

BOARD OF COUNTY COMMISSIONERS

JULY 25, 2006

A regular meeting of the Board of County Commissioner was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Moore, Commissioner D'Aprile, Commissioner Cummings, Commissioner DeBoer, and Commissioner Devos. Also in attendance were County Administrator Loucks, County Attorney Knowlton, Internal Audit Director Byrne, Executive Assistant Blair, and Minutes Clerk Manley. The following members were absent: None.

The meeting was called to order at **9:00 AM**.

Invocation given by Pastor Doug Zipperer of the United Methodist Church, followed by the Pledge of Allegiance.

Changes to the Agenda

Addition #1: Agenda item Z-7, Status update, review and possible direction regarding proposed Water Interconnect; and 1) Contract with the City of Punta Gorda for priority of water sales; and 2) Approval of Water Authority Interconnect in Charlotte County.

**COMMISSIONER DEBOER MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER DEVOS.
Motion Carried 5:0.**

Special Recognition

Proclamation:

**COMMISSIONER D'APRILE MOVED TO APPROVE PORT CHARLOTTE PIRATE FOOTBALL DAY PROCLAMATION, WEDNESDAY, AUGUST 2, 2006, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.**

Coach Williams accepted the Proclamation.

Employee Recognition: - None

Presentation:

Steve Mitnick updated the Board on the status of the Health Department facilities and thanked the Board for their continued support.

Commissioner Devos inquired when Mr. Mitnick would be the Administrator instead of Acting Administrator. Mr. Mitnick indicated the Deputy Secretary plans to come down some time in September, 2006, to meet with the Board.

I. **CITIZEN INPUT - AGENDA ITEMS ONLY - None**

II. **COMMITTEE VACANCIES**

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

Edgewater North Waterway Unit -6 volunteers needed; five regular members whose terms will be pulled by lot number to serve 1 to 3 years and one alternate member to serve a two-year term.

Englewood Area Planning Advisory Board - is seeking two volunteers who are landowners, and reside in Charlotte County to serve four-year terms.

Englewood East Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner, and who resides within the boundaries of the Unit to serve a three-year term.

III. **REPORTS RECEIVED AND FILED - No items**

IV. **CONSENT AGENDA**

**COMMISSIONER DEVOS MOVED TO APPROVE CONSENT AGENDA, EXCEPT ITEMS L-2, L-6, AND L-7, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.**

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Adoption of Clerk's Finance Memoranda
BUDGETED ACTION: None

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 July 5, 2006
through July 17, 2006 in the amount of \$10,355,382.11

B. Minutes Division - No items

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve to appoint Ms. Judy Chardon to
the Affordable Housing Advisory Committee as the Member-at-Large
representative to replace Mr. Al Tousignant, who has resigned.
BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve the appointment of Mr. Harry O.
(Orrin) Webb as the Business and Legal Services Representative
on the Agricultural and Natural Resources Advisory Committee
(term expiring December 2006) BUDGETED ACTION: None

D. Administration - No items

E. County Attorney - No items

F. Budget Office - No items

G. Community Development

(1) RECOMMENDED ACTION: Approve the DRC-PD-80-4HHH Preliminary
& Partial Final Detail Plan Resolution permitting Veterans
Peachland Plaza, L.L.C. to develop The Vines. BUDGETED ACTION:
none

Resolution 2006-137

(2) **RECOMMENDED ACTION:** Approve a Transfer of Density Units for Standard Pacific of Southwest Florida, previously known as Westfield Homes of Southwest Florida. (TDU-06-04-03) **BUDGETED ACTION:** None

Resolution 2006-138

H. Economic Development - No items

J. Environmental Services - No items

K. Facilities Construction and Maintenance - No items

L. General Services

(1) **RECOMMENDED ACTION:** (a) Approve the renewal of Contract #03-510, Tower Rental, with Daystar Communications extending the contract from October 1, 2006 through and including September 30, 2009 at the same prices, terms and conditions, and (b) Authorize the County Administrator to approve renewal options for up to two (2) additional three (3) year terms, at the same prices, terms and conditions, by mutual consent. **BUDGETED ACTION:** Revenues are included in the Radio Communications FY06/07 Proposed Budget.

(2) **RECOMMENDED ACTION:** Approve File #05-359 (work order #26), Sewer Expansion Study, to Contract #05-042, Engineers of Record with Jones Edmunds and Associates, Inc. for the not to exceed amount of \$297,750. **BUDGETED ACTION:** Amount budgeted - Utility System Redevelopment Plan - \$200,000 and - Utility System Growth Plan - \$100,000 for a total of \$300,000.

Commissioner DeBoer indicated he has a problem with things being studied over and over and rates being increased, and he is not ready to do it again. **Chairman Moore** agreed with **Commissioner DeBoer** on most parts, but stated he understands that much of the cost is for establishing estimates for cost.

