

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

JUNE 13, 2006

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Thomas G. Moore, and Commissioners Thomas C. D'Aprile, Adam Cummings, Matthew D. DeBoer and Sara J. Devos. Also in attendance were County Administrator Bruce D. Loucks, County Attorney Janette S. Knowlton, Chief Deputy Court Services James Masch, Executive Assistant to the Board Diane Gant and Deputy Clerk Karen S. Mitchell. The meeting was called to order at **9:02 A.M.**

The **invocation** was given by Reverend Dr. Don Nations, Edgewater United Methodist Church, Port Charlotte, Florida, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

ADDITION:

**VII. Public
Hearing
Agenda**

Agenda Item AA-3, County Attorney - Hold a Public Hearing to consider approving an ordinance amending Section 3-2-1 of the Charlotte County Code to provide for a local license category for a swimming pool, shell contractor

CHANGE:

**General
Services**

Agenda Item L-15, Approve Contract #04-308D - Design Build Fire Station(s) for the design phase of Fire Station #7, located at the Charlotte County Airport. **Design work to begin once the signed Interlocal Agreement is received from the Airport Authority.**

COMMISSIONER D'APRILE MOVED APPROVAL OF THE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (3:0).

I. SPECIAL RECOGNITION

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING JUNE 13, 2006 AS "BARRY ISSA BAROUDI DAY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY CHAIRMAN MOORE AND DECLARED UNANIMOUS (3:0). Barry Baroudi accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING JUNE 15, 2006 AS "WORLD ELDER ABUSE AWARENESS DAY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY CHAIRMAN MOORE AND DECLARED UNANIMOUS (3:0). Sheriff Davenport accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE WEEK OF JUNE 25, 2006 THROUGH JULY 1, 2006 AS "MOSQUITO CONTROL AWARENESS WEEK IN CHARLOTTE COUNTY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY CHAIRMAN MOORE AND DECLARED UNANIMOUS (3:0). Ginny Day-Hall, Pest Management Division Biologist, accepted the proclamation.

Employee Recognition:

Bruce D. Loucks, County Administrator, and **Commissioner D'Aprile** recognized the following employees for their service with the County: **Five Years** - Simon Cannizzaro, Fire/EMS; Lorenzo Daetz, Environmental & Extension Services; Christopher Mott, Fire/EMS; Betty Williams, Economic Development; **Ten Years** - Robert Hunek, Building Construction Services; Richarda Malanaphy, Fire/EMS; Aiden Marcel, Public Works; Todd Mead, Fire/EMS; **Fifteen Years** - Roger Hooghkirk, Facilities Construction and Maintenance; **Twenty Years** - Misty Wasmus, Fire/EMS; and **Twenty-five Years** - Steve Reager, Community Development.

Presentations:

Cece Glen with the United Way of Charlotte County presented Human Services Director Victoria Carpenter with a check in the

amount of \$24,000 as a donation from the community for the continued support of 2-1-1 in Charlotte County.

County Administrator Bruce Loucks and Communications/Marketing Specialist Sherry Montgomery recognized the following participants who completed the eighth Charlotte County Citizens' Academy: Nora Jean Anderson, Earl L. Brumfield, Karen L. Davis, Ellen M. Hufnagel, Wayne J. Kowalski, Joan Kamaitis, Clayton S. Long, Norma J. Lynch, Lori Harney Russell, Michele Spencer, Stephen Stump, Thea Trumm, Charles R. Vaughn, and Tammy Vaughn.

Dick Keen, District Manager for Congressman Mark Foley, reported that since Congressman Foley's tour last week he was able to secure \$1 million for Burnt Store Road; and on the issue of the County's Scrub Jay Habitat Conservation Plan (HCP), a letter from U.S. Fish and Wildlife is expected next week outlining the specific steps that remain to be completed in the HCP and a timeframe for the U.S. Fish and Wildlife to complete those steps.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

Ruth Bromberg, Greater Charlotte Harbor Group of the Sierra Club, spoke in support of **Agenda Item Y-1, Presentation and Board consideration of participation in an independent regional study of the cumulative effects of phosphate mining**, and urged the Board to join in the regional effort to raise the necessary funds for an area-wide cumulative impact study.

