

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

MARCH 14, 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 Adam Cummings, Matthew D. DeBoer and Sara J. Devos. Also in attendance were County Administrator Bruce D. Loucks, County Attorney Janette S. Knowlton, Finance Director Ann Navan, Executive Assistants to the Board Bonnie Blair and Bonnie Stoner, and Deputy Clerk Gail Manley. The meeting was called to order at **9:00 A.M.** (Commissioner Thomas C. D'Aprile was not present for the meeting.)

The **invocation** was given by Pastor Gary Clark, Fellowship Church, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

ADDITIONS:

**Regular
Business**

Agenda Item Y-4, Commission Office, Approve setting a Special Meeting of the Board of County Commissioners on March 23, 2006 at 2:00 p.m. to receive a presentation from the Southwest Florida Water Management District (SWFWMD) and the South Florida Water Management District (SFWMMD) in regards to Babcock Ranch.

Agenda Item Y-5, Administration, Approve a letter of support for Federal Treatment for Homeless Grant and have the Chairman sign the letter of support.

Agenda Item Y-6, Commission Office, Appoint Kenneth Moore to the Construction Industry Licensing Board representing the "Licensed Professional Engineer" category.

CHANGES:

**General
Services**

Agenda Item L-4, Administration, Change verbiage in Budget Action to "FY 05/06 Budgeted amount is \$433,000 for capital construction"

**Community
Development**

Agenda Item G-4, Community Development, Set the series of Public Hearings to: March 28, 2006, 2:00 p.m., Greg Eagle Reconsideration, April 4, 2006, 10:00 a.m., Four Comprehensive Plan Amendment items, April 4, 2006, 1:00 p.m., All Babcock Items

DELETIONS:

**Economic
Development**

Agenda Item H-1, Approve scheduling a special meeting of the Board for April 4, 2006 in order to hold a public hearing starting at 9 a.m. The public hearing will consider the Professional Service Committee's recommendation on the Murdock Village Redevelopment Initiative - Sale and Disposition of Real Property (RFP No. 2006000119).

**Regular
Business**

Agenda Item Y-2, Parks, Recreation & Cultural Resources, 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.

Agenda Item Y-3, Utilities, As a follow-up to the February 28, 2006 BCC meeting, review and direction on the Peace River/Manasota Regional Water Supply Authority's request for consent to enter Charlotte County's jurisdiction for an extension of the regional transmission system.

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

I. SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MARCH 2006 AS "JOAN BALMER, ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH" ON MOTION BY COMMISSIONER DEBOER, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). Joan Balmer accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MARCH 17, 2006 THROUGH MARCH 26, 2006, AS "SENIOR GAMES WEEK" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS (4:0). Todd Heidenreich, Recreation Program Supervisor, Parks, Recreation and Cultural Resources Department, and Keith Rusnell accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING MARCH 14, 2006 AS "NATIONAL CHAMPIONS PORT CHARLOTTE HIGH SCHOOL MODEL UNITED NATIONS' DAY" ON MOTION BY COMMISSIONER DEBOER, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). Bob Johnson spoke on behalf of the Team, and Commissioner Devos presented proclamations to the following Port Charlotte High School Model United Nations Academic Team members: Brendan Saslow, Ryan Debus, Javier Guzman, Nicole Parrish, Ross Leach, Chelsea Lee, Aaron Brotman, Brett Hevia, Jamie Tremps, Teddi Thosath, Samantha Ruiz, Kristen Rouse, Chris Sugiarto, Ginna Keevan, Myrriah Gossett, Rebecca Francois, Asher Levine, Michelle Frieda, Alison Kraemer, Olivia Costa, Jessica Klein, Dan MacCormack, and Corbin Sutter.

Presentations:

Ron Thomas, Habitat for Humanity, introduced student volunteers from Purdue University, and presented a plaque of appreciation to the Charlotte County Board of County Commissioners for support of the Community Volunteer Center.

Commissioner Devos read a congratulatory letter from Governor Jeb Bush to Ana Romillo as a "Governors Points of Light Award"

recipient. Ana Romillo, Executive Director of the Homeless Coalition, accepted the award on behalf of the Coalition staff, volunteers, and donors.

Employee Recognition:

Bruce D. Loucks, County Administrator, and **Commissioner Devos** recognized the following employees for their service with the County: **Five Years** - Gary Harrell, Metropolitan Planning Organization; David Vance, Community Development; Louis Agarrat, Utilities; Verne Riggall, Jr., Fire/EMS; **Ten Years** - David Cain, Utilities, Linda Freas, Utilities, and Carole Hartfelder, Purchasing; **Fifteen Years** - Laurence "Larry" Burlew, Jr., Building Construction Services, and William Clark, Fire/EMS.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

Jack Fawcett, on behalf of the Advisory Board for the Northwest Port Charlotte Community League, Grace Amodio, and Sandy Slater (presented a handout regarding South Gulf Cove Entranceway Projects), spoke in support of **Agenda Item AA-1 to consider an ordinance to amend the territory of the South Gulf Cove Waterway MSBU to include the dry lots within the unit.**

Barney Mitchell commented on **Agenda Item BB-1, Babcock Master Plan**, and advised that many citizens have concerns for the quality of water, schools, life, and environment, and requested the Commission to take all matters into consideration before changing the Comprehensive Plan.

