are still within the reserve levels set aside. **Commissioner DeBoer** requested the amount in dispute with FEMA for debris cleanup. Mr. Sandrock stated outstanding debris cleanup totals \$4,500,000, appeals have been filed on each of the category issues, the next step should be closeout but it is unlikely that the County will receive the entire \$4,500,000. **Commissioner DeBoer** questioned the amount allocated from the Federal government under the recovery plan. Bruce D. Loucks, County Administrator, advised very little if any. **Commissioner DeBoer** requested the number of projects Charlotte County is listed for funding in legislation. Mr. Loucks indicated none at this time but staff is going to Washington, D.C. to continue these efforts. **Commissioner DeBoer** stated Charlotte County has come together and moved forward even without promised help from the Federal government. **Commissioner D'Aprile** stated Charlotte County should complain more instead of seeking help through proper channels. **Commissioner Cummings** expressed appreciation to the Congressional Delegation for their recovery efforts. Mr. Sandrock continued the update with open issues for Facilities for permanent and temporary facilities and the Fleet Maintenance Building Lease; summarized Long Term Issues relating to Charley include auditing, rebuilding, and funding gaps; and recapped General Fund revenue streams, Sales Tax Revenue projects, the Public Safety Fund, and the Future Gap due to Recovery based on actual versus insurance and reimbursements.

Agenda Item Y-2, Economic Development, Approve the Resolution to support the Three Local Hospitals' request to include the Punta

Gorda Metropolitan Statistical Area (MSA) in the Sarasota Combined Statistical Area (CSA) to increase their Medicare Reimbursement

Betty Williams, Economic Development Director, introduced Fawcett Memorial Hospital CEO Tom Rice, Charlotte Regional Hospital CEO Dan Buckner, and Peace River Regional Hospital CEO David McCormick; stated the Punta Gorda Metropolitan Statistical Area (MSA) was established in 1990; requests from each of the Hospitals for incorporation into the Sarasota/Bradenton MSA to permit higher Medicare reimbursements based on a higher average wage rate is supported by the Office of Management and Budget which has stated that the Punta Gorda MSA would retain its separate designation as a MSA; Enterprise Charlotte tabled action at the meeting last Wednesday due to the lack of information in response to questions; and offered to answer questions. **Commissioner DeBoer** questioned the availability of more up-to-date statistical data. Ms. Williams stated the data was derived from the 2000 census. **Commissioner DeBoer** requested verification that this would be initiated as of October 1, 2006. Tom Rice, Fawcett Memorial Hospital CEO, explained the effective date would probably be October 1, 2007, since this is one of many steps. **COMMISSIONER DEVOS MOVED APPROVAL TO ADOPT RESOLUTION #2006-036, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner DeBoer** requested additional research to secure up-to-date information prior to the effective date. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-3, Parks, Recreation and Cultural Resources , (a) Approve site concept plan for Charlotte County Event Center and authorize Design/Build Team to initiate preparation of design and construction documents pursuant to the approved Concept Plan and (b) Provide input on partnering with the City of Punta Gorda on construction of a public parking garage on the Auditorium/Event Center Site

Laura Kleiss-Hoeft, Parks, Recreation, and Cultural Resources Director, requested approval of the site concept plan, allow the design team to initiate preparation for the design and construction documents, direction on partnering with the City of Punta Gorda on a public parking garage on the Event Center site, and introduced Punta Gorda City Manager Howard Kunik. Ms. Kleiss-Hoeft recalled on November 8, staff provided the Board

with an update on the Event Center including input and discussion on the size, function, building, parking, and stormwater facilities; reported staff is ready to move forward based upon the thorough analysis that has been performed and numerous public, stakeholder, and Parks and Recreation Advisory Committee meetings; the recommended concept site plan is the preferred option and it reflects public input to move the Center toward the waterfront; stormwater aspects have been significantly reduced through the underground tank element and off-site mitigation; the site plan provides a 285 space parking area with the potential for expansion on the east side; the Team Punta proposal for a terraced lawn at the front has been incorporated into the site plan; green space would consist of approximately one acre with the Riverwalk; the County Attorney's Office is working on an agreement for the City to provide \$750,000 to construct the Riverwalk; the green space and river front parking can be gated off for outdoor concerts and arts and craft festivals; the 37,600 square feet proposed Event Center includes 18,000 square feet on the main floor, 2,000 square feet at the front, and 4,000 square feet at the back; the site plan provides for a two to three floor parking garage in lieu of surface parking only; cost estimates of \$15,000 per parking space have been received; the additional \$3,000,000 could be used to increase the main hall by 2,000 square feet, create and dedicate 4,000 square feet for breakout rooms, and an additional 4,000 square feet to the front and back; two breakout rooms are proposed to serve 200 people and these rooms may be reconfigured to serve different meeting needs. **Commissioner Devos** requested the performance area. Ms. Kleiss-Hoeft stated about 2.5 acres would provide space for several thousand people throughout the day on the outdoor event terrace area. **Commissioner Devos** questioned the total capacity of the entire Center versus the former Auditorium. Ms. Kleiss-Hoeft advised the maximum capacity of the Auditorium was 1,800 versus 2,200 on the proposed main floor of the Event Center and estimated the additional \$3,000,000 would provide space for up to 2,400 to 2,500 people with 400 more from the two classrooms. **Commissioner Devos** expressed concern about the lack of parking for the increased maximum capacity and pointed out the proposed parking garage would accommodate 150 vehicles per floor and three floors might provide parking for 40% of a sell out audience. **Commissioner Devos** stated a facility to serve 2,300 people would meet today's needs, neither the facility nor the