III. COMMITTEE VACANCIES

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

Charlotte Harbor Community Redevelopment Agency Advisory Committee - Three (3) volunteers needed. One (1) must be a business owner within the CRA and two (2) must be residents of the CRA

Gulf Cove Waterway Unit - Six (6) volunteers needed. Five (5) regular members whose terms will be pulled by lot number to serve one (1) to three (3) years, and one (1) alternate member to serve a two-year term.

Little Gasparilla Island Advisory Board - One (1) volunteer for the Hideaway Beach Club Owner's Association to complete an unexpired term through January 22, 2007.

IV. REPORTS RECEIVED AND FILED

None.

V. CONSENT AGENDA

COMMISSIONER CUMMINGS MOVED APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER D'APRILE. Commissioner Cummings referred to **Agenda Item L-5, RFP 06-231 Sidewalk Design - South County**, said he noticed in the sidewalk design for Cooper Street from Taylor Road to Airport Road staff had allowed for the potential of extending the sidewalk from Airport Road up to U.S. 41 so that when they do the Aqui Esta improvement everything will all be linked together, he's been nagging about this for a long time, and thanked Mr. O'Kane for making sure this potential was being kept in the mix. **CALL ON THE MOTION: DECLARED UNANIMOUS (3:0).**

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 May 17, 2006 through June 6, 2006 in the amount of \$20,143,751.02

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M., May 9, 2006 BCC Regular Meeting
9:00 A.M., May 16, 2006 BCC Regular and Land Use Hearings
2:00 P.M., May 18, 2006 Executive Sessions - Charlotte County
v. Mosaic and Darleen Mudd v.
Cultural Center & Charlotte County

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Reappoint Lou-Anne Curtis as Member-at-Large to the Affordable Housing Advisory Committee for a term that expires May 1, 2008.

Agenda Item C-2

Reappoint L. Willard Coy and William Dryburg as the Member-at-Large representatives to the Parks & Recreation Advisory Board for three-year terms beginning immediately and extending through June 14, 2009.

Agenda Item C-3

Appoint Ray Cowen, PE, as the Engineer Representative to the Construction Board of Adjustments and Appeals (CBAA) for a term that expires in February 2008.

D. Administration

None.

E. County Attorney

Agenda Item E-1

Set an Executive Session for June 22, 2006 at 2:00 P.M., or as soon thereafter, in the County Attorney's Office Conference Room to discuss phosphate litigation strategy and expenditures.

Agenda Item E-2

Find all bonds in compliance and full effect at this time.

Agenda Item E-3

Resolution #2006-086 authorizing the Chair to execute agreements leasing real property at the Family Services Center located at 21450 Gibraltar Drive to the Boys and Girls Clubs of Charlotte County, Charlotte Community Mental Health Services, Charlotte County Public Schools/Adult Learning Center, Interfaith Interagency Network of Charlotte County, and the Retired Senior Volunteer Center.

Agenda Item E-4

Amend Agreement #2003-025 as follows: Work Order No. 2006-1 in the amount of \$120,000 to assist in the negotiation and drafting of a redevelopment agreement with Stock Development; and Work Order No. 2006-2 in the amount of \$29,660 to provide legal and technical assistance in drafting the mixed use redevelopment district zoning ordinance and the development of a land use matrix.

Agenda Item E-5

Set a Public Hearing for June 27, 2006 at 10:00 A.M., or as soon thereafter as may be heard, to consider an amendment to the existing Edgewater North Waterway ordinance to create a new advisory board for the unit.

Agenda Item E-6

Set a Public Hearing for June 27, 2006 at 10:00 A.M., or as soon thereafter as may be heard, to consider an amendment to the existing Grove City Street & Drainage ordinance to permit the Board to reappoint members to, and remove members from, the advisory board.

Agenda Item E-7

Set a Public Hearing for June 27, 2006 at 10:00 A.M., or as soon thereafter as may be heard, to consider an amendment to the

existing West Charlotte Stormwater ordinance to permit the Board to reappoint members to, and remove members from, the advisory board.

Agenda Item E-8

Set a Public Hearing for June 27, 2006 at 10:00 A.M., or as soon thereafter as may be heard, to consider an amendment to the existing Englewood East Street & Drainage ordinance to permit the Board to reappoint members to, and remove members from, the advisory board.

F. Budget Office

Agenda Item F-1

Set an MSBU Budget Workshop for the FY06/07 Budget on Tuesday, June 27, 2006 at 2:00 P.M. at the Murdock Administration Center, Room #119.