III. COMMITTEE VACANCIES

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

Construction Industry Licensing Board

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

Grove City Street & Drainage MSBU Committee

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

Planning & Zoning Board Representative

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

Murdock Village Community Redevelopment Agency Advisory Committee

- one (1) Contractor Representative.

Little Gasparilla Island Advisory Committee

- one (1) volunteer for the Hideaway Beach Club Owner's Association, representing the Association through 1/22/2007, one member of the Little Gasparilla Island POA to represent the Association, one member of the Placida Beach Club Owner's Association to represent the Association and two members At Large.

Gulf Cove Waterway Unit

- one (1) Request 6 volunteers (5 regular members and 1 alternate member) to sit on the Gulf Cove Waterway Advisory Committee. The terms of the regular members will be pulled by lot number at the first meeting (1-3 year terms) and the term of the alternate member will be for two years.

Affordable Housing Advisory Committee

- one (1) volunteer to represent the building industry for a term to expire March 8, 2007 and one volunteer "Member at Large" for a term to expire March 12, 2008.

Manchester Waterway Benefit Advisory Committee

- One (1) volunteer needed. Must be a resident property owner within the boundaries of the unit. The committee meets monthly or bi-monthly as required.

IV. REPORTS RECEIVED AND FILED

None.

V. CONSENT AGENDA

COMMISSIONER DeBOER SAID HE WISHED TO PULL L-3. COMMISSIONER DeBOER MOVED APPROVAL OF THE FOLLOWING ITEMS, BEING THE BALANCE

OF THE CONSENT AGENDA, SECONDED BY COMMISSIONER DEVOS, AND DECLARED UNANIMOUS (4:0).

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 22, 2006 through March 7, 2006 in the amount of \$14,209,461.40

B. Minutes Division

Agenda Item B-1, Approval of Minutes

No items.

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appoint Jim Redding to the Marine Advisory Committee representing the Charlotte Harbor Yacht Club. Appoint Maurice Sabourin to the Marine Advisory Committee representing USGG Flotilla 89 Rotonda.

D. Administration

No items.

E. County Attorney

No items.

F. Budget Office

Agenda Item F-1

Approve the Inmate Lawn Maintenance Program at various County Facilities to begin on April 1, 2006 and related **Budget Amendment # 06-A17** to align budgeted funds.

G. Community Development

Agenda Item G-1

Approve Final Plat for Kings Gate Phase 5, FP 02-11-08, and **Developer's Agreement 2006-011** and Surety Bond-Arch Insurance Company Bond Number SU5011828 in the amount of \$30,937.50

Agenda Item G-2

Resolution 2006-037 and accompanying conservation easement adopting a Certification of Sending Zone density units, Petition # CSZ-05-07-08 for Andrew and Sherri Dodd.

Agenda Item G-3

Resolution 2006-038 and accompanying conservation easement adopting a Certificate of a Sending Zone density units, Petition # CSZ-06-01-02 for Triple I Limited Partnership, LLLP.

Agenda Item G-4

Set a series of Public Hearings as follows:

1. March 28, 2006 2:00 p.m. Greg Eagle Reconsideration, Z-05-05-36
2. April 4, 2006 10:00 a.m. Four separate Comprehensive Plan Amendment Items, PA-05-05-28-LS/Z-05-05-29, PA-05-05-31-LS, PA-05-32-LS, PA-05-09-63-LS
3. April 4, 2006 1:00 p.m. All Babcock Items, DA-06-03-01, PA-05-09-61-LS

H. Economic Development

No items.

J. Environmental & Extension Services

Agenda Item J-1

Resolution 2006-039 amending Resolution 99-191, creating the Conservation Easement Program for Charlotte County, Florida.

K. Facilities Construction and Maintenance

No items.

L. General Services

Agenda Item L-1

Award Contract # 06-178, Annual Contract for Contractor/Builder, in ascending order as outlined, at the unit prices bid. Term of contract is to be from March 14, 2006 through and including December 31, 2006; and **Authorize** the County Administrator to approve renewal options for up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent.

Agenda Item L-2

Award Bid #06-189, Replacement of Shower Drains-Charlotte County Jail Facility, to Norstar Construction of North Fort Myers, Florida, in the amount of \$86,414.00.

Agenda Item L-4

Award Bid #06-103, Scale House Improvements - Zemel Road Landfill, to Magnum Builders of Sarasota, Inc. for the total amount of \$687,345.00, and **Approve Budget Transfer #06-014 and CIP Amendment #06-C12** for amount over CIP Budget.

M. Human Resources/Risk Management

No items.

N. Human Services

Agenda Item N-1

Grant #2006-013 for the annual FTA Section 5307 grant application, Master Agreement, and standard assurances, **authorize** the Chairman to sign the grant application, and **authorize** the County Attorney, the MPO Director, and the Transit Manager to enter their PIN numbers to make the required electronic application; the approval of the Grant will allow Transit to start invoicing for Dial-a-Ride expenses for the FY06 up to \$1,181,067.