COMMISSIONER DEVOS MOVED TO APPROVE AGENDA ITEM L-2, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 3:2. Chairman Moore, and Commissioner DeBoer opposing.

(3) RECOMMENDED ACTION: Approve award of File #05-466 (work order #29), Contract 05-042, Engineers of Record, for Water Storage Tanks - Modify/Design, with Malcolm Pirnie, Inc. for the not to exceed amount of \$737,300. BUDGETED ACTION: Budgeted Amount \$750,000, - Water Pumping Station Improvements.

(4) RECOMMENDED ACTION: Approve start of negotiations with top ranked firm, Mathews/Taylor Construction, L.L.C. for RFP #06-283, Design/Build - Human Services Building; and authorize the Chairman to sign the contract as long as the total design phase, which includes site and civil, does not exceed \$180,000. BUDGETED ACTION: Funding comes from the Capital Projects Fund. FY06 budget for design/construction is \$1,672,000; Total Project budget is \$1,917,000.

(5) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #05-083, Architect for Public Works Facilities with Reynolds, Smith & Hills, Inc. of Tampa, Florida for additional architectural and engineering services in the amount of \$147,585; and b) Authorize the Chairman to sign the Amendment. BUDGETED ACTION: Funding available in Engineering; Project CIP total \$475,000.

(6) RECOMMENDED ACTION: a) Approve GMP (Guaranteed Maximum Price) to Contract #05-399, Design/Build Public Safety Complex, with Mathews/Taylor Construction LLC, in the amount of \$10,009,118; b) Approve add alternate allowances in the amount of \$1,038,000 (Audio Visual Eqpt - \$328,000 and Computer/IT Eqpt - \$710,000); c) Approve an early completion incentive of \$1500 day for Certificate of Occupancy (CO) before August 1, 2007; d) Approve an early completion incentive of \$125,000 (1.5% of hard construction costs) for CO on or before June 1, 2007 (award of \$125,000 will negate the daily incentive); and e) Request Chairman sign the contract; and f) Approve Budget Amendment 06-A034 in the amount of \$1,816,583; using the General Fund Contingency Reserves; and g) Approve Budget Transfer 06-039 and CIP amendment 06-30.

Commissioner DeBoer indicated the projection wall is not needed, the EOC/911 can be in this building with proper back-up, and it is not necessary for redundant systems.

Commissioner D'Aprile asked the purpose of the visual wall. Andrew Baker gave a brief explanation, listed some of the applicable line items, and indicated it would give full function of broadcast. **Commissioner D'Aprile** questioned the benefit and suggested the money could be better utilized in categories of need instead of a want for up-to-date technology.

Commissioner Devos said emergencies other than a hurricane could exist; she prefers a state of the art operations center; the state is pushing for regionalism, and with Charlotte and Lee Counties working together in Information Technology (IT) hopefully some funding would be available; the broadcast studio would also be used for non-emergency situations; and expressed concern of losing sight of the entire picture when things are pulled and discussed, and she is not in favor of doing that because of the importance of the site.

Commissioner Cummings indicated there is a need to enhance communications, and he would like to see the E-911 in this building provided it doesn't interfere with the Sheriff's communications operation but if it is in the Sheriff's office, then the main switch should be in a safe room or protected area.

Chairman Moore asked if all the items were needed to accomplish the replacement of computer systems. Mr. Baker said the line item of \$400,000 was needed to get the smart computer game.

Commissioner D'Aprile opined state of the art equipment is necessary, and asked for an explanation of when TV-20 would be used, specific reasons for big TV screens, a projection wall, and computer. Mr. Loucks explained the items he believes to be most critical are the computer and IT equipment, TV and equipment, and satellite TV system; the other items are important to carry out functions but are less critical, and indicated this is a 25-30 year facility.

Commissioner Devos stated it is difficult to guess on future needs, wants to be certain employees have the best equipment to take care of Charlotte County, and would support staff's request.

Commissioner D'Aprile said he supported whatever equipment is necessary to notify the citizens, and he would support this in order to protect the County but he wants to be provided with a full explanation.

Chairman Moore said he's frustrated with the expense but he'll support this even though the Sheriff's budget was not as proposed.

Commissioner DeBoer opined they don't need all this equipment because local TV offers the same thing for free, there would still be a dependency upon Comcast even if all of this is done, the Sallie Jones studio is available when needed, and stated he cannot support the alternates.

COMMISSIONER DEVOS MOVED TO APPROVE AGENDA ITEM L-6, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:1. Commissioner DeBoer opposing.

(7) **RECOMMENDED ACTION:** Approve purchase of Sole Source #06-373, Zeeward Membrane Bioreactor, from the Zenon Environmental Corporation, in the amount of \$3,467,540 to be utilized for the expansion of the Rotonda Water Treatment Facility. **BUDGETED ACTION:** Budgeted amount is \$3,468,000 CIP350102 Rotonda WRF Treatment Plant

Commissioner DeBoer expressed concern with staff and consultants coming up with proprietary items because it eliminates competition and the benefits of competition, and noted a second increase in one year is now being proposed to the rate payers.