Agenda Item F-2

Resolution #2006-087 approving the Interlocal Agreement between the Housing Finance Authority of Lee County and the Housing Finance Authority of Charlotte County to jointly participate in a multi-county single family mortgage revenue bond program to assist qualified households achieve homeownership.

G. Community Development

Agenda Item G-1

Resolution #2006-088 approving DCS Group, L.L.C. Final Detail Plan DRC-PD-05-06 to construct DeCharles Place.

J. Environmental & Extension Services

No items.

K. Facilities Construction and Maintenance

No items.

L. General Services

Agenda Item L-1

Property deletion of inventory items for the month of June 2006.

Agenda Item L-2

Rescind award of Contract #05-367, Water Quality Analysis (CCU portion only) with U.S. Biosystems; award CCU portion to Benchmark EnviroAnalytical, Inc. for the period from the date of award up to and including September 30, 2006 with option to renew at the same prices, terms and conditions, by mutual consent; and authorize the County Administrator to approve annual renewals.

Agenda Item L-3

Bid #06-225, Improvements to Maintenance Roads East Port West Port WRF to Southwest Florida Roadbuilders, Inc. of Arcadia, FL in the amount of \$495,893.

Agenda Item L-4

Bid #06-245, Sidewalk Connections - Greater Port Charlotte to C-Squared Certified General Contractor, Inc. of Bradenton, FL for the period from date of award up to and including December 31, 2006 with option to renew for two additional one-year terms at the same prices, terms and conditions; and authorize the Chairman to approve two additional one-year renewals.

Agenda Item L-5

RFP #06-231, Sidewalk Design - South County start negotiations with American Consulting Engineers of Florida, LLC, of Port Charlotte, FL; and authorize the Chairman to sign the contract after negotiations have been completed, as long as the fees do not exceed \$78,900.

Agenda Item L-6

Change Order #1, Contract #05-126, 10 Inch Water Main - Cape Haze Boulevard to Fivelands with Flow-Line, Inc. increasing the

contract in the amount of \$39,822 with a revised total contract of \$144,512.02.

Agenda Item L-7

Bid #06-252, Stormwater Collection System Rehabilitation to Southeast Pipe Survey, Inc. of Patterson, GA for rehabilitation of existing storm sewer pipes with a contract term from July 1, 2006 through and including June 30, 2007; and **authorize** the County Administrator to approve annual renewals by mutual consent.

Agenda Item L-8

Bid #06-243, Bunker Gear and Protective Accessories to Ten-8 Fire Equipment, Inc. of Bradenton, FL with a contract term from date of award through and including September 30, 2007; and **authorize** the County Administrator to approve renewal options for up to two (2) additional one (1) years terms by mutual consent.

Agenda Item L-9

Change Order #2, Contract #00-137, Coral Creek Bridge Replacement to Keith and Schnars P.A. of Lakeland, FL for additional design and permitting services in the amount of \$42,000; a revised contract amount of \$510,541; and a contract time extension of 30 working days.

Agenda Item L-10

Bid #06-219, Rotonda & Gulf Cove Water Booster Station Tank Repair/Rehabilitation to Service Painting of Florida of Ft. Myers, FL for a total cost of \$893,707.50.

Agenda Item L-11

Bid #06-246, Traffic Rail Retrofit-Washington Loop Road to Zep Construction, Inc. of Ft. Myers, FL for a total cost of \$240,161.25.

Agenda Item L-12

Change Order #1, Contract #06-149, Zemel Road Waste Storage and Processing Facility to Lodge Construction, Inc. of Ft. Myers, FL in the amount of \$397,147.49 for a revised total contract amount of \$2,085,567.06; and **Budget Transfer #06-032 and CIP Amendment #06-C26** for amount over CIP budget.

Agenda Item L-13

Change Order #1, Contract #04-232, Enterprise Asset Management System / Computerized Maintenance Management Solution Software (EAMS/CMMS) to DataStream Systems, Inc. of Greenville, SC for the inclusion of the Public Works Department at a cost of \$425,110 and a revised contract amount of \$1,170,485; and **authorize** the Chairman to sign the amendment to the contract.

Agenda Item L-14

Bid #06-265, Public Works Complex Sewer Project to D.R. Swanson Company of Port Charlotte, FL in the amount of \$307,340.25.