Agenda Item N-2

Agreement #2006-010 between the Board and Goodwill Industries for a State Housing Initiative Partnership Program (SHIP) Affordable Housing Program Developer Agreement in the amount of \$200,000.00, and **authorize** the Chair to sign the final contract award with the developer, after review by the County Attorney's Office.

P. Information Technology

No items.

Q. Parks, Recreation & Cultural Resources

Agenda Item Q-1

- (a) **Approve** renaming South County Park to South Punta Gorda Heights Park.
- (b) **Approve** naming the swimming pool at South County Regional Park in memory of Peggy Rigell Desguin.

R. Public Safety

Agenda Item R-1

Grant #2006-014 for the EMS County Grant application in the amount of \$32,990 to be used to improve and expand the County's Pre-hospital Emergency Medical Services (EMS) System, and **Resolution #2006-040** certifying to Florida Department of Health

that all monies received from the Emergency Medical Services Grant No. C5008 will be used to improve and expand the County's Pre-Hospital EMS System and not supplant existing County EMS Budget Allocations.

Agenda Item R-2

Grant #2006-015 for the EMS (75%/25%) Matching Grant application in the amount of \$764,172 to purchase two (2) EMS Advanced Life Support (ALS) Transport Units and also purchase ALS equipment for two (2) Non-Transports Units that currently only provide Basic Life Support (BLS) so they will have ALS capabilities.

Agenda Item R-3

Amendment to Grant # 2005-036 for modification to the Emergency Management Preparedness & Assistance (EMPA) Base Grant Agreement #06BG-04-09-18-01-062 signed by the Board September 27, 2005, for an additional \$34,318, and **Budget Amendment #06-A16**, in the amount of \$34,318.

S. Public Works

Agenda Item S-1

Set a Public Hearing on Tuesday, March 28, 2006 at 10:00 a.m., or as soon thereafter as it may be heard, to consider an Ordinance amending the territory of the Charlotte Ranchettes Street and Drainage MSBU.

Agenda Item S-2

Set a Public Hearing on Tuesday, March 28, 2006 at 10:00 A.M., or as soon thereafter as it may be heard, to consider an Ordinance to create the Grove City Waterway Unit.

Agenda Item S-3

Set a Public Hearing on Tuesday, March 28, 2006 at 10:00 A.M., or as soon thereafter as it may be heard, to consider an Ordinance to create the South Bridge Waterway Unit.

Agenda Item S-4

Set a Public Hearing on Tuesday, March 28, 2006 at 10:00 A.M., or as soon thereafter as it may be heard, to consider an Ordinance to create the Edgewater North Waterway Unit.

Agenda Item S-5

Set a Public Hearing on Tuesday, March 28, 2006 at 10:00 A.M., or as soon thereafter as it may be heard, to consider an Ordinance to amend the name of the Buena Vista Grassy Point Edgewater-Lister-Free Court Waterway MSBU and amend the territory of the MSBU by deleting certain properties.

Agenda Item S-6

Set a Public Hearing on Tuesday, March 28, 2006 at 10:00 A.M., or as soon thereafter as it may be heard, to approve an Ordinance amending the purpose of the Englewood East Street and Drainage Unit to permit funds derived from the Unit to be used for beautification and landscaping of the rights-of-way within the boundaries of the Unit, and by providing for improved legal descriptions of the territory.

T. Real Estate Services

Agenda Item T-1

Resolution #2006-041 authorizing the Chairman to accept a twenty-foot (20') wide drainage easement for drainage purposes to be located in a certain portion of the SE 1/4 of the NE 1/4, Section 28, Township 41 South, Range 23 East, Charlotte County, Florida. (Owner: Old Town, L.L.C., a Florida Limited Liability Company)

Agenda Item T-2

Resolution #2006-042 releasing two (2) five-foot (5') wide utility and drainage easements located in Three Rivers

Subdivision; the release of a portion of a twenty-foot (20') wide canal maintenance easement, located in Port Charlotte Subdivision, Section Eighty-Two; and the release of two (2) seven and one-half foot (7.5') wide drainage easements located in the Amended Plat of Southernaire Subdivision, all in Charlotte County, Florida, and further authorizing the Director of Real Estate Services to execute County Deeds releasing said easements or portions of said easements. (Owners: Frank A. and Lorial L. Milazzo, Brian E. and Jean Larussa, and Ernest Larue, Jr. and Jerri Hunter)

V. Tourism Development

No items.

W. Utilities

No items.

ITEM FOR DISCUSSION

Agenda Item L-3: Approve deletion of property inventory items for the month of March 2006.