parking garage is sufficient for future growth, and the additional \$3,000,000 may not be enough. Ms. Kleiss-Hoeft pointed out parking may be maximized on the east side. Howard Kunik, Punta Gorda City Manager, reported the Punta Gorda Community Redevelopment Agency (CRA) voted unanimously to explore a joint partnership with Charlotte County for a parking garage to serve the Event Center, down town, and adjoining developments as they occur e.g. Harbor Inn Resort and Marketplace. Mr. Kunik stated the proposal is for a three floor parking garage (a surface level and two floors) for 450 vehicles and estimated the cost between \$4,000,000 to \$4,500,000, assuming no participation from the private sector; the City's Land Development Regulations provide for parking in lieu program to buy into a pool for off-site parking; developers would pay into a fund and those monies would be used to supply public parking facilities throughout the downtown area; developer subsidization would reduce the public portion of the garage cost; and the parking garage could be designed to blend in with the Event Center. **Commissioner D'Aprile** questioned who will build the garage and pay for it. Mr. Kunik explained the City has set aside \$750,000 in the Sales Tax budget for the Riverwalk; pursuant to an interlocal agreement that the County Attorney is drafting, the City would use the design firm on the Event Center project to design the Riverwalk and the City would pay for it from Sales Tax revenues; and the Punta Gorda CRA recommended using CRA funding to pay for the top two floors of the parking garage and related additional costs, exclusive of the surface level parking that is already funded. **Commissioner D'Aprile** stated unanswered questions include who will maintain the garage, will parking fees be charged, and questioned inclusion of stage amenities in the price. Ms. Kleiss-Hoeft reported the stage would be constructed to current technology standards with fly space and full stage elements and the next step will be to bring back schematics. **Commissioner D'Aprile** stated, even though this site is not his preference, the public wants the Event Center located on the former Auditorium site but he needs contributions above the \$750,000 from the City and more details on garage maintenance and operations. Mr. Kunik stated parking has been on the CRA meeting agendas for some time and the CRA recommended this garage as a solution to parking problems for the Event Center and downtown. **Commissioner D'Aprile** expressed concern about charging parking fees for people to attend functions at the Event Center. **Commissioner**

**Devos** questioned the sufficiency of funding prior to the CRA's sunset. Mr. Kunik summarized the debt service on \$4,000,000 to \$4,500,000 (based on a price per space) with a 25-year payback at current interest rates would be about \$300,000 per year; the Punta Gorda CRA sunsets in 2019 unless it is extended; if the CRA participates and funds the garage and the County does not extend the CRA beyond 2019, the City would have to pay off the debt service unless the County agrees to share in the debt service; the CRA 2006 budget reflects revenues of about \$930,000 and they should increase as projects come on board and taxable values increase; and after 2019, if the CRA is not extended, the City is obligated to pay the debt service unless an agreement is entered into with the County to share the debt service.

**Commissioner Devos** reiterated her concern about the insufficiency of the Event Center for future growth and requested the impact to the concept plan were revenue sources to be identified for a larger Event Center. Ms. Kleiss-Hoeft stated the site location would not change; pointed out a future expansion area for a stand-alone classroom corridor with a trellis and connecting courtyard; and the site plan provides enough flexibility to address specifics for parking at another time.

**Commissioner Cummings** recalled a prior option, including an additional \$3,000,000 for the main structure. Ms. Kleiss-Hoeft advised that was for the 47,600 square feet structure comprised of 24,000 square feet on the main floor, the front and back would need to be increased accordingly, and the difference in this option versus the current proposed site plan is the breakout class rooms.

**Commissioner Cummings** stated the needs based facility should accommodate 3,200 people versus the 2,200 people under the current proposal and questioned the possibility of providing breakout rooms if the facility is built to serve 3,200 people. Ms. Kleiss-Hoeft offered to check.

**Commissioner Cummings** agreed with **Commissioner Devos** on constructing a needs-based facility, it is important to add main floor space, commented in support of Team Punta Gorda's idea that the Center be located closer to the City and the parking and esplanade out front, and pointed out if the City and developers funded the stormwater, parking, and esplanade, it would not change the County's budget. Ms. Kleiss-Hoeft indicated estimates for a grass-decked building are higher than going back to traditional column construction, and it seems the dominant position related to staff is to move the Center towards the waterfront.

**Commissioner Cummings** questioned if \$3,000,000 would cover the

cost of parking and stormwater facilities. Ms. Kleiss-Hoeft expressed uncertainty. **Commissioner Cummings** stated his first priority is to increase the square footage of the Center up to the needs based level, then create a second outdoor facility on the water, and add esthetics to the Center; the second and third priorities would require entities, other than the County, to pay for them as well as the stormwater and parking facilities in order for the County to upsize the Center and stay within the current budget. Ms. Kleiss-Hoeft reported staff is looking at State and Federal funding options and estimates from Matthews Taylor reflect a \$5,500,000 to \$6,000,000 price tag for a terraced parking garage. **Chairman Moore** commented in support of the conceptual plan, the Center size of 37,000 square feet, its location on the site with green space, and moving forward since costs continue to rise. **Commissioner D'Aprile** requested the amount of parking required for a 37,000 square foot building. Michael Konefal, Community Development Director, estimated approximately 200 spaces. **Commissioner D'Aprile** pointed out the proposed 285 parking area is sufficient based on Code standards. **Commissioner DeBoer** questioned the availability of a parking study based upon use. Mr. Kunik reported the space study would be made available to Board Members prior to the March 10, 2006 joint meeting. Ms. Kleiss-Hoeft recalled the space needs study was presented at the November 8, 2005 Board meeting. **Commissioner DeBoer** requested definitions of classrooms and breakout rooms. Ms. Kleiss-Hoeft stated the terms are the same and relate to rooms off of the main floor that can be used for educational and small meeting purposes. **Commissioner DeBoer** queried the availability of a study on the market for conferences in the County and City. Ms. Kleiss-Hoeft stated no market study has been conducted but it was discussed at the Steering Committee. **Commissioner DeBoer** questioned if the classrooms/breakout rooms are more for civic rather than School Board or Gulf Coast University use. Ms. Kleiss-Hoeft stated the rooms are more for civic uses and an analysis was performed in August and September 2005 with interviews with School Board Members, on going event users, performing arts centers, and stakeholders. **Commissioner DeBoer** requested the percentage of civic programs are subsidized with tax dollars. Ms. Kleiss-Hoeft stated about 50%. **Commissioner DeBoer** then requested the increase for operations and maintenance costs for the facility. Ms. Kleiss-Hoeft advised the additional costs of a facility increase from 22,000 to 37,000 square feet would be addressed as