Agenda Item L-15

Contract #04-308D Design Build Fire Stations(s) for the design phase Fire Station #7 located at the Charlotte County Airport at a cost of \$152,391. Design work to begin once the signed Interlocal Agreement is received from the Airport Authority.

M. Human Resources/Risk Management

No items.

N. Human Services

No items.

P. Information Technology

No items.

Q. Parks, Recreation & Cultural Resources

No items.

R. Public Safety

Agenda Item R-1

Set a Public Hearing for June 27, 2006 at 10:00 A.M., or as soon thereafter as it may be heard, to consider and adopt an Ordinance amending Charlotte County Code Section 1-4, Article II, making changes to the existing Animal Control Ordinance.

S. Public Works

Agenda Item S-1

Resolution #2006-089 authorizing the Chair to execute **Agreement #2006-027** for a Supplemental Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for an Intermodal Development project, increasing the total cost-share amount to \$13,500,000, with Charlotte County and FDOT each paying \$6,750,000.

T. Real Estate Services

Agenda Item T-1

Resolution #2006-090 releasing portions of two (2) ten-foot (10') wide utility and drainage easements located in Lots 15 and 16, Block 2946, Port Charlotte Subdivision, Section 59, to Terry and Stacy Dixon; and releasing portions of two (2) ten-foot (10') wide utility and drainage easements located in Lots 15 and 16, Block 1090, Port Charlotte Subdivision, Section 16, to Terry and Stacy Dixon, and R & K Enterprises/North Port, Inc.; and **authorize** the Director of Real Estate Services to execute County Deeds releasing said portions of said easements.

Agenda Item T-2

Resolution #2006-091 authorizing the Agreement for Purchase and Sale of Real Property being a portion of Lot 1, Block J, Rock

Creek Park, 3rd Addition for the Pine Street sidewalk Project
(Owners: Fredric J. and Sondra Moore).

Agenda Item T-3

Resolution #2006-092 authorizing the acquisition of the parcels or easement interests for the Piper Road-Airport Commerce Park project; **authorizing** the execution of the agreements and other documents pertaining to the purchase of parcels and easement interests; and **authorizing** the proposed alignment of Piper Road.

V. Tourism Development

No items.

W. Utilities

Agenda Item W-1

Amend Agreement #2005-010 with the First Amendment to the Cooperative Funding Agreement with Southwest Florida Water Management District (SWFWMD) to increase funding, extend the contract period and revise the scope of work due to the expansion of the project; and **Budget Amendment #06-A30** and **CIP Amendment #06-C25** in the amount of \$725,000.

VI. REGULAR AGENDA

Y. Regular Business

Agenda Item Y-1, Board of County Commissioners - Presentation and Board consideration of participation in an independent regional study of the cumulative effects of phosphate mining

Helen Jelks King spoke on behalf of Protect Our Watersheds (POW), stated she was urging the Board to consider partnering and funding the regional phosphate Environmental Impacts Statement (EIS) study for the sake of our drinking water and Charlotte County's crown jewel, Charlotte Harbor. Mrs. King said the old 1978 rules such as river setbacks no longer reflect what's needed today, Sarasota County has pledged \$500,000 toward the study but only if neighboring counties participate, and reiterated the need for new rules. Jim Cooper gave a slide