Commissioner DeBoer expressed concern that the first six (6) items on the page listed as Equipment For Transfer to State of Florida, (Transferred to Lee County Justice Center), Mackie DX-8 Audio Mixer Tag-Asset #'s 29233(00021701), 29232(00021700), 29231(00021697), 29230(00021698), 29229(00021696), and 29235(00021699), appear to have been purchased by Charlotte County for the Court Systems and are now being moved to the Justice Center in Lee County. Kimberly Corbett, Purchasing Director, advised she misstated at Pre-Agenda that the items were being transferred to the Court Administrator's Office and were staying in Charlotte County, and reconfirmed the items would be relocated to the Lee County Justice Center by the Court Administrator's Office; that in accordance with Article V the property goes to the office of the Court Administrator, and once transferred, that office has the authority to relocate it elsewhere in the Circuit; but it can be investigated and brought back to the Board. **Commissioner DeBoer** stated he takes issue that some \$35,000 worth of Charlotte County tax dollars was spent on equipment to provide services in Charlotte County and

the equipment is now being moved to Lee County. **Commissioner DeBoer** indicated he is not certain what the Twentieth Judicial Circuit policy is but it should be identified and addressed. Janette S. Knowlton, County Attorney, indicated the matter warrants being reviewed, and suggested it be brought back to the Board. Ms. Corbett suggested the Board pull the six questionable items, and move approval of the remainder of Agenda Item L-3. **COMMISSIONER DEBOER REQUESTED THAT THE SIX AUDIO MIXERS REFERENCED AS EQUIPMENT FOR TRANSFER TO STATE OF FLORIDA (TRANSFERRED TO LEE COUNTY JUSTICE CENTER), TAG-ASSET NUMBERS 29233(00021701), 29232(00021700), 29231(00021697), 29230(00021698), 29229(00021696), AND 29235(00021699), BE BROUGHT BACK AT A LATER DATE, AFTER FURTHER REVIEW BY THE COUNTY ATTORNEY'S OFFICE, AND MOVED APPROVAL OF THE REMAINDER OF AGENDA ITEM L-3, SECONDED BY COMMISSIONER DEVOS, AND DECLARED UNANIMOUS (4:0). Commissioner DeBoer** stated he believes what is being done is in accordance with the law, but finds it offensive that Court Administration can act outside the accountability of elected officials who had to tax citizens for the purchase of the equipment, and Court Administration do whatever they want with the equipment.

V. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Environmental & Extension Services- Approve steps necessary for the acquisition of land for the protection and preservation of open space and environmentally sensitive habitats.

Jim Thomson, Director, explained this item requests that the Board allow staff to engage the Nature Conservancy to poll residents in order to determine opinions on an environmentally sensitive land acquisition referendum process; permission to begin developing and gathering people interested in being part of the process; and begin organizing supporting documents necessary to move forward with a process for land acquisition, should the Board so direct. **Commissioner DeBoer** inquired how much land in Charlotte County, presently, and after the 74,000 acres in Babcock is preserved, is owned by government. Mr. Thomson stated Charlotte County's open space is slightly less than 1% of the land available in Charlotte County, the State has

about 23%, and after the Babcock preservation it would be about 39%-40%. **Commissioner DeBoer** inquired if any research had been done to determine when State and Federal government owns so much land there is insufficient tax revenue generated. Mr. Thomson said he was not aware of any such research. **Commissioner DeBoer** stated preserving land is a good idea, prefers land to be purchased for more active purposes, and would like to see some kind of mechanism in the polling to determine if people would rather have more land for active purposes, versus passive park purposes that receive less use. Andy Stevens, Natural Resources Manager, indicated that is part of the scientific approach for polling. **Commissioner Cummings** pointed out this action follows through with what the Board agreed to do during the last election. Mr. Thomson indicated part of the analysis staff will look at is what the percentages are of governmentally owned lands in other Florida counties, and will report that information back to the Board. **Commissioner Cummings** said what is important in providing services is determining the value of the tax base of the land over which you are trying to provide services; many areas determined it is a net loss to try and provide services over a broader area than over compact, contiguous growth; and that is one of the driving reasons for the Growth Management Act for the State. **COMMISSIONER DEBOER MOVED APPROVAL FOR COUNTY STAFF TO ENGAGE THE NATURE CONSERVANCY TO POLL RESIDENTS IN ORDER TO DETERMINE THEIR OPINIONS REGARDING THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE LANDS, TO SEEK OUT STAKEHOLDERS AND INTERESTED INDIVIDUALS, AND BEGIN DEVELOPING PLANS FOR A REFERENDUM, INCLUDING THE DEVELOPMENT OF INFORMATIONAL FACT SHEETS, REFERENDUM, ACQUISITION CRITERIA, ORDINANCES AND OTHER SUPPORTING DOCUMENTATION, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).** **Commissioner Devos** inquired if the \$15,000 estimated cost to develop informational fact sheets would be brought back to the Board in order to formalize the vote. Mr. Thomson replied affirmatively.

Agenda Item Y-4, Commission Office - Approve setting a Special Meeting of the Board of County Commissioners on March 23, 2006 at 2:00 p.m. to receive a presentation from the Southwest Florida Water Management District and the South Florida Water Management District in regards to Babcock Ranch.