part of the Capital Improvements Program. **Commissioner DeBoer** opined the Center can be a monument to serve the community or a white elephant like the stadium for the next 50 years; the Center should be a self-sustaining facility; and expressed concern about the lack of parking for an increased facility size for \$3,000,000. **Commissioner DeBoer** requested verification that the CRA legislation provides for an automatic extension of the CRA sunset in 2019 if unpaid bonded debt service exists. Mr. Kunik advised CRAs might be extended for a specific debt service unless there are other projects the County and City would include in the CRA and reiterated the debt service on the parking garage, if it costs \$4,000,000 to \$4,500,000, would be about \$300,000 per year. **Commissioner DeBoer** pointed out extension of the CRA is not solely contingent upon the Board's approval but the TIF money can automatically keep flowing based upon the bonded debt. Mr. Kunik agreed on bonded debt only. **Commissioner DeBoer** questioned if discussions have taken place on extending the CRA through bonded debt. Mr. Kunik stated the only discussion has been pertaining to the parking garage; suggested discussing it at the joint meeting; offered to provide copies of the downtown parking survey; and advised Kimley-Horn has been retained to conduct a detailed downtown parking and circulation study which should be done in June. **Commissioner DeBoer** wondered if the survey determines how much extra parking would be available within a close proximity to the Center. Mr. Kunik stated that information might be determined from the survey. **Commissioner DeBoer** opined staff did as they were directed to come back with a plan for the Event Center based on historical uses and breakout rooms but the facility cost exceeds the County's budget and recalled another direction that the City, if it desires changes, could pay for improvements above what the County might afford. **Commissioner DeBoer** suggested delaying action and stated he is willing to wait 30 days. **Commissioner Devos** acknowledged the City Council meets tomorrow and Mr. Kunik can relate the discussion regarding parking capacity of the building, the real needs of the facility, civic needs that would require the entire facility, and the willingness of the City to partner in preparation for the March 10, 2006 joint meeting, and for staff to bring it back to this Board in a month. **COMMISSIONER DEVOS MOVED APPROVAL TO TABLE ACTION UNTIL THE MARCH 28, 2006 REGULAR BOARD MEETING, SECONDED BY COMMISSIONER DeBOER.** **Commissioner Devos** questioned the potential for eliminating stormwater retention through

engineering. Ms. Kleiss-Hoeft stated the stormwater retention has been reduced significantly to about one-third of the original area and staff is looking at underwater tanks and off-site mitigation. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item Y-5, Utilities, Discuss Water Interconnection with Punta Gorda and Peace River/Manasota Regional Water Supply Authority for consent to enter Charlotte County's jurisdiction for an extension of the Regional Transmission System

David Schlobohm, Utilities Director, explained the Peace River/Manasota Regional Water Supply Authority (Authority) has sent a letter to **Chairman Moore** requesting permission to extend a line from South DeSoto County into the Shell Creek Treatment Plant that requires approval of this Board pursuant to the master water supply contract executed last Fall and requested direction on the proposed interconnect between the Authority and the City of Punta Gorda. **Commissioner Devos** requested clarification on the outcome of the Board's consent. Mr. Schlobohm stated the request is to extend the Authority's line, which ends currently at the WalMart Distribution Center, to the City of Punta Gorda Treatment Plant. **Commissioner Devos** recalled another line would be done simultaneously. Mr. Schlobohm stated the Authority's Board recognized the planned Charlotte County and City of Punta Gorda interconnect and voted unanimously to allow both projects to move forward simultaneously but this request solely deals with the master contract. **Commissioner Devos** reiterated her request for what would occur if the Board gives its consent today. Mr. Schlobohm stated the Board's consent would give permission to the Authority to extend the line into Charlotte County. **Commissioner Devos** questioned if the line extension will provide the City with a means to sell water and wondered if the County should have the first right of refusal and buy the water. Mr. Schlobohm advised that language appears in the most recent draft of the three-way contract between the County, City, and Authority. **Commissioner DeBoer** opined a regional approach to resolving this issue is imperative; if this was a true regional water authority, all resources of participating members would be for the common good but the Authority has, by its actions, forced individual counties, members and non-members like the City of North Port to pursue water options to provide for their own needs; Charlotte County should have the same rights as

Sarasota and Manatee Counties for the reversion of water rights after expiration of water contracts; this interconnect is not timely because the City and Charlotte County should pursue a special bill during the next legislative session to create a South County Utility and put all utilities under one ownership instead of three utilities in segments of Charlotte County. **Commissioner DeBoer** indicated in support of this, the City will be annexing development along Burnt Store Road, probably over to the east including commercial properties along U.S. 41, further east to I-75, and back to the Airport; the population base will more than likely shift towards Burnt Store Road; if Babcock Ranch is developed, Town and County Utility will be under public ownership since developers do not usually retain and operate utilities; and commented in support of working with the City towards establishing one utility in South County. **Chairman Moore** expressed concern about the timeliness of this request based on **Commissioner DeBoer's** viewpoint; stated the City is the owner of that water; expressed confusion about the Authority requesting consensus to extend this line when there is a contract with the City; the County and City interconnect will tie in to the Burnt Store Road plant; and commented in support of the County partnering with the City for buying excess water. **Commissioner D'Aprile** opposed the request for consent to the extension unless the water reverts to Charlotte County in time of need. **Commissioner Devos** stated the Authority has not expended any efforts to find water sources for Charlotte County; she does not care if the Authority is alienated; and commented in support of tabling action, discussing this issue at the joint meeting with the City, and bringing it back at the March 28, 2006 Board meeting. **Commissioner DeBoer** agreed with **Commissioner Devos** about discussing this matter at the joint meeting and reiterated the County and City should do the interconnect now without the Authority and no cost to the City, Charlotte County should buy the water now until it is available and then discuss the idea of the South County Utility with the City within the next year. **Commissioner Devos** agreed. **Chairman Moore** stated he has no objection. **Commissioner Cummings** expressed objection to the open-endedness but he does not want to stop the interconnects; available options include consent to the agreement for the extension, do both interconnects and allow the City to sell water, object to the interconnect from DeSoto County to the City at this time or at all, or allow both interconnects to occur with a clause to allow the Authority to