presentation titled "Area EIS History and Charlotte County Funding Concept" which paralleled the material and detailed the following: Area EIS Study History (Maps: Bone Valley, 1999 Peace River Land Use, Phosphate Mining Through 2000, and Regional Phosphate Mining Sites), Summary: Area-Wide EIS Phosphate Study Requests: 100% Fed Funding & ACOE (NEPA rules) Monitoring, Other Agency Studies, Upper Peace River Often Runs Dry, FDEP: Peace River CIS Study Primary Project Objectives, FDEP: Peace River CIS Study Unique Basin Characteristics, FDEP: Peace River CIS Study Key Watershed Stressors, Area EIS Study - What is a realistic cost estimate for the area EIS study?, Concept for Regional Partnership "Self-Funding" to attain: Watershed Area EIS Study of Phosphate Mining 2007-2037 Total Partnership Funding Goal \$4 Million, Peace River & Myakka River Watershed Phosphate Mine Regional Impacts, Area EIS Study, Charlotte County Phosphate Legal Expenses Fiscal Years 2001-2006, and Charlotte County Legal Victories. Mr. Cooper explained the request was for \$500,000 each from Sarasota, Manatee, Charlotte and Lee Counties over Fiscal Years 2007 and 2008 and a 50% match from the State. Mr. Cooper thanked the Board for all their past efforts and opined they have a wonderful opportunity to partner for this much needed study. **Commissioner Cummings** said he felt this was the opportunity they've been looking for, the study was a critical element to attaining a long-term management plan and recalled **Commissioner DeBoer** had suggested putting \$250,000 in the phosphate budget for 2007. **Commissioner D'Aprile** said Charlotte County has always been the aggressor in the phosphate fight; he's wanted an EIS all along; our share in the fight has already cost us about \$9 million; he's not willing to continue funding the fight but he is willing to support the EIS provided other counties, and the state and federal governments, participate because every county in the state has a responsibility to pay for this study; negotiations and litigation have their place but now is the time to ask other counties to participate in the phosphate study; he's very disgusted with other counties who have turned their backs on this; he supports funding \$250,000 for 2007 and 2008; and he's asking the other counties to step up to the plate. **Chairman Moore** said his biggest criticism is that a lot of additional areas impact our water supply because phosphate mining uses only 10%, he will support the EIS if others participate, he was concerned because Manatee County has put a 60 to 90-day hold on their decision and the Authority tabled the

motion, and reiterated he'll support the \$250,000 funding. **COMMISSIONER CUMMINGS MOVED APPROVAL TO DEDICATE \$250,000 FOR THIS YEAR AND EXPRESS AN INTENT TO DEDICATE ANOTHER \$250,000 THE FOLLOWING YEAR TO PROVIDE CHARLOTTE COUNTY'S \$500,000 MATCH TO PARTICIPATE IN THIS REGIONAL EFFORT FOR AN AREA WIDE ENVIRONMENTAL IMPACTS STATEMENT STUDY, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).**

RECESS: 10:15 A.M. - 10:23 A.M.

VII. PUBLIC HEARING AGENDA

AA. 10:00 A.M.

Agenda Item AA-1, Community Development - Creation of a new ordinance district to be known as the Babcock Ranch Overlay Zoning District, and creating design and development standards for the District; and Amend the Zoning Atlas from multiple zones to the Babcock Ranch Overlay Zoning District for 13,521 plus or minus acres located in SE Charlotte County

Thomas A. Cookingham, Planning Services Manager, explained this is the first of two public hearings on Petition Z-06-05-28 Babcock Ranch Overlay Zoning District, the proposed ordinance will implement the Future Land Use Map (FLUM) designation Babcock Ranch Overlay District (BROD) adopted by the Board on April 4, 2006; and the ordinance will establish a list of permitted and prohibited uses, design and development standards, and a permitting process within the zoning district. Mr. Cookingham gave a slide presentation titled Z-06-05-28 Babcock Ranch Overlay Zoning District which paralleled the material and detailed the following: Purpose, Background, Babcock Ranch Overlay District Master Plan, Conceptual Master Plan Land Use Summary, Babcock Ranch Preliminary Tract Layout, TND Principles, Proposed TND Standards, Compact Development and Mixed Uses, Town Center Concept, Mixed Use, Town Center mixed Use, Town Center Mixed Use, Multi-Family, Single Family, Town Center Residential, Village Concept, Mixed Use, Village Center Mixed Use, Single Family, Multi-Family, Village Residential, Hamlet Concept, Mixed Use, Hamlet Center, Single Family - Attached, Single Family - Small Lot, Multi-Family, Hamlet Residential, Multi-Modal Transportation, Internal Transportation Plan, Transportation Cross Sections, Environmental Context, and Greenways. Mr.