COMMISSIONER DEVOS MOVED APPROVAL TO SET A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS TO BE HELD MARCH 23, 2006 AT

2:00 P.M. TO RECEIVE A PRESENTATION FROM THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) IN REGARDS TO BABCOCK RANCH, SECONDED BY COMMISSIONER DEBOER. Commissioner Cummings pointed out this is the same date the Regional Legislative Consortium would be in Tallahassee and the Commission would not be able to participate if the meeting with SWFWMD and SFWMD is this same day. Chairman Moore advised schedules were difficult; Charlotte County would be represented in Tallahassee, but not with Commissioners. Commissioner DeBoer indicated March 23, 2006 was the only day the head of both agencies were available at the same time. Commissioner Devos inquired if staff members could be sent to Tallahassee. Chairman Moore said there would be good staff representation on Charlotte County's behalf. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

Agenda Item Y-5, Administration - Approve a letter of support for Federal Treatment for Homeless Grant and have the Chairman sign the letter of support.

COMMISSIONER DEVOS MOVED APPROVAL OF A LETTER OF SUPPORT FOR FEDERAL TREATMENT FOR HOMELESS GRANT AND HAVE THE CHAIRMAN SIGN THE LETTER OF SUPPORT, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).

Agenda Item Y-6, Commission Office - Appoint Kenneth Moore to the Construction Industry Licensing Board representing the "Licensed Professional Engineer" category.

COMMISSIONER DEVOS MOVED TO APPOINT KENNETH MOORE TO THE CONSTRUCTION INDUSTRY LICENSING BOARD REPRESENTING THE "LICENSED PROFESSIONAL ENGINEER" CATEGORY, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).

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

VI. PUBLIC HEARING AGENDA

AA-1 10:00 A.M. (Proofs of Publication were in Order.)

Agenda Item AA-1, Public Works - Consider an Ordinance amending the territory of the South Gulf Cove Waterway MSBU to include the dry lots within the unit.

Tara Musselman, Municipal Services District Representative, explained the Waterway Advisory Committee requested the dry lots be added to the MSBU territory of the waterfront community of South Gulf Cove Waterway that are currently within the boundaries, but not taxed. Sandy Slater, Jerry Zipparis, Ray Warner (presented photographs), Joe Fleming (presented photographs), Clarence Brosner, and Mike Post spoke in support of amending the territory of South Gulf Cove Waterway MSBU to include the dry lots within the unit. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0). COMMISSIONER DEVOS MOVED TO ENACT ORDINANCE #2006-019, SECONDED BY COMMISSIONER DEBOER FOR DISCUSSION.** Commissioner DeBoer stated he has always had a problem with this concept and does not believe the dry lots should share an equal part of the burden; that it appears the matter is a larger policy issue and should be addressed as a drainage district issue, not necessarily a MSBU issue; and he does not support a flat tax against dry lots that is exactly the same as people on the waterways because there is not an equal benefit, or an equal amount of attributable damage to the waterways to be corrected. **Chairman Moore** stated that the motion today is specifically to expand, or further define, the MSBU, and inquired if this were to pass, when the monetary portion comes. Daniel Gallagher, Jr., Deputy County Attorney, indicated the only thing being approved today is inclusion of the dry lots; MSBU and MSTU Public Hearings for input are held in July 2006; assessments are formalized in September 2006, and go into effect in October 2006. **Commissioner DeBoer** clarified that unless the previously set maximum is exceeded, there is no hearing in July 2006, but in September 2006. Attorney Gallagher reported he believed the hearings in July 2006 would be held since there is a new assessment of property owners. **Commissioner Cummings** advised if dry lots are to be assessed at the same rate he would oppose the motion; canals are not a drainage facility and most silt comes from the mouth of the canal; benefit clearly accrues to the waterfront owners with the possible exception of South Gulf Cove because there has been a big effort to improve accessibility, but the benefit is still clearly not equal; he is skeptical of the proposal and it is not to be used as a precedent for other MSBU's unless those MSBU's do the same things Gulf Cove has done. **Commissioner Devos** commented on her experiences as a canal system owner; pointed

out there was no one in attendance at this meeting to oppose what is before the Board today; and explained the fee can be amended to those who have less of a benefit. **Chairman Moore** stated he supports the motion. **Commissioner DeBoer** said he still has some difficulty with this because of policy setting; believes siltation at outfalls is the responsibility of the larger stormwater drainage district; will support the first step today, but will not support equal assessment charges, because there is not an equal benefit. **Commissioner Cummings** stated this should not be considered at full value, and when the Public Hearings come back, the lots in Village of Holiday Lakes should be treated like the dry lots in South Gulf Cove with a proportionate share, but not a full share. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0)**