use the 2 mgd from the City as part of the short-term need or gap strategy with Charlotte County having the first right of refusal at the same price as the Authority; opined what has been offered is a good compromise; advised the City has indicated a desire for an economic feasibility study prior to selling water to another entity; and he has no issue with the City having the study done for the Authority but he has a concern for having it done for the County since the County should be allowed to purchase water at the same price as the Authority on the take back option. **COMMISSIONER DEVOS MOVED APPROVAL TO TABLE ACTION ON THIS AGENDA ITEM UNTIL THE MARCH 28, 2006 BOARD MEETING, SECONDED BY COMMISSIONER D'APRILE.** Commissioner DeBoer recalled the enacting legislation made the Authority responsible to study and provide for the needs of all Members; stated the Authority is not doing that; the Water Management District has not set the levels and flows for the Peace River that was to be done before approval of the last expansion; expressed a preference for the option with the City and then if the City is not willing to do the direct connect and sell the water to Charlotte County, then the other option would be preferable to not doing anything at all. **Commissioner Cummings** clarified to do both interconnects, one direct to Charlotte County and one direct to the Authority, but the sale of water by the City to the Authority for the three or four years and then the County would have the right to purchase the water at the same price. **Commissioner DeBoer** expressed a preference to do the interconnect with the City and buy water from the City, pointed out the time difference between this interconnect and the next expansion is not significant so the intent seems to be to make this permanent. **Commissioner Cummings** agreed. **Commissioner Devos** questioned the County's need for water now. Mr. Schlobohm stated the County does not need the water at this time, the schedule is basically parallel with the Authority's schedule, if the County authorized the consultant to move forward with design fairly soon, it would be completed within a month of one another. **Commissioner DeBoer** expressed the assumption that if the County were to buy water directly from the City, it would be on a take and pay contract as is done with the Authority and he does not want to interfere with the City's ability to gain revenues. Mr. Schlobohm stated if the County does not need the water, it has the ability to supply water to other interconnects, including the Authority. **Commissioner Cummings** stated no options being considered would

require the County to pump the water up to the Authority and back. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

**RECESS: 1:05 P.M. TO 2:03 P.M.**

**(Chief Deputy Board Services Tommy Q. White was not present for this portion of the meeting.)**

**COMMISSIONER DeBOER MOVED APPROVAL TO TAKE AGENDA ITEM Y-6 OUT OF ORDER, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

Agenda Item Y-6, County Attorney, Consideration of a Settlement Proposal from Mosaic regarding the revised Altman Tract Mine Permit

Janette S. Knowlton, County Attorney, explained at the last meeting numerous issues were discussed including a requirement for Mosaic to install a test, key, or french ditch now, elevate the outside of the berm, apply for UIC permits for all recharge wells prior to mining commencement, and minor changes on financial assurances for the bonds; language proposed by Mosaic is in orange and language she proposed is in pink; she has spoken with Attorney Darol Carr and language issues have been resolved; the form of the settlement is one she would recommend for approval if the Board wants to go forward in this manner instead of filing challenges; if this proposal is accepted, it should be contingent upon the Florida Department of Environmental Protection's (FDEP's) approval and incorporated into the revised permit conditions; it will be brought back to the Board in a settlement agreement with the modified language for signatures by FDEP, Mosaic, and the County; and after the agreement is signed and FDEP issues the revised permit, the County's objection should be withdrawn. Darol Carr, Farr law firm on behalf of Mosaic, stated all substantive issues have been resolved in meetings during the last 15 days in the form of test well, ditch elevations, applications for wells, sand tailings identification and reservation, and a payment bond assurance and concurred with the language changes. **COMMISSIONER DeBOER MOVED APPROVAL OF THE RECOMMENDED LANGUAGE WITH THE STIPULATIONS AS OUTLINED BY ATTORNEY KNOWLTON, SECONDED BY COMMISSIONER D'APRILE.** Commissioner Cummings requested verification that the language changes are consistent with those provided to him yesterday. Attorney Knowlton advised minor

changes were made to read "the key trench shall at a minimum cover 10% of the total ditch berm length adjacent to the preserved wetlands and shall be evaluated at varying depths using various materials"; the berm height is to a specific level; "carbon copied" was changed to "Charlotte County shall be copied on any notification of signs of stress"; language was reincorporated authorizing FDEP to halt mining operations if they felt it was necessary; "In preparation for the contingency that recharge wells may be required, the permittee shall submit a UIC permit application for all recharge wells along the entire ditch and berm system adjacent to preserved wetlands"; they have agreed to the 150' spacing; rather than doing it immediately, Mosaic requested 90 days after issuance of the final EAR permit which is reasonable; language was added to indicate that "the permittee shall use all due diligence to obtain UIC permits within one year from the application date"; and Mosaic agreed to all of her proposed changes regarding sand tailings. **Commissioner Cummings** requested verification of the protections in the regulatory gains by the County's outside counsel. Attorney Knowlton pointed out Attorney Edward de la Parte of de la Parte, Gilbert & Bales, during the executive session, advised he has approved the language and it is acceptable if this is the way the Board wants to go and, if the County wants to maintain gains in previous challenges, he recommended the County maintain that course. **Commissioner Cummings** stated the County has won on both of the points twice. Attorney Knowlton clarified the points relate to recharge wells and sand tailings. **(Chief Deputy Tommy Q. White was present for the remainder of the meeting.)** **Commissioner Cummings** reported that Phillip Davis, the hydrologist, had a concern about the methodology for monitoring water levels and read "with regard to recharge ditches everything continues to be dependent upon daily water level measurements made in the ditches. As noted in the hearing, this methodology does not how effective the ditches are in maintaining water levels in nearby shallow ground water aquifer systems. Preserve wetland conditions are still to be visually monitored on a monthly basis and during the quarterly mine inspections. When we visited Manson Jenkins last year to inspect the recharge ditches and the injection wells, we found the ground water levels had been below some wetland systems for a long time based on IMC's own field measurements made in monitor wells. Even then, no one seemed to be aware or concerned about the non-performance of the ditches and injection