Commissioner DeBoer opined it's time to privatize CCU or bring it back under the Board.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM L-7, SECONDED BY COMMISSIONER DEVOS.

Chairman Moore asked why this is needed. Mr. Schlobohm said Rotonda is a small site, there is little room for conventional expansion, and it is more cost effective.

Motion Carried 3:2. Chairman Moore, and Commissioner DeBoer opposing.

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

(1) RECOMMENDED ACTION: Approve Grant Agreement # 07CP-11-09-18-01 in the amount of \$3,214 between the State of Florida, Department of Community Affairs and Charlotte County. BUDGETED ACTION: None

Grant 2006-023

S. Public Works - No items_

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve the Resolution authorizing the Chairman, or his designee to execute the Agreement for Purchase and Sale of Real Property, described as: Lot 28, Block 40, City of Punta Gorda, according to the plat thereof as recorded in Plat Book 1 at Page 20 of the Public Records of Charlotte County, Florida. (Contract Amount = \$47,000) (Mattie Mae Hughes Trust) BUDGETED ACTION: Budget action required. Funding provided by a Community Development Block Grant (CDBG).

Resolution 2006-139

(2) RECOMMENDED ACTION: Approve the Resolution authorizing the Chairman, or his designee to execute the Agreement for Purchase and Sale of Real Property, described as: Lots 21, 22 & 23, Block N, Woods 2nd Addition, according to the plat thereof as recorded in the Public Records of Charlotte County, Florida. (Contract Amount = \$81,200) (Mattie Mae Hughes Trust) BUDGETED ACTION: Budget action required. Funding provided by a Community Development Block Grant (CDBG).

Resolution 2006-140

(3) *RECOMMENDED ACTION:* Approve the attached Resolution approving the release of a portion of a recorded twenty-foot (20') wide canal maintenance easement located in Port Charlotte Subdivision, Section Twenty-Three; and the release of a portion of a platted canal maintenance easement and a portion of a recorded twenty-foot (20') wide canal maintenance easement, both located in Port Charlotte Subdivision, Section Thirty; and further authorizing the Director of Real Estate Services to execute County Deeds releasing said portions of said easements. (Owners: Thomas Jack, Trustee of the Thomas Jack Trust dated March 31, 2000, and Joseph L. and Jacqueline G. Ryan) *BUDGETED ACTION:* None

Resolution 2006-141

(4) *RECOMMENDED ACTION:* Approve the attached Resolution approving the release of a portion of a ten-foot (10') wide drainage easement located in Port Charlotte Subdivision, Section Forty; and, the release of a portion of a ten-foot (10') wide utility and drainage easement and a portion of a twenty-foot (20') wide canal maintenance easement, both located in Port Charlotte Subdivision, Section Thirty-Seven, and further authorizing the Director of Real Estate Services to execute County Deeds releasing said portions of said easements. (Owners: Donald J. and Kathleen E. Gasgarth, and Theodore J. and Rebecca Mae Domine) *BUDGETED ACTION:* None

Resolution 2006-142

V. Tourism Development - No items_

W. Utilities - No items_

X. Building Construction Services - No items_

Y. Constitutional - No items_

RECESS 10:00 AM - 10:08 AM

V. REGULAR AGENDA

Z. Regular Business

(1) **RECOMMENDED ACTION:** Appoint by ballot, one member to fill the vacant position of the alternate member for a two-year term on the Gulf Cove Waterway Advisory Committee. The vacancy has been duly advertised and are on file. **BUDGETED ACTION:** None.

Mr. Loucks advised Joel Trefry received four votes and Bette A. Lyttle received one vote.

**COMMISSIONER DEBOER MOVED TO APPROVE APPOINTMENT OF JOEL TREFRY, SECONDED BY COMMISSIONER DEVOS.
Motion Carried 5:0.**

(2) **RECOMMENDED ACTION:** Presentation- Affordable Housing Update from Housing Division, Human Services **BUDGETED ACTION:** Funds have been provided from the Local Housing Assistance Trust Fund, the Hurricane Housing Recovery Plan, and the CDBG Emergency Set Aside.

Lorraine Helber recalled the Board requested more information on the housing programs and target population, and updated the Board on affordable housing as detailed in the packet material.

Commissioner D'Aprile indicated Hampton Point had certain conditions to meet for the School Board, but Hampton Point representatives were not returning calls to the School Board, and advised he would contact someone at Hampton Point to determine what the turnaround time would be. Ms. Helber said the issue regarding the School Board would also be addressed by her office when communicating with Hampton Point.

Commissioner Cummings indicated he was impressed with Genesis House as it helps single mothers move on to a better life, it's a perfect location for so many services needed by the occupants, and it's the way a homeless shelter should be done.