X. CITIZEN INPUT - ANY SUBJECT

Charles F. Kueny, Frank Chulay, John Mickmac, Edward R. Sullivan, Augie Lancelotto, Melba Olander, Eileen Baczor, Grace Amodio, Andrew Pignatare, and Sally Durbano spoke on difficulties the elderly citizens and volunteers are experiencing with Management of the Cultural Center and requested assistance from the Commission in resolving the issues. Ms. Baczor indicated she knows of at least six organizations that will not return to the Cultural Center. **Commissioner Devos** inquired when the next Cultural Center Board meeting would be held because it is her district and she would like to attend that meeting. Ms. Durban o advised the Cultural Center Board meeting is March 30, 2006 at 8:00 A.M., but the Pinochle Club was not invited. Jerry Zaffarish, of South Gulf Cove, stated discussions on whether dry lots and waterfront lots should pay an equal amount into the MSBU has been ongoing for a considerable time; he was not in favor of it until there was a boat ramp, which South Gulf Cove now has, but there have been no rates discussed; and he believes dry lots should pay a portion of the MSBU. Mike Post concurred with **Commissioners DeBoer and Cummings** that a proportional approach of assessment on the South Gulf Cove lots would be appropriate. Mr. Post expressed concern with the process by which MSBU's are formed, and indicated he would like to see the County come up with a procedure for selection, term limits, and a clear definition of what the MSBU supports. Mr. Post stated interpretation is not clear in the West County Stormwater Utility Ordinance, and indicated there

should be a review of the length of time people have served on committees because he believes it is beyond what the Ordinance allows in some cases. Rhonda Hagg introduced herself as the new local representative and Director of the Fort Myers office of South Florida Water Management District, and stated she looks forward to working with the Board and community on water quality issues, Babcock issues, and anything else she might assist with. David Goodrich inquired if the heavily populated wildlife in the Murdock Village area will be relocated. **Commissioner Devos** reported that what was heard today from citizens is indicative of a much larger problem that is had at the Cultural Center; that she previously attempted to gain cooperation from the Cultural Center Board with no success; and advised that the Contract with the Cultural Center is only one page, leases the facility for \$1.00 to the not-for-profit organization for either 50 or 100 years, with no requirement to provide an annual audit or anything else. **Commissioner Devos** stated she has received many complaints from the not-for-profits because of the increased costs, the School Board is leaving, and Florida Gulf Coast University is very unhappy; and expressed concern that the County has no say-so whatsoever for a facility that public dollars are used to improve. **Commissioner Devos** indicated she would attend the Cultural Center Board meeting on March 30, 2006, and anyone else who wishes to attend should feel free to do so, whether invited or not. **Commissioner Devos** stated it would perhaps help when attending the meeting to have a letter that all the Commissioners have signed to be read into the record, and indicated she would meet with the County Attorney to review the contract; that the County does not want to take over the operation, but the Cultural Center Board should understand they are accountable to the community they serve. Jenny Lyons said groups have been dancing at the Cultural Center for years, and when renovated there was a main ballroom with a wooden floor constructed; dances are held every Monday night with sometimes over a hundred people attending; the Cultural Center Board will not allow these weekly dancers to use the main ballroom with the wooden floor; they must instead dance on the concrete floors. **Commissioner DeBoer** indicated he supports **Commissioner Devos** and would accompany her to the meeting at the Cultural Center if she wished, and recalled a similar situation in the past at the Cultural Center. **Commissioner DeBoer** explained when the Cultural Center was first to be built, the not-for-profit who ran it took out mortgages, built the buildings, paid it off through

fundraising, etc., and the property was then deeded to the County; but the County has always been responsible for the major repairs such as roofs, air conditioning, external, and parking lots to the facilities with taxpayer dollars. **Commissioner DeBoer** stated he believes if the Commissioners all call and advise the Cultural Center Board of the displeasure in the way things are being operated, it should create enough pressure to change the direction; and if not, perhaps the County Attorney can find something in the one-page Contract, or something not stated in the Contract that is stated under general law that gives the ability to ask for information because of it being public property. **Commissioner DeBoer** pointed out that the facility is public property and if anything is there that is a for-profit operation, it creates a problem, because taxpayer property is then being used for a profit-making operation. **Commissioner DeBoer** stated sooner or later the Cultural Center Board will be back to the County for public expenditures on the facility; but a more diplomatic approach can be used at first. **Commissioner Cummings** stated this facility is extremely important to the senior community; he doesn't believe it is exclusively for the use of seniors, but it is important to keep the cost for people to use it as low as humanly possible. **Commissioner Cummings** suggested that when **Commissioner Devos** attends the meeting she also have available the amount of funds Charlotte County taxpayers have contributed to this facility, and go with the mission of getting the audits to which she referred. **Commissioner Cummings** indicated he hoped those who operate the Cultural Center would use this as an opportunity to clear their name on the issue, and if they justify there is no choice because of the increase in their expenses, then a focus should be made on raising revenue to support the facility. **Commissioner Cummings** advised he also supports **Commissioner Devos** and encourages her to acquire the audits; and that at some point the requirement of annual audits needs to be built into the contract like every other not-for-profit organization to which the County contributes.

AA. County Administrator

No items.

BB. County Attorney

Janette S. Knowlton, County Attorney, advised that last week Paul Payette, Director of Real Estate Services, Debra Forrester, Redevelopment Manager, and she, attended the oral arguments on the Murdock Village appeals; there was a three-panel judge; both sides did a good job on the oral arguments and it is difficult to predict the outcome. Attorney Knowlton stated it is hoped the judges would affirm what the trial court held with no opinion; if she could predict or guess from the questions asked of the judges it appears two of the judges are on our side, but she is not certain of the third one; and there should be a decision by late summer.