wells. I don't see any greater assurance in the proposed language that Mosaic is proposing." **Commissioner Cummings** expressed concern about how well the system will work based upon the points the County has already won on twice, there are other priorities that should be pursued to protect the gains that the County spent a lot of money acquiring, and stated he would be more comfortable if a review was conducted from the standpoint to protect the gains the County has made to date. **Commissioner DeBoer** added Attorney de la Parte drafted language for resolution and settlement over a two-week period and Board discussions were based on that language; recalled Attorney de La Parte had significant input during the executive session and Attorney Knowlton has been in close contact with him on subsequent occasions; expressed support for the proposed settlement; and it is his intention to continue pursuing the area-wide impact study funded through the Bureau of Mining and FDEP. **Commissioner D'Aprile** requested confirmation that this settlement will not impact prior guarantees and protections. Attorney Knowlton explained this is not as good as the County got before when two judges required recharge wells, in this instance Mosaic is not required to put in recharge wells up front as required in Ona but Mosaic must apply for recharge well permits now and, when and if FDEP finds they are necessary, the wells will be installed. Attorney Knowlton reported staff continues to pursue to Environmental Impact Study (EIS) and this proposal is to resolve issues relating to the revised Altman permit. **Commissioner Devos** pointed out because the mining depth is to 25' instead of 50', the recharge wells are not being required up front; progress is still being made; expressed support for this proposal; and stated the greatest chance of securing the EIS is through rule changes. **Commissioner DeBoer** added the Heritage Corridor issue and the probability of rulemaking changes would be brought up during the Phosphate Summit and more and right ways need to be found to protect the environment. **Commissioner Cummings** recalled the County won on injection well depths on the Altman I and Ona mines and the County is making a concession in this instance; agreed with Attorney Knowlton about the stronger protections won by the County; Federal permits go to cumulative impact analyses not covered in the State permit; and staff should send a letter requesting a public hearing today as it is the last day to comment on the Federal permit. **CALL ON THE MOTION: CHAIRMAN**

**MOORE AND COMMISSIONERS DeBOER, DEVOS, AND D'APRILE VOTED "YES"  
AND COMMISSIONER CUMMINGS VOTED "NO." MOTION CARRIED: (4:1).**

**VII. PUBLIC HEARING AGENDA**

**2:00 P.M.**

Agenda Item Z-2, Budget, Consider an Ordinance updating Impact Fees for New Construction (Proof of Publication was in order)

Mr. Sandrock explained the purpose of the public hearing to update impact fees based upon the Technical Memorandum prepared by James C. Nicholas, Ph.D., dated February 15, 2006; a public workshop was held on February 14, 2006; reviewed updates in the ordinance including residential units would pay impact fees based on square footage with a cap of 4,000 square feet; square feet will be interpreted and measured as the net square feet on those portions of livable area suited for occupancy and normally under heat and air conditioning regardless of these areas being heated and air conditioned at the time impact fees are normally assessed; the effect date of the new fee schedule would be June 1, 2006; development activity where building permit applications have been received and assigned application numbers by the County on or before the effective date of the ordinance would be subject to the previous impact fee schedule provided a building permit is issued within 60 days of the application; individual fee payers who have entered into a valid fully executed sales or construction contract prior to June 1, 2006 may submit an application to the County Administrator, or designee, in which the fee payer may elect to pay impact fees under the previous fee schedule provided that the impact fee is prepaid and non-refundable and paid prior to June 1, 2006; the construction contract results in issuance of a building permit within a time period to be determined from June 1, 2006 and an extension of a building permit would require payment of impact fees under the new updated impact fee schedule; automatic update of fee schedules in July of each year beginning July 2007 and effective the first Monday of October of every year; and the adjusted fee shall be equal to two-thirds using the construction cost index, and one-third using the just value per parcel for vacant residential land within the County as reported by the Property Appraiser between January of the prior year and January of the current year multiplied by 33%. Mr. Sandrock concluded the

presentation by advising Dr. Nicholas is present to answer questions. **Commissioner D'Aprile** stated he has been involved with building industry representatives who are in favor of the updates during this process; pointed out staff is suggesting 6 months versus 12 months as proposed by the industry for payment of impact fees; and commented in support of 6 months. **Chairman Moore** expressed concern about the impact on staff from the 6 to 12-month time frame. James C. Evetts, Building Construction Services Director and Chief Building Official, stated it takes contractors normally between 90 and 120 days to file an application for permit after a contract has been signed based upon timelines of surveyors, architects, and engineers and a longer period for provide more opportunities for applications to be filed should reduce a large number of them being filed at one time and creating a large backlog. **Chairman Moore** announced public input procedures. Sandra Adomatis, on behalf of the Affordable Housing Advisory Committee, stated the Committee reviewed the February 2, 2006 impact fee draft and the recommended fee should be deferred for eligible first time home buyers until subsequent sale of the home; the County is launching an aggressive effort to provide affordable housing destroyed by Hurricane Charley; increased fees will hamper efforts of the new created Community Land Trust and developers to provide affordable housing for the workforce; the Committee supports the recommendation in Chapter VIII of Dr. Nicholas' Memorandum to proceed with a housing study to establish a nexus and need for a housing mitigation program; waiving fees for first time homebuyers needs to be a part of this proposal; the Florida Selection Committee Report on Affordable Housing of February 2004 by Representative Randy Johnson recommended deferring the payment of impact fees by eligible first time home buyers until a subsequent sale of the home; and the letter is signed by Jean Farino, Chair of the Committee. Suzanne Graham, Charlotte DeSoto Building Industry Association President, clarified the Building Department Oversight Committee that was in support of the Impact Fee Task Force recommendations; the Association has not taken a position on impact fees but it does support the Task Force recommendations and the State Impact Fee Task Force recommendations; traditionally the Association has been opposed to impact fees; acknowledged adjustments should have been made; encouraged the Board to look for additional revenue sources since new development is not the only impact to the infrastructure in order to spread the burden throughout the