(3) **RECOMMENDED ACTION:** Affirm the Enterprise Charlotte Community-at-Large members and organizational representative.
BUDGETED ACTION: None

COMMISSIONER DEVOS MOVED TO APPROVE AGENDA ITEM Z-3, SECONDED BY COMMISSIONER DEBOER.
Motion Carried 5:0.

(4) **RECOMMENDED ACTION:** Approve Resolution forming Industrial Development Authority and Enterprise Charlotte's recommendations for the IDA Board Members' position. **BUDGETED ACTION:** None.

COMMISSIONER DEVOS MOVED TO APPROVE RESOLUTION 2006-143, SECONDED BY COMMISSIONER DEBOER.
Motion Carried 5:0.

(5) **RECOMMENDED ACTION:** The term of regular member Mike Post, and alternate member Art Richards has expired causing vacancies on the West Charlotte Stormwater Utility Advisory Committee. Both Mr. Post and Mr. Richards have served three terms, and are not eligible at this time to be reappointed. The vacancies have been duly advertised, and are on file. Three requests to be appointed have been received from 1) Olga Durham, 2) Laren Armstrong and 3) Anthony Hofstede. The regular member term is for three-years, and the alternate member term is for two-years. Board is to choose by ballot one regular member and one alternate member to sit on the West Charlotte Stormwater Utility Advisory Committee. **BUDGETED ACTION:** None.

Commissioner DeBoer asked where the current members reside.

Dr. Bill Coy said they are from Englewood East, South Gulf Cove and Rotonda, meetings are held at Gardens of Gulf Cove and normally representation from that area is in attendance.

Mr. Loucks tallied the ballots and announced Anthony Hofstede is selected as the regular member and Laren Armstrong as the alternate member.

COMMISSIONER DEVOS MOVED TO APPROVE APPOINTMENT OF ANTHONY HOFSTED E AS THE REGULAR MEMBER AND LAREN ARMSTRONG AS THE ALTERNATE MEMBER , SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.

(6) **RECOMMENDED ACTION:** At the July 18, 2006 County Commission meeting, staff was directed to address the issue of non-compliance items with the Department of Community Affairs (DCA) at the next County Commission meeting. There are four comprehensive plan amendments that have been found in non-compliance by DCA. 1. Murdock Concurrency. 2. TDU Ordinance. 3. Amendment from Residential to Commercial on US 17. 4. Amendment from Rural to Residential on US 17. A brief presentation will be made on the matter. **BUDGETED ACTION:** None.

Mr. Konafel reported on four Comprehensive Plan Amendment Applications not in compliance with the Department of Community Affairs (DCA); two matters in non-compliance are private developer-generated for property located on U.S. 17, and the private developers are in the process of resolving the issues. Mr. Konafel indicated the two county-generated applications are the Transfer of Density (TDU) Ordinance and the Murdock Concurrency Issue. Mr. Konafel explained that the TDU Ordinance issue deals with allowing development in the Coastal High Hazard Area, that the Comprehensive Plan Amendment must be updated to be consistent with the TDU Ordinance that is in effect, that compromise language was worked out during the workshops, and it will be brought back before the Board for final resolution.

Chairman Moore inquired if the challenge by DCA was applicable to West County. Mr. Konafel advised it would be applicable to the entire county, and that compromise language was made for like density.

Mr. Konafel reported the fourth issue is the Murdock traffic concurrency, and an amendment as a straight exemption to the Murdock Village project for traffic concurrency was proposed. Mr. Konafel said the reason this was put in as an amendment was that the existing development as single-family lots could develop as is, but development was changed to more of an infill project, and DCA indicated we are not exempt from traffic concurrency, or traffic levels of service, whereas it would have been in the old project.

Mr. Konafel advised staff is currently working with Stock Development in the negotiations to resolve the issues with DCA, is still exploring the outright concurrency exception for traffic concurrency, or possibly determine some type of special

concurrency program for the Murdock Village area but the matter is not resolved to date.

Mr. Konafel pointed out this is not an immediate problem, but a problem that would exist in the five to twenty-year range, and explained one of the stop-gap measures performed was changing the level of service from C to D alongside Murdock Village, which would help somewhat, but not solve the problem completely. Mr. Konafel indicated there is one segment on U.S. 41 that may require improvements.

Mr. Konafel explained Murdock Village project is not a Development of Regional Impact (DRI), but is being treated like a DRI by doing the similar reviews; that no analysis has been done, but if it were a DRI, Stock Development would be guaranteed twenty years of traffic impasse, and staff is trying to facilitate that by treating the project as a DRI.

Commissioner Devos expressed concern in lowering service from C to D, and indicated she was not certain there had been discussion of what the expectation is for five years or twenty years.

Commissioner Devos inquired what staff's position is as to Stock Development's responsibility. Mr. Konafel explained it is a joint responsibility; that typically development does not get a twenty-year approval for traffic concurrency unless it goes through a full DRI and all transportation impacts addressed and improvements done for those impacts.