CC. Commissioner Comments

Commissioner DeBoer reported arrangements have been made for him to fly to Tallahassee tomorrow (March 15, 2006) to testify before the Senate Judiciary Sub-Committee on eminent domain; that his understanding is the bill right now is not retroactive, but consensus of the Board is that it is important to express Charlotte County's concerns and the specifics of what transpired with Murdock Village because there is still a group attempting to make the law retroactive, and just as was done with the House side, it is important these folks know Charlotte County needs to be held harmless. **Commissioner DeBoer** indicated he has received some support from the private sector with some influential people in Tallahassee, and will attempt to make some appointments to discuss Aqui Esta while there, and see if something can be done with the funding. **Commissioner DeBoer** agreed with Mr. Post that there were inconsistencies in term limits on committees and would like to have that brought back to the Board; and indicated there needs to be clarification regarding exemption from the stormwater districts so he can clear his desk of the emails and other correspondence. **Commissioner DeBoer** expressed concern that the Youth Center/Church is completed and now being used, but there is no management plan, insurance requirements or leases. **Commissioner Devos** advised the Children Services Council is expected to have a report available the first Board meeting in April 2006, with a recommendation for a lead agency for management. **Commissioner Devos** said the newspaper stated someone was being considered for hire; does not know where that information came from; but it is possible there will be need of a person to be responsible for overseeing when and how the facility is used, and indicated most

of the facility is leased. **Commissioner DeBoer** said only the Board of County Commissioners (BCC) can lease property and he has seen no leases, no indemnifications, or insurance requirements, and expressed concern about these tenants starting to occupy the premises; and indicated these matters need to be done right away. **Commissioner DeBoer** referenced a newspaper article that he hopes was misreported, but which gave him a great deal of concern, and indicated he understands at the Water Authority meeting as one of the conditions approving the Interconnect, it was stated that the BCC took the position that would affect Mr. Lehman's employment; and stated the BCC has never, and would never, discuss that, nor does it have any kind of policy like that. **Commissioner Cummings** requested that when **Commissioner DeBoer** travels to Tallahassee to testify on the eminent domain issue, he attempt to preserve the County's ability to continue with Murdock Village and the ability to continue fixing the Florida Land Use Map (FLUM) and creating the commercial nodes. **Commissioner Cummings** commented on the discussion that occurred at the Water Authority Meeting; that he put forward his interpretation of the consensus the Board had in that it would consider signing an agreement for the interconnect but it must include some kind of strong language for right of first refusal; everything else was his opinion as to what can be done to improve the relationship between the County and the Water Authority; his recollection is he did not put this as the Board's position, but as his personal opinion, and apologized if he held it out as the Board's position, and will tell the Water Authority it is not conditions set up by Board. **Commissioner Cummings** stated the Water Authority is not living up to its mission and there needs to be tangible evidence it will do so. **Commissioner DeBoer** said with it being presented as **Commissioner Cummings** just explained, he understands how it could be taken as a precedent for the approval, and appreciated **Commissioner Cummings** making it clear. **Commissioner Devos** clarified that there was no discussion that the County had considered hiring someone to work with the Court Automation System (CAS) on the Youth Center, but there was a suggestion of a need for someone to assist until the facility gets established, and she anticipates the County will be requested to hire someone.

RECESS 11:55 A.M. - 2:00 P.M.

VIII. PRESENTATION AGENDA

BB. 2:00 P.M.

Agenda Item BB-1 - Babcock Master Plan

Sydney W. Kitson, Chairman & CEO of Kitson & Partners, advised it has been 8 months since Kitson & Partners signed a contract to acquire the Babcock Florida Company, which includes approximately 91,000 acres of the Babcock Ranch; and that an agreement was entered into with the State of Florida to purchase approximately 73,000 acres of the Babcock Ranch. Mr. Kitson stated the goal for Babcock Ranch is to create a community where greenways, open spaces and nature would be a part of the daily quality of life; that there is a focus on a true hometown with diverse neighborhoods and housing opportunities in all price ranges; and a focus on physical connections, easy access and close proximity to work, shopping, services and schools. Mr. Kitson pointed out that in addition to the 73,000 acres permanently preserved by the State the Master Plan preserves more than 50% of the community is devoted to greenways, wilderness and wildlife preservation areas, passive open spaces, lakes, flow ways and blue ways; that nature will be a dominate factor in providing Babcock Ranch residents with outdoor opportunities and a peaceful, healthy, quality of life. Mr. Kitson indicated environmental impacts were minimized to the developed area; several natural flow ways that had been artificially altered over the years will be restored to their original locations, creating marshlands that filter the water; these areas and other important natural areas of greenways and passive recreation were buffered, and additional buffers between all developed lands and the surrounding preservation areas provided for. Mr. Kitson advised wildlife conservation areas are being established north and south of the central wildlife-crossing corridor, totaling approximately 880 acres; and with the assistance of County staff and many environmental experts, extensive surface water management systems are planned for the developed areas. Mr. Kitson stated Babcock Ranch created clustered developable land by creating a series of smaller villages and hamlets connecting to a larger Town Center, which minimizes development impacts and prevents sprawl; and one of