County; Association Members are questioning the expenditure of previously paid impact fees; and according to the National Association of Homebuilders Study that was done locally growth does pay its way and the Board should give more weight to the study. Larry Sandles, Impact Fee Task Force Chairman, stated the Task Force agrees with most of the changes and a couple of them will be handled administratively through the Oversight Committee and Building Services Department; suggested consideration be given to establishing a five-year payment of commercial impact fees as an incentive and it is imperative to move forward with broad based funding including legislation to implement a transfer fee tax. Ron Thomas, Charlotte County Habitat for Humanity Executive Director, commented in support of the impact fee based on square footage; stated the proposed impact fee on a 1,000 square foot house would increase from about \$2,700 to \$4,200; the 1,000 square foot house is more in line with a home for workforce people; recommended waiving the impact fees as proposed by the Affordable Housing Advisory Committee or freezing impact fees on houses of 1,000 square feet and less to \$2.70 per square foot; and then Habitat can continue to build new homes for \$60,000 per unit including rent. Zac Extejt stated the bottom line is that the County does not have enough money but he has not heard that the County has tightened spending; this should be done before taxes are increased; growth does pay for itself; everyone should pay not just new residents since everyone benefits from services in the County; and re-evaluate the whole taxing system to implement procedures that work. Richard Sinclair, Sinclair Custom Homes President and Board of Director Member for the Florida State Builders Association and the local Association, stated increased impact fees will kill the American dream of owning a home especially for those who need affordable housing and future generations; recalled a proposal for .5% fee on real estate transfers; impact fees for parks, boat ramps, and schools would create more funding over a wider sector; clarified the Builders Association opposes impact fees; building permit issuance time has increased based on the 120-day timing for septic permits; and there is no way that impact fees could be paid within the six-month paid and building permit issued. Herb MaHanay, a San Sebastian Harbor resident, offered to play a DVD on the dryer blower noise emitting from DJs Car Wash at 3659 Tamiami Trail, Punta Gorda, FL. **Chairman Moore** announced public input at this time is only relative to the discussion on impact fees. **COMMISSIONER**

**D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.** Commissioner **D'Aprile** expressed support for the proposed impact fee ordinance in lieu of increasing ad valorem taxes and mentioned the .5% fee on real estate transfers would raise quite a bid of money. **Commissioner DeBoer** stated since he and **Commissioner Cummings** have been on the Board, they have pushed for user fees support as much of County government as possible in lieu of ad valorem taxes, therefore, there are no general ad valorem tax revenues allocated to roads; should that policy be changed and shift the burden to ad valorem taxes and increase costs to current residents instead of new construction; his preference was to implement a flat fee with a cap and an affordable housing policy should be separate from this; he would support looking at adopting policies to subsidize impact fees to housing including language that such loans would be due and payable if the occupants no longer qualify. **Commissioner DeBoer** commented in support of moving forward with recommendations from staff and Dr. Nicholas. **COMMISSIONER DeBOER MOVED APPROVAL TO ENACT ORDINANCE #2006-018, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner Cummings** stated he and **Commissioner DeBoer** have talked about tiered impact fees in the Urban Service Area and suggested directing staff bring back this information for compliance with the Comprehensive Plan. **Commissioner Devos** commented in support of 6 months and including hold harmless language in the event that staff is backlogged in the issuance of building permits. Mr. Evetts stated developers would need to provide contracts that were fully signed by June 1, 2006 in order to be allowed to prepay impact fees based on the lower amount; a building permit would be issued that would be an impact fee permit; and then contractors would have either 6 or 12 months within which to make application for the building permit. **COMMISSIONER DeBOER AMENDED THE MOTION TO REQUIRE THE FEEPAYER TO SUBMIT AN APPLICATION FOR A BUILDING PERMIT WITHIN SIX MONTHS AFTER JUNE 1, 2006, ACCEPTED BY COMMISSIONER CUMMINGS.** **Commissioner Devos** stated another issue involves limiting administrative fees to actual costs, staff recommends 2% since actual costs are unknown at this time, and a possible review after 6 months. **COMMISSIONER DEVOS AMENDED THE MOTION TO INCLUDE DIRECTION TO STAFF THAT ADMINISTRATIVE FEES BE CAPPED AT 2% AND BROUGHT BACK TO THE BOARD IN 6 MONTHS, SECONDED BY COMMISSIONER DeBOER.** Mr. Loucks explained that it can be done in 6 months and double them for the per annum basis or come back

at the end of a year after tracking and capturing costs, pointed out new processes will be implemented with the Building Services Department move, and agreed it should be done at actual costs with annual cost reports. **Commissioner Devos** changed her preference for a review at 12 months with subsequent annual updates. **COMMISSIONER DEVOS RESTATED THE AMENDMENT TO THE MOTION APPROVING ORDINANCE #2006-018 GIVING DIRECTION TO STAFF TO CAP ADMINISTRATIVE FEES AT 2% AND RETURN IN ONE YEAR FOR A REVIEW OF THE FEES, SECONDED BY COMMISSIONER DeBOER.** Chairman **Moore** questioned one year from today. Mr. Sandrock stated that would be an appropriate time frame and reminded the Board that indexing would be performed in July 2007. **COMMISSIONER DEVOS RESTATED THE AMENDMENT TO RETURN IN JULY 2007 TO REVIEW THE FEES RATHER THAN ONE YEAR, SECONDED BY COMMISSIONER DeBOER.** Mr. Sandrock requested direction on whether to include commercial development. **Commissioner Devos** stated 6 months for residential and 12 months for commercial. **Commissioner DeBoer** opined staff needs to bring back specific language dealing with commercial and he is close to withdrawing the motion. **Commissioner Devos** recalled prior discussion on commercial contractors paying impact fees over a 5-year period. **Commissioner DeBoer** stated that the Board did not support it. Mr. Sandrock advised the proposed ordinance deals only with residential. **COMMISSIONER DEVOS AMENDED THE MOTION TO CHANGE SECTION 3-3.5-5, APPLICABILITY, PARAGRAPH (b) TO READ "SAID IMPACT FEES PAID THE INDIVIDUAL FEEPAAYER SHALL BE NON-REFUNDABLE, MUST BE PAID PRIOR TO JUNE 1, 2006, AND THE FEEPAAYER SHALL BE REQUIRED TO SUBMIT AN APPLICATION FOR A BUILDING PERMIT WITHIN 6 MONTHS AFTER JUNE 1, 2006 FOR A RESIDENTIAL PERMIT AND 12 MONTHS AFTER JUNE 1, 2006 FOR A COMMERCIAL PERMIT," SECONDED BY COMMISSIONER DeBOER.** Daniel Gallagher, Deputy County Attorney, suggested using 12 months for all other permits. **COMMISSIONER DEVOS AMENDED THE MOTION TO REFLECT 12 MONTHS AFTER JUNE 1, 2006 FOR ALL OTHER PERMITS, SECONDED BY COMMISSIONER DeBOER. CALL ON THE AMENDMENTS TO THE MOTION: DECLARED UNANIMOUS. CALL ON THE MOTION TO APPROVE ORDINANCE #2006-018 AS AMENDED: DECLARED UNANIMOUS.** Mr. Loucks requested clarification for staff to bring back an affordable housing policy including impact fees. **Commissioner DeBoer** stated affordable housing is a distinct policy that needs to be addressed separately. **(Board consensus.)** **Commissioner Devos** questioned the likelihood of that being brought back to the Board within 90 days. Mr. Loucks acknowledged Dr. Nicholas' negative head nod.