Cookingham reported yesterday the Planning and Zoning (P&Z) Board recommended approval of the proposed ordinance but one issue came up that dealt with the Accessory Dwelling Units section, i.e., granny flats, carriage homes or guest houses, that would be placed on certain lots with the development; the ordinance states that accessory dwelling units will not count toward the total number of dwelling units which for Babcock is 17,870 dwelling units; the Board will need to decide how to deal with these additional accessory units which staff feels will range from 500 to 1,200 unit; and staff will have better numbers by the second hearing June 20, 2006. **Commissioner Cummings** said his initial reaction is that a dwelling unit is a dwelling unit, the Board negotiated 17,870 units and they should stick to that number. Charles W. DeSanti, Senior Managing Partner for Kitson & Partners, commented on how accessory dwelling units are used, stated they will be limited to 400 to 900 sq. ft., they provide additional affordable and workforce housing, and opined if the Board decided to count each accessory dwelling unit as a separate dwelling unit it would negate their ability to provide affordable housing. Charlotte Ventola agreed with **Commissioner Cummings**, commented on her previous experience with these types of dwelling units, opined granny quarters will cause future problems, and said this is multi-family so it should get counted as multi-family. Ruth Bromberg, Greater Charlotte Harbor Group of the Sierra Club, said they were basically opposed to this ordinance and they will be making detailed statements at the next meeting. Douglas Tucker stated he was a big fan of Kitson's charrette process, the issue of granny housing was brought up because workforce housing was a priority, workforce and affordable housing was very important, and opined everyone needs to think outside the box to make this happen. Frank Jackalone, National Sierra Club Senior Regional Representative, spoke in opposition to the proposed ordinance, and noted the need for an additional north/south wildlife corridor for further protection of many species especially the Florida Panther. Suzy Hackett said she'd attended the charrettes and thought that was the time some of these issues should have been brought up, she supported granny housing, and opined the County was going to have a problem with affordable and workforce housing for a long time to come. Grace Amodeo said she agreed with Ms. Ventola and **Commissioner Cummings** that accessory dwellings will create a big problem, these will end up as rentals so the County needs to deal with the housing issue another way, and she didn't want to

see more people in there than has already be approved because the area will become way too crowded. John Knight voiced support for granny housing, said families need to have the ability to care for their aging parents, and this type housing allows the elderly to keep their dignity. Joe Karow spoke in opposition to this project because the County will lose it's water, asked who's going to pay for sewage and schools and other things, and reiterated he didn't support this. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (3:0).** **Commissioner Cummings** said he didn't have an objection to granny housing but they have the same impact as any other unit, this type of housing needs to be counted separately and included as part of the total count, and reiterated they negotiated a deal and should stick to it. **Chairman Moore** asked the date of the second hearing. Mr. Cookingham responded June 20, 2006.

Agenda Item AA-2, County Attorney - Consideration of an ordinance adding property to the Tropical Gulf Acres Street & Drainage MSBU

Daniel E. Gallagher, Jr., Deputy County Attorney, explained the proposed amended ordinance will add approximately 1,300 acres and the hearings addressing any assessment of the units will take place in July. Thomas F. O'Kane, Jr., P.E., Public Works Director, agreed today's hearing wasn't to set the rate, and said these properties haven't been assessed in the past so now it's time to have these properties contribute to the overall good of the neighborhood. **Commissioner D'Aprile** asked if staff would be working with the advisory group. Mr. O'Kane said yes, recalled a few years ago the Board had asked this neighborhood to get together and form a committee, until a few months ago nothing had taken place but now it appears there is an active group, the overall area will be expensive to bring up to reasonable standards, and staff will bring the appointment of this committee back to the Board at some point. **Commissioner D'Aprile** asked if roads were already established in these 1,300 acres or will these roads need to be repaved. Mr. O'Kane said these roads will have to be repaved, the whole area needs drainage and roadway work, the acreage is misleading because there's really only 200 units that get added out of the whole 1,300 acres so the cost will get spread over more units but it's still a very expensive undertaking for the whole area. Darol Carr spoke on behalf of Mildred and Norman

Carr who own about 16 acres in the territory being added, the notice of this hearing has been totally inadequate, affected individuals haven't been contacted, asked that this be deferred until all affected property owners can receive proper notice, said it appears the County is trying to incorporate dissimilar properties so that these large land owners will be disproportionately taxed for the services received, and added that land use and zoning don't permit them to develop this property. Tom Strawson, Tropical Gulf Acres Civic Association President, said it was most important that these properties are incorporated into the MSBU because they've been on a free ride for years so it's only fair they start paying their share. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (3:0).** Attorney Gallagher clarified the public hearing was advertised as required by law 10 days prior to the hearing. **COMMISSIONER CUMMINGS MOVED APPROVAL TO ENACT ORDINANCE #2006-056, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).** Attorney Gallagher requested the Board authorize staff to mail the required notifications for these proposed MSBU assessment rates to the new properties. **COMMISSIONER CUMMINGS MOVED APPROVAL AS STATED BY ATTORNEY GALLAGHER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).**