Commissioner Devos stated the County Capital Improvements Program (CIP) is very short and this area does not appear anywhere on the horizon, and expressed concern that the Board has not had dialogue or input as to how negotiation would be done with DCA, and inquired how it was being addressed other than lowering the level of service.

Mr. Konafel explained the level of service was not being lowered, that an effort is being made to get an exemption for the Murdock Village area because of the uniqueness of the development, or do some special concurrency. Mr. Konafel said the five to twenty-year plan has been approved by the Metropolitan Planning Organization (MPO), but funding for it has

not been addressed, and the analysis shows that both U.S. 41 and S.R. 776 adjacent to the Murdock Village area would need to be six lanes (3 lanes on each side) within a twenty-year period; that the need is there and the analysis done, but funding is done for the first five years, not typically between five and twenty years.

Mr. Loucks pointed out U.S. 41 is a state road; that there has been discussion with Florida Department of Transportation (FDOT) about 50% grant funding for the segment between Enterprise Drive and Toledo Blade Boulevard, and hopes the state will commit to that local grant share funding, which is not as susceptible to change in priorities at the state level.

Commissioner Devos explained that per FDOT, the maximum for U.S. 41 is six lanes, that there are no other roads on the West side of U.S. 41 to alleviate the traffic, and why it is so important that the other roads go back to Edgewater Drive. **Commissioner Devos** indicated that Murdock Village would take some traffic off U.S. 41 North, but it would deposit traffic onto State Road 776, and stated that the road situation is serious and in shortfall as to funding.

Commissioner Devos stated that even though lowering concurrency from C to D is for only a small portion, it is a loud statement as to the inability to deal with the needs in that area.

Mr. Konafel explained that changing from C to D is not a lowering of level of service, only changing to consistency of character of community for a small area, and if it were proposed countywide it would be brought before the Board, but that changing to D is not a backward standard.

Commissioner Cummings stated he does not believe the Suburban Service/Infill area has been identified as a Sending Zone in the Comprehensive Plan or the TDU Ordinance; and recalled one of the recommended actions being a growth management plan.

Commissioner Cummings indicated the entire Suburban Area needs to be identified as a Sending Zone and the Infill Area as a Receiving Zone, which is a key element to the entire Comprehensive Plan strategy that has never been implemented.

Commissioner Cummings pointed out that the Comprehensive Plan should state that development units through TDUs would be transferred out of Coastal High Hazard Areas, Suburban Areas, and Rural Service Areas, into Infill Areas. **Chairman Moore** questioned how this would be accomplished.

Commissioner DeBoer stated a change in the Comprehensive Plan is needed, and the policy should be reviewed completely, but it is not a good idea to increase density in areas that are already congested. **Commissioner DeBoer** advised DOT recommended lowering the levels of service from C to D, and if D is the standard for other areas of like nature, then that is what should be done.

Commissioner DeBoer inquired if there had been discussion on a timeframe for transfers of density. Mr. Konafel indicated there had been discussions but no decisions. **Commissioner DeBoer** read from the TDU Ordinance and questioned why DCA is trying to micro-manage. Mr. Konafel explained that DCA wants to see TDUs at the beginning of the project instead of five to ten years out, that TDU is a voluntary ordinance and DCA has relaxed the requirement of when density must be transferred.

Commissioner DeBoer indicated if DCA looked more globally at Charlotte County's accomplishments versus growth, and not worry about the small issues, things would move along smoother and quicker. Mr. Konafel stated DCA is short-staffed and unable to look globally at the issues in all the areas.

Commissioner Cummings stated he has no objections withdrawing some of the changes and taking away some of the obligations; that concentrating development in infill areas is not optional, but a state law, and has been proven to be a more effective way in reducing congestion over the long-term.

Commissioner Cummings gave an example of development rights being granted for transfer out of the large parcel next to Charlotte High School and into the Burnt Store sector for single-family lots, and suggested transfer should have come from Northwest Port Charlotte where there is a need to reduce the density to a level that is sustainable in septic tanks.

Chairman Moore indicated some of the items with DCA are the responsibility of the Board and should be discussed.

Commissioner DeBoer inquired what would happen if Charlotte County had not initiated the TDU Ordinance change. Mr. Konafel advised that most likely nothing immediately would have happened, that the Comprehensive Plan and the Land Development Regulations are required to be consistent with one another, that it is usually not pressed from a legal aspect, but could be challenged if the documents are not consistent, and advised that staff is working on the inconsistencies that exist.