the key features shared by all of the residential areas of Babcock Ranch is the walkable design. Mr. Kitson explained Old Babcock Town is the gateway to the activity center of the ranch, providing easy access to the eco-tour operation, cypress lodge and working ranch. Mr. Kitson advised there would be bike trails, walking trails, horse trails, and roadways, which allow for multiple options of getting around the community; that every major roadway will have dedicated paths for other modes of transportation, such as segue human transporters and electric carts; and the Master Plan provides for the future possibility of environmentally sensitive, internal, transportation systems, whether it be electric trolleys or new developing technologies. Mr. Kitson indicated the Town Center will be the downtown core of Babcock Ranch, as well as the main connection between Babcock Ranch and other Charlotte and Lee County communities; it is located near the Southwest corner of the Charlotte County property line; features of the Town Center include an office park, business park, medical facilities, shopping, restaurants, entertainment, guest lodges on the shores of expansive recreational lakes, and linear parks 100 yards wide. Mr. Kitson advised that three of the six planned public schools that will serve the children of Babcock Ranch are within walking distance of the Town Center, an elementary, middle, and high school; two other elementary schools are located at the center of the larger residential villages, and there is a provision for a potential additional school to be located at the Southwest corner of the community; a nature center and research center will provide for education opportunities beyond traditional schools; and a wellness center and medical center will provide lifelong learning focused on health, fitness and nutrition, as well as opportunities for assisted living and elder care. **Commissioner Cummings** stated this was an appealing presentation, and he appreciated the work that has been put into it; he hopes that the broad vision-type statements become converted into specific contractual commitments because he has been concerned that some of the contract language is not specific enough; and he has reservations in general if it is wise to put a city of this magnitude in that area. **Commissioner Cummings** said he has heard Mr. Kitson talk about the services, amenities, and employment opportunities that will be available, and other elements of a self-sustaining community, but there are several things he still has concerns about. **Commissioner Cummings** indicated the widening of SR 31 would be a considerable barrier to a wildlife corridor,

and as the area grows wildlife crossings on SR 31 should be provided for when that widening inevitably happens; the wildlife crossings should be very substantive and will be expensive. **Commissioner Cummings** said it is nice that the wildlife corridor between the northern and southern edges has been widened, but if wildlife cannot get across SR 31 on the other side of Curry Lake, it is pointless, because wildlife still needs to get over to the Webb, up to the flatwoods, and over to the buffer preserves; and believes it is important to provide for wildlife crossings across SR 31. **Commissioner Cummings** explained that in typical development houses come, then the next increment of expansion of infrastructure and commercial operations, so there is constantly a deficit in the demand curve, and one of the key elements that makes a community self-sustaining is that be flipped over, which means a necessity of subsidizing a certain amount of the commercial; and there should be some provision for phasing the infrastructure and the commercial operations so that its increment is on the top side of the demand curve, and the services and amenities are actually there when someone moves in. Mr. Kitson advised wildlife crossings for SR 31 are in the design stage right now, and will be part of the construction on SR 31; and agreed commercial must be there in order for sustainability to be in place, will require subsidizing, and has been planned for. **Commissioner DeBoer** stated there is a lot of mulling over to be done before coming to any real conclusions; once past this phase the County will look for a broader and more general indemnification or hold harmless of the County for the potential impacts of a new city in this particular area; and the County wants to be on record as saying to Kitson and Partners to be forewarned that when the plan gets to the point of going through the DRI process, more specifics will be required to be furnished to the County by Kitson and Partners, and the County will furnish more specifics to Kitson and Partners. **Commissioner DeBoer** said he appreciates what was presented today but would like to get a hard copy; and at this point the groundwork needs to be established for what will happen once this goes through the DRI process and the specifics are given. **(Mr. Kitson passed out hard copies of what was shown in the presentation.)** **Commissioner DeBoer** advised he appreciates additional land being put aside for blue ways and greenspace in addition to the Babcock Preserve the State will buy, and believes wildlife corridors should be considered for the other roads so it all connects together the way it is claimed it will be. **Chairman**

Moore stated a key ingredient has been concern on the County's ability to access potable water on Babcock; and advised a special meeting is scheduled on March 23, 2006 at 2:00 P.M. with representatives of SWFWMD, SFWMD and Department of Environmental Protection (DEP). **Chairman Moore** reported he was pleased at the attendance of the charrette, that many people contacted him about it, and he appreciated their input. Mr. Kitson applauded County staff for the assistance and significant changes made to the plan along the way.

MEETING ADJOURNED: 2:30 P.M.

Signature on file in Commission Minutes
Thomas G. Moore
Chairman

ATTEST:

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

**By: Signature on file in Commission Minutes
Deputy Clerk**

/gm