Agenda Item AA-3, County Attorney - Hold a Public Hearing to consider approving an ordinance amending Section 3-2-1 of the Charlotte County Code to provide for a local license category for a swimming pool shell contractor

Daniel E. Gallagher, Jr., Deputy County Attorney, explained the proposed ordinance will reinstate a contractor license category for the Charlotte County Code for swimming pool shell contractors that was deleted about five years ago, and after hearing the petition by Fulton Pools the Construction Industry Licensing Board (CILB) approved sending this to the Board for their consideration. **Chairman Moore** asked for clarification on a swimming pool shell. Attorney Gallagher said it's actually the concrete shell that goes into the ground and there are people who do nothing but install these shells. Colin McTigue, Co-owner Fulton Pools, explained Ron Carter who just became part of them was in the audience, Mr. Carter is a swimming pool shell contractor, he puts in just about 95% of the swimming pools in Charlotte County, and this amendment was just a clerical issue

to correct an error in CILB and licensing so that everybody is legal again. COMMISSIONER CUMMINGS MOVED TO CLOSE THE PUBIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0). COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2006-057, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (3:0).

VI. REGULAR AGENDA

Y. Regular Business (continued)

Agenda Item Y-2, Budget - Approve funding for payment of the installation and maintenance of the Charlotte County navigational marker system, including those proposed for Little Gasparilla Island

Raymond Sandrock, Budget Director, explained this was a request for funding of both installation and maintenance of all County-wide navigation markers to come from the Boater Registration Fees within the Boater Improvement Funds, this would avoid needing to form MSBUs for this purpose, they will also be able to address the installation of approximately 10 beacons at some major channels at \$1,500 each, and noted this would also reduce assessments in some of the waterway areas. COMMISSIONER CUMMINGS MOVED APPROVAL TO FUND THROUGH THE BOATER IMPROVEMENT FUND ALL NAVIGATIONAL MARKER INSTALLATION AND MAINTENANCE THROUGHOUT THE COUNTY INCLUDING THOSE PROPOSED AT LITTLE GASPARILLA ISLAND AND FURTHER EXPLORING THE PROPOSAL TO ESTABLISH NAVIGATIONAL BEACONS AT THE OUTMOST MARKERS IN ANY CHANNELS OR POINTS WHERE THEY MAY BE MISSING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).

VII. PRESENTATION AGENDA

None.

IX. CITIZEN INPUT - ANY SUBJECT

Reverend Peter Burnett, Port Charlotte International Church, referred to **Agenda Item E-3** regarding leasing of space at the Family Services Center, the church would like to rent the facility for services but they've been told churches weren't

eligible, and asked why churches aren't permitted to lease space. **Chairman Moore** responded staff would get with him.

CC. County Administrator

Bruce D. Loucks, County Administrator, announced the meeting with the Charlotte County Airport Authority (CCAA) scheduled for June 19, 2006 has been cancelled at the request of the Airport Board, commented on upcoming events and ceremonies throughout the County, and said Mr. Hebert was going to update the Board on some issues regarding the Bread of Life Mission as a follow-up to the Board's joint meeting last Friday.

Robert Hebert, Recovery Director, said Councilman Poole brought up an issue regarding trying to strike a balance between the City and the County to help support or assist this Mission, Mr. Loucks requested a report on the Mission so he met with Judy Jones and Jan Beardslee, and gave a slide presentation of the pictures he took and the financial statements he received (a copy of which is on file in Commission Minutes). **(Discussion ensued regarding the 2003 \$89,000 grant funding, extending sewer, trash pick-up, possible options to address this non-compliant operation, code violations, repair versus rebuild, and the need to site certain areas for County shelters.)**