(7) **RECOMMENDED ACTION:** Status update review and possible direction regarding proposed water Interconnect; and 1) Contract with the City for priority of water sales; and 2) Approval of Water Authority Interconnect in Charlotte County. **BUDGETED ACTION:** None

Roger Baltz summarized the status per the memorandum furnished, and stated the two projects being worked on are 1) pipeline interconnect between Punta Gorda and the Water Authority (Authority) and, 2) pipeline interconnect between Charlotte County and Punta Gorda. Mr. Baltz advised that Charlotte County has consistently taken the position that it should have the right of first refusal for water being sold by the City of Punta Gorda.

Mr. Baltz advised that the Water Management District believes it has taken too long to reach conclusion on the issues, and that its recommendation would be that none of the projects receive any cooperative grant funding for this year because the issues have not been resolved, and in particular, that Charlotte County has not lifted its denial for the project to happen.

Mr. Baltz explained that draft agreements were given to the City of Punta Gorda and the Water Authority, and asked if the Board wished to reaffirm that the language regarding the right of first refusal continues to be of importance and a requirement in order for the agreements to move forward, and asked where the BOARD stands on the current denial with the Water Authority. Mr. Baltz reiterated that the Water Management District at the staff level has given indications that it would not recommend funding for any of the entities involved in these discussions if the issues are not resolved by the end of this month.

Commissioner Devos stated that by the Water Authority taking this action it clearly demonstrates this is not a "gap" or three-year solution, but permanent, and is why Charlotte County took its initial position, and that her position has not changed.

Commissioner D'Aprile stated he does not take kindly to threats or to the Water Authority using Punta Gorda as a hostage, that if the water is given away it will not come back, and that his position remains the same as it was in the past.

Chairman Moore stated this could work if both agreements have an expiration date of 2015 or 2020, that Punta Gorda could sell the first 2 MG to the Water Authority, the second 2 MG to Charlotte County, and the remainder to whomever. **Chairman Moore** indicated SWFWMD should acknowledge it would permit surficial wells (shallow wells) if it makes good science, and put the grants in escrow until the signing is done.

Chairman Moore explained alternatively this could be stopped once and for all by going with Plan B to drop the veto on the Water Authority's line down Shell Creek, the County would run an emergency line across to the City of Punta Gorda to access the South County facilities if needed, Charlotte County would commit to the Authority for it to be Charlotte County's sole provider of water, SWFWMD would provide the funding for running the emergency line, the City would do whatever is good for the City, and the Water Authority would move forward with its commitment to evaluate the I-75 corridor for possible Water Authority water resources.

Chairman Moore said that in Plan B it would be the responsibility of the Water Authority to drill wells and be responsible for spending the money, and Charlotte County would no longer fight SWFWMD for permits.

Commissioner Cummings pointed out that by becoming an exclusive customer of the Water Authority, Charlotte County gets no additional guarantees, protections, or anything else; that the only benefit is that it removes the legal obligation to plan because the Water Authority plans and sets the legal obligations of water, and then water is allocated on a prorata basis based upon need. **Commissioner Cummings** advised that once the

allocation is established, and if the Water Authority fails to provide the amount of water it is legally obligated to provide, the deficit is prorated equally among all customers, whether an exclusive customer or not, and advised that Charlotte County must give the Water Authority seven years notice and DeSoto County does not.

Commissioner Cummings advised there is only one scenario where Charlotte County could consider becoming an exclusive customer of the Water Authority, and that is if all the members of the Water Authority are exclusive customers and on equal footing, which is not likely to happen because Manatee County would not put all its resources into the Water Authority, and would likely opt out. **Commissioner Cummings** advised he is opposed to being an exclusive customer of the Water Authority.

Commissioner Cummings said as to the right of first refusal, that in spite of the way we have been effectively painted in the media as being the antagonist, it is quite the reverse. **Commissioner Cummings** said the goal of the Water Authority and the Water Management District is to create new supplies to these interconnects; we approved a referendum for an interconnect between the City of Punta Gorda and Charlotte County in 2002, the Water Authority has had ownership of that grant application three times, Charlotte County has had it twice, and the staff of the Water Authority, in direct contradiction to the folks at the Water Authority, has deliberately torpedoed that every single time.

Commissioner Cummings indicated the Water Authority staff has deliberately defied the written actions of the Water Authority Board, and that the action being faced today is not Water Authority Board action, but Water Authority staff action; that this is not a structural problem, but a cultural one, which might be resolved in January.

Commissioner Cummings stated the media and the various appointed officials have gone so far as to allow Water Management District staff and Water Authority staff to blackmail the citizens of Charlotte County, and suggested they will do the same thing again when Charlotte County or Punta Gorda wants water back, and that the Water Authority does not intend this to be temporary,

otherwise the contract for a finite amount of water, for a finite amount of time, would have already been signed.

Commissioner Cummings pointed out there are not many strong options at this point, that the July 31, 2006 deadline is artificial because the Basin Board action is in September.

Commissioner Cummings suggested meeting with David Moore of SWFWMD to discuss where Charlotte County objectives should be shifted; stated that if Charlotte County capitulates today, it is over, that there is no assurance Charlotte County would receive grant funding either way, and reason to believe it would not.