**VIII. PRESENTATION AGENDA**

None.

**IX. WORKSHOP AGENDA**

None.

**X. CITIZEN INPUT - ANY SUBJECT**

Herb MaHanay, a San Sebastian Harbor resident, stated many San Sebastian Harbor residents attended the Development Review Committee meeting in opposition to the petition filed for DJs Car Wash and were promised that there would be no objectionable noise and disturbance; presented a topic entitled EPA Identifies Noise Levels Affecting Health and Welfare, a summary of Charlotte County Code Sections 2-5-131, 133, and 134 for enforcement, and a copy of a petition signed by 34 residents requesting that something be done to eliminate the loud noises from the blowers and boom boxes played at that site; and played a DVD recording the 80 decibels noise level emitted from dryer blowers at DJs Car Wash. Phillip Smith, San Sebastian Harbor Homeowners Association President, Christine Austin, Richard Lawrence, Tom Austin, George McNeill, Lea MaHanay commented in opposition to DJs Car Wash operations and requested the Board do something to eliminate these problems that exist on a 7/24 basis at their back doors.

Alan Arena stated large development, small type city, projects seem to be occurring outside of the Comprehensive Plan; cited a February 12, 2006 Herald Tribune article on sales shift to a buyer's market in North Port including the Woodlands and Thomas Ranch developments and that growth as stalled around the core of the City; this could occur in Charlotte County; baby boomers are not looking only for beaches and golf courses, they need to be cost conscious for retirement purposes; developers are in business to make money; encouraged the Board to use staff and resources to make the best choice and not be pressured by limited time offers.

Gail Giles, a 28-year El JoBean resident, stated Parks, Recreation, and Cultural Resources made an offer and an

agreement on the 1,876 lineal feet along the Myakka River owned by Mr. Vielhauer who pulled out because his price of \$1,000,000 was not met and pointed out another purchase opportunity exists on the 26 acres across from that land that is for sale including the parcel where the Old Grand Hotel remains.

**AA. County Administrator**

Bruce D. Loucks, County Administrator, requested an update on Senate Bill 1608 on Charter Powers of Counties. Kelly Shoemaker, Assistant County Administrator, explained the Bill relates to land use decisions, the County Attorney's Office reviewed the Bill, and read "The County has the power to amend its Charter and add an annexation provision to it if we wished. If we did so, then under current law, the City would be required to follow the County's procedures for annexation. If this Senate Bill is passed, any amendment to the County Charter to provide for an annexation process for the City, would be unenforceable unless, like an ordinance, the County conducted a referendum of both the County and City residents and won majority votes from both residents or one majority approval from the City Council." Ms. Shoemaker requested comments from Board Members in order to relate the Board's position to Bittner and Associates. Daniel Gallagher, Deputy County Attorney, stated ordinances enacted by the Board concerning Comprehensive Plan Amendments or like the ordinance enacted earlier on impact fees automatically apply within the City of Punta Gorda limits and the provision to establish an annexation process and if this Bill passed, all of these powers would be null and void and they would not be applicable within the City limits; a referendum would need to be conducted in the City and County or have the City Council approve all three measures. **Chairman Moore** questioned the requirement for a referendum for the City to annex property. Attorney Gallagher advised the Board has the power to establish an annexation procedure for cities within the Charter, the City currently has its own annexation procedures because the County has not specifically established such a process, and if the Bill passes, the County could not establish such a procedure for cities. **Commissioner Devos** concluded that if the Bill passes, even if annexation procedures were in the Charter for the City, it would not matter. Attorney Gallagher added that ordinances regarding Comprehensive Plan Amendments and impact fees would no longer automatically within the City

limits, unless approved by the City Council or by referendum. **Commissioner Cummings and Chairman Moore** stated it is a bad idea. **Commissioner DeBoer** opined it is an infringement of the Board's powers and questioned the rationale for such a Bill. Attorney Gallagher expressed understanding that municipalities are now trying to assert their powers and more power to determine annexation procedures and the applicability or ordinances. **Commissioner DeBoer** requested verification that the City would be required to meet the same State standards as the County. Attorney Gallagher expressed uncertainty. **Commissioner Cummings** indicated the specific language in the Charter that this is inconsistent with is the result of two referendums, voters have spoken, and the Board should support the language in the Charter and oppose this legislation.

Mr. Loucks introduced Mike Konefal, Community Development Director, to update the Board on the DJs Car Wash situation. Mr. Konefal determined the core issue involves Commercial General along U.S. 41 and across the canal is Residential, both have the right to exist; the Commercial zoning has existed for many years and Commercial and Residential have developed; the Development Review Committee determined the car wash use compatible subject to certain conditions; numerous staff including Code Enforcement and Sheriff's Office have made site visits; the Sheriff's Office determined the Noise Ordinance was not enforceable and no action was taken; meetings were held with the car wash owner and the best solution, at this time, is to construct a door along the car wash where vehicles are being washed since the noise is being created by air blower and engines blowing the equipment within the car wash (if the car wash was completely enclosed with an automatic gate or electric door, the noise would be decreased); the problem is the cost would be \$10,000 to \$20,000; the car wash owner is willing to partially fund the cost if residents are willing to pay; and no response has been received from the residents. **Commissioner D'Aprile** questioned the time the car wash has been in existence. Mr. Konefal stated approximately two years. **Commissioner D'Aprile** requested if a wall or noise control features were required when the car wash was constructed. Mr. Konefal advised the wall was put up, with partial funding from residents, and some noise reduction components were installed on the blowers but they have not significantly reduced the noise to the satisfaction of the residents. **Commissioner D'Aprile** requested