DD. County Attorney

Janette S. Knowlton, County Attorney, updated the Board on pending appeal cases and advised the Fair Housing Seminar will be this week on June 14th for County staff only. Attorney Knowlton stated the interlocal planning agreement required Mr. Kitson to file his Comprehensive Plan (Comp Plan) amendment with Lee County by June 30, 2006; the agreement also provides Mr. Kitson can extend that deadline by 60 days if Lee and Charlotte Counties were given 30 days notice but they actually gave 29 days or something so Kitson was asking that the 30 day notice be waived and extended to August 29, 2006; Lee County has already waived the 30 day provision; and she recommended Charlotte County do the same. Attorney Knowlton clarified the waiver was requested because they're going to be doing an Application for a Master Development Agreement (AMDA), it's an alternative Development of Regional Impact (DRI) process for projects that is provided for in the state statutes, and staff will be meeting

with each of the Commissioners to discuss this in more detail. **COMMISSIONER CUMMINGS MOVED APPROVAL OF THE WAIVER AS STATED BY ATTORNEY KNOWLTON, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0).** Attorney Knowlton updated the Board on the Punta Gorda Interconnect issue and the triggering of the mediation provision in the master water supply contract, and said they need to appoint a Board member for the mediations. **Chairman Moore** asked when this needed to be done. Attorney Knowlton responded the goal was to have this resolved by July 19, 2006. **Commissioner Cummings** noted the Southwest Florida Water Management District (SWFWMD) Basin Board grant funding review was due around July 19th as well. **Chairman Moore** said it's going to be either himself or **Commissioner Cummings** and asked the Commissioner's pleasure. **Commissioner Cummings** said he'd like to continue working on this but asked if his position on the Water Authority posed a conflict of interest. Attorney Knowlton responded that hadn't occurred to her and she would check into it. **Commissioner Cummings** said he'd like to do it if there's no problem. **Chairman Moore** agreed.

EE. Commissioner Comments

Chairman Moore said he supported the activities Mr. Loucks mentioned and asked that Board members attend as many of these functions as possible. **Chairman Moore** announced the Blood Drive being held here Wednesday, June 14, 2006 beginning at 8:00 A.M.

RECESS: 12:17 P.M. - 2:00 P.M.

(Executive Assistant Diane Gant was not present for the remainder of the meeting.)

VIII. WORKSHOP AGENDA

BB. 2:00 P.M.

Agenda Item BB-1, Community Development - Discussion of Concurrency Provisions

James Fendrick, Community Development Assistant Director, explained this workshop will address growth management and concurrency issues and gave a slide presentation titled Concurrency Management Workshop that paralleled the material and

detailed the following: What is Concurrency?; Capacity/Levels of Service; Timing is Everything; Benefits of a Successful Program; Cost of an Unsuccessful Program; Senate Bill 360 - Concurrency; Actual Levels of Service; Potable Water (April 2006 Data); Sanitary Sewer (April 2006 Data); Parks & Open Space; Solid Waste; Stormwater; Recommendations; and Team Charlotte. **Commissioner D'Aprile** asked how staff plans to implement Concurrency Management for areas sited for growth. Mr. Loucks said to implement a concurrency program you establish a baseline County-wide and tie that into the building permit process which tracks the numbers and types of permits being requested and issued. **Commissioner D'Aprile** asked if this could delay current projects. Mr. Fendrick said larger developers are used to concurrency, instead of creating a logjam staff has seen that by having a strong concurrency management system developers really do take more of interest in ensuring infrastructure and facilities are in place, and it can force developers to share the cost to enable their developments to go forward. Mr. Loucks clarified past practice was to handle everything on a case-by-case basis like the road improvements associated with Wal-Mart instead of looking at the whole region but this is a much more comprehensive approach County-wide. **Commissioner D'Aprile** said he supports everything that's been presented today, no one wants a development moratorium but there is a need to control development especially in areas with no roads or infrastructure and no County funds to provide it, and we just can't allow that to happen. **Commissioner Cummings** stated he's waited a long time to see something like this, he supports all the recommendations, there's a need to tie the CIP to development because this will help identify existing deficiencies, hopefully this will allow us to create tiered impact fees to promote good growth management, he felt this is truly needed, and opined this will give us the tools to make the difference and help us become the best. **Chairman Moore** opined Aqui Esta Drive will probably be a bad road forever and asked how they'll work out the school concurrency issue. Mr. Fendrick said the School Board has told staff they'll be good partners in this and really make it work well. **Chairman Moore** asked the consequences if they don't comply. Mr. Fendrick responded there are definitely sanctions if they fail in one or more of the elements of concurrency.

MEETING ADJOURNED: 3:12 P.M.

Book 64, Page 553
June 13, 2006

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

/ksm