Commissioner Cummings advised there is a need to expand the Burnt Store Plant and there should be conservation on receiving fair treatment in the permitting process. **Commissioner Cummings** indicated Charlotte County has a right to have its concerns addressed and the Water Management District should not interfere with Water Authority affairs. **Commissioner Cummings** advised he is a fan of regionalism, but it requires a cooperative partnership. **Commissioner Cummings** stated he is willing to withdraw the insistence on a right of first refusal only after having discussions with David Moore of SWFWMD, but he is not willing to be an exclusive customer of the Water Authority unless everyone is in it because it would put Charlotte County in a permanent and irrevocable disadvantage.

Commissioner DeBoer stated Charlotte County is at a disadvantage and believes being an exclusive customer of the Water Authority is a good idea, that the Water Authority needs Charlotte County not to block the Punta Gorda interconnect so the Water Authority can get the grant funding, and as a result gives leverage to ask for reasonable things. **Commissioner DeBoer** indicated that by including Charlotte County in this we should ask that our proposed interconnects be fully grant-funded proportionately to all the other grant requests; that all things should be put on the table and get off the path we are presently on.

Commissioner Devos stated she did not hear a consensus. **Chairman Moore** agreed.

Chairman Moore stated he believed Plan B is viable and does not shun the responsibilities to the Charlotte County residents by the BOARD, but fighting could unintentionally cause the City of Punta Gorda to become a victim. **Chairman Moore** indicated the words "right of first refusal" should be removed and other language used.

Mr. Loucks advised that there are two decisions to be made before July 31, 2006, (a) Approve, or not approve, the Water Authority extending the interconnect to the City of Punta Gorda and securing the grant funding, and (b) Modify the contract language, which is unacceptable as it stands now. Mr. Loucks said there is a lot of conversation that has not been had because this information was just received at the Water Authority meeting last Wednesday without prior knowledge to Charlotte County, and advised that staff is prepared to go forward with BOARD direction.

Commissioner Devos stated it is impossible for Charlotte County to research options with this arbitrary deadline, advised that she had provided the name of a law firm that specializes in these type issues to Mr. Schlobohm, and suggested consulting with these attorneys, who were aware of the deadline. **Commissioner Devos** expressed favor in improving relationships with the Water Authority, but is not yet ready to agree becoming an exclusive customer of the Water Authority yet.

Commissioner DeBoer indicated this is not the time to explore, he doesn't want to damage relationships with the City of Punta Gorda, and agreed he would like to receive options from the law firm.

Commissioner D'Aprile advised he does not want to hurt the City of Punta Gorda, but would not accept a threat from the Water Authority, that Charlotte County is the Water Authority's biggest customer, and that the Water Authority's action is unjustified without giving Charlotte County options to get the water back.

Commissioner Devos stated she is in favor of having the law firm bring back options. **(Board Consensus)** **Commissioner Cummings** agreed, suggested another special meeting could be held prior to the deadline if necessary, and stated a majority of the

Board is willing to grant permission of the pipeline and remove the right of first refusal if conditions warrant it based upon issues discussed.

Commissioner Cummings agreed with Commissioner DeBoer that Charlotte County should get the same proportionate share in grant funding as all others.

VI. PUBLIC HEARING AGENDA - No items

VII. PRESENTATION AGENDA - No items

IX. BOARD WORKSHOP AGENDA - No items

X. CITIZEN INPUT - ANY SUBJECT

Kendall Leach complimented Mosquito Control, indicated the Rotonda Meadows and Rotonda Sands Board of Directors believe the costs presented by Boyle Engineering are outlandish, and gave an overview of changes in the proposed sewer installation costs. Mr. Leach indicated an independent engineering-type consultant firm has been hired, that there are questions on costs that need to be answered which Boyle Engineering was not prepared to answer at the MSBU hearings, and stated Boyle Engineering needs to come back with a reasonable cost so support can be given.

Suzy Hackett expressed displeasure at the spending of funds for the production room and stated that since many Charlotte County residents do not have Comcast Cable services would be provided only to a fraction of the County.

David Goodrich inquired why the County, not the developer, paid \$40,000 for a survey for mitigation of gopher turtles, scrub jays, and other animals in the Murdock Village area. Mr. Goodrich advised trenches are being dug and animals have not yet been mitigated, and inquired how long it takes to get permits to move the animals.

AA. County Administrator - No items

BB. County Attorney - No items

CC. Commissioner Comments:

Commissioner Devos indicated that based upon an information packet she reviewed, Sarasota County has reached the same conclusion as Charlotte County on the phosphate issue, and that perhaps Sarasota County would be interested in joining with Charlotte County on the matter.

County Attorney Knowlton agreed.

Commissioner D'Aprile indicated he also read the information packet and would be more impressed when the money is shown.