the time limit within which to operate the car wash. Mr. Konefal explained no specific restrictions on the hours of operation or the decibel levels exist in the Code. **Commissioner D'Aprile** suggested the Code be revised. Mr. Konefal reported the car wash would be grandfathered in since it would be a conforming use prior to any Code changes. Mr. Konefal suggested the best solution is the install permanent walls to enclose the car wash but both the car wash owner and residents must monetary contribute to make this happen. **Commissioner Devos** stated public funds may not be utilized on private property; recalled prior discussions on incompatible uses next to one another; and agreed on the need to update the Code. Mr. Konefal offered to meet and facilitate an agreement between the car wash owner, who has indicated a willingness to meet the residents half way, and the residents to resolve this problem. **Commissioner Devos** suggested verification be made that the property owner installed the noise reduction components. Mr. Konefal reported he visited the site on two occasions and verified the wall and buffering along the back were installed; the Development Review Committee considered the rights of the commercial business and residents and he does not recall that a condition was placed on the car wash to install state-of-the-art equipment for noise reduction; this is one of the better car washes as far as esthetics; some noise attenuation equipment was installed on the blowers but it has not helped significantly; and reiterated the best solution is to enclose the building on three sides including an automatic gate or door. Mr. Loucks requested the next legal step if Mr. Konefal cannot facilitate an agreement. Janette S. Knowlton, County Attorney, stated it would be a civil matter and the residents would need to consult their own attorney but there is nothing from the County's prospective but to strengthen the ordinance to eliminate this type of situation in the future. **Commissioner Cummings** reported he has worked with staff and visited the location on numerous occasions and all possible solutions have been considered in this matter.

**BB. County Attorney**

Attorney Knowlton explained oral argument on the Murdock Village appeal is taking place on March 7, 2006 in Lakeland, FL; the appeals relate to vacant landowners and land speculators; none of the appeals involve homeowners since Attorney Robert Gill and Real Estate Services Manager Paul Payette resolved all homeowner

issues by stipulated agreements; and estimated a decision on the appeals in early Fall. Attorney Knowlton updated the Board on the Bessimer matter a/k/a Edgewater Condominiums; a permit was pulled in May 2005; pursuant to the Developer's Agreement, they had until February 20, 2006 to substantially complete the exterior of the building including painting and the deadline has not been met; if the notice has not already gone out, it will shortly, to Mr. Bessimer imposing the \$500 a day fine with an inspection on March 27, 2006; and then another plan of action will be brought back to the board. **Commissioner Devos** asked if anything has been done. Attorney Knowlton stated there is a fence around the property but nothing noticeable has been done.

**CC. Commissioner Comments**

**Commissioner DeBoer** stated the Noise Ordinance refers to the health and safety factors and quite enjoyment of one's property but there are no specific decibel limits. **Commissioner DeBoer** stated he has ascertained that agricultural exemptions in South County were based on qualifying for agricultural designations under Property Appraiser standards; although he thought that the South County exemptions was based on compliance with the same water quality standards as the County; expressed the belief that the qualifying requirements should be the same on a County-wide basis but there may be other problem if more agricultural qualified exemptions under Property Appraiser standards request exemption from Stormwater Utility assessments. **Commissioner Cummings** expressed understanding that ANRAC representatives justified the exemptions in South County based on Soil and Conservation District requirements and water quality standards. **Commissioner DeBoer** invited everyone to visit the Remembrance Garden at the Justice Center, commented on the need to update the Garden in memory of lost loved ones to violent crimes, and mentioned that various people have offered help. **Commissioner DeBoer** mentioned an upcoming Finance Committee meeting, suggested Board Members consider bonding for expansions of the utility collection system including along waterfronts. **Commissioner Cummings** pointed out the Comprehensive Plan directs continuing installation of sewer. **Commissioner D'Aprile** advised he would be on vacation for the next couple weeks. **Commissioner Cummings** stated he determined, after reviewing the Malcohm Purnie Report on water availability at Babcock Ranch, if the County gets approval for water, under the best case scenario,

the water would cost 50% more than the expensive water the County would be getting from the next expansion from the Peace River which is just short of 10 times what the County is currently paying. **Commissioner Devos** stated she was not present at the land use public hearings on February 21, 2006; requested petition Z-05-05-36-TDU be brought back for reconsideration on the rezoning from Agricultural Estates to Planned Development and discussion on the 75 foot versus 60 foot building height; referenced a newspaper article this morning about the developer of the mall in the Punta Gorda requesting a height exception; and recalled a quote from Mr. Wotitzky that a certain hotel had areas as high as 90 feet. **COMMISSIONER DEVOS MOVED APPROVAL TO AMEND THE AGENDA TO ADD A REQUEST TO RECONSIDER PETITION Z-05-05-36-TDU, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. COMMISSIONER DEVOS MOVED APPROVAL TO RECONSIDER Z-05-05-36-TDU AT THE NEXT LAND USE PUBLIC HEARINGS, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. Commissioner DeBoer** pointed out reconsideration does not mean that the Board's prior action would be changed or reversed and there is a general policy that the Board would support a motion to reconsider made by a Commissioner who was not present for the prior action. **Commissioner Devos** pointed out the original vote was 2:2. Mr. Loucks requested clarification if the reconsideration should be heard by the full Board. **Commissioner D'Aprile** reiterated he would probably not be present for the March 21, 2006 land use hearings. Mr. Loucks suggested scheduling the reconsideration to be heard on March 28, 2006. **(Board consensus for reconsideration on March 28, 2006.)**

Mr. Loucks reported a meeting coordinated by the Sheriff was held yesterday with representatives from the Social Service Agencies and Not-for-Profit Agencies involved in alcohol and drug abuse, rehabilitation, prevention, and incarceration; the topic for discussion was what can Charlotte County do in the future regarding these issues; the Deputy Director for the State Agency for Drug Control, Representatives Paige Kreegel, Jeff Kottkamp, and Michael Grant as well as School Board and Mental Health representatives were present; the Agencies agreed to work together and bring back to respective funding partners, a five-year look at where the dollars are going and future needs projects; Southwest Florida Addiction and Family Services was a key agency with representatives who have spoken with Board Members about the need for additional beds at the current and

new facilities and this request will be presented as part of the budget process; the overall results were positive on heightened awareness of the problems; and there was another meeting this morning at which each agency will pursue funding sources. **Commissioner Devos** related Charlotte County only receives 74% of what other counties receive or about \$70 per person whereas other counties receive as much as \$216 per person; Bill James is the Deputy Director at the State Agency; there was discussion about the closure of G. Pierce Wood; and changes may occur after a new Governor is in office after the next election.

**MEETING ADJOURNED: 4:30 P.M.**

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**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**