Commissioner DeBoer commented on two separate fire assessments being charged on a single family lot with a detached garage, and indicated it might be something that should be brought back before the Board.

Chairman Moore inquired if there would be BOARD support of an inquiry by the Palm Island residents on an Island Fellowship Center. **Commissioners Cummings** and **DeBoer** requested more information, but stated it appears to have merit.

Chairman Moore advised Grand Preserve wishes to build a series of docks in West County on a narrow waterway and concerns have been expressed by upstream boaters that the docks would impede their boating; that SWFWMD staff turned down the permit, but the SWFWMD Board approved it, and after several months the Corps of Engineers gave its approval. **Chairman Moore** indicated the normal course is for the issue to come back to the County for permit, which would be the last stop. **Chairman Moore** advised he would like the County Administrator to bring the matter to the BOARD in whatever form is necessary so that both sides could present their issues and the BOARD determine what is fair.

Commissioner DeBoer requested that the County Administrator look at this first to determine there was no impeding done, and advised that Charlotte County has regulations in place for construction and placement of docks and a process for enforcement to prevent impeding access to the water. Mr. Loucks advised he would report to the Board at 2 PM.

Commissioner Devos commented on some areas around schools that may have been overlooked for installation of sidewalks.

Commissioner Cummings asked that staff also explore the sidewalk program on closing the gaps, and asked that Legal be consulted on Americans With Disabilities Act (ADA) issues.

RECESS: 12:15 PM - 2:00 PM

VIII. PUBLIC WORKSHOP AGENDA

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

(1) **RECOMMENDED ACTION:** Public Workshop to discuss the redevelopment of Charlotte Harbor after Hurricane Charley.
BUDGETED ACTION: None

Chairman Moore advised the workshop was requested by **Commissioner D'Aprile**. **Commissioner D'Aprile** read the July 13, 2006 Memorandum he had submitted to the BOARD and staff regarding the Charlotte Harbor Community Redevelopment Agency (CRA), reviewed the agenda items submitted by the Charlotte Harbor Redevelopment Committee (CRA Committee), indicated grants that were available to the businesses would be reviewed, and advised CRA Committee members and members of the business community were present.

Commissioner Cummings suggested that future workshops be held at a joint table, rather than at the dais.

Jorge Perez advised the presentation would cover Signs, Period requirements (architectural standards), and Land Development Regulations, per the handout material.

Mr. Perez gave a slide presentation of some of the signs on U.S. 41, Harborview Road and the Charlotte Harbor area, both old, and newly constructed. Mr. Perez indicated the new signs are more monument-type, but some pole signs are allowed, and advised the height allowance for signs are measured from the crown of the nearest adjacent road for fairness of size.

Mr. Perez advised the current sign ordinance allows legally non-conforming signs to remain in their present site, size and location, except under the conditions outlined in the handout material, at which time the sign must be replaced under the new codes and conformations. Mr. Perez advised that by the year 2010 all non-conforming signs must be brought up to code.

Mr. Perez stated many businesses have already brought their signs up to code to comply with the current standard.

Mr. Perez advised that sufficient notice has been given because the requirement for non-conforming signs to be brought up to code by the year 2010 has been in the books for quite some time.

Mr. Perez explained that before and after Hurricane Charley there was still strip-type development, that the buildings are functional but do not have the aesthetics wanted by the public and CRA Committee. Mr. Perez advised that Whidden Industrial Park is challenged in meeting the period standards, but there have been some successful cases.

Mr. Perez showed slides of several businesses that have incorporated some of the standards in their designs.

Mr. Perez reported the period requirements is a menu-style list with several choices, and applies to new and 50% damaged structures. Mr. Perez explained the 50% rule and how it was implemented.

Mr. Perez reviewed the Land Development Regulations, and stated the 0-9 foot setback was put into place approximately October, 2004. Mr. Perez said the Rhodes Furniture building was already in the process before the rules came into place, and KFC found their old building actually met the 9 foot setback, but still incorporated some of the CRA period requirements in their buildings. Mr. Perez advised this measure was controversial in 2004, but good proposals are being seen.

Commissioner D'Aprile suggested that questions for Mr. Perez be held until after all the presentations, and stated he had requested Code Compliance to give a briefing on permit applications, and grants that were available.

Shawn Horton commented on a cursory check done of the CRA area on U.S. 41, stated that 41 sign positions were counted, 7 of those signs were improperly permitted, 2 permits are in review, 4 signs are associated with buildings scheduled for demolition and will be removed at that time, 2 signs have permitting issues that are in some form of litigation, and 26 signs have in some form been replaced or repaired with no permit, or not repaired at all. Mr. Horton reported that there are options that can be done on these signs, but Code Compliance would wait for BOARD direction. Mr. Horton advised that of the 26 signs, some were repaired without permits and may not meet the CRA requirements.

Debrah Forester explained that two grants were currently available, the sign grant which allows up to \$10,000 for reimbursement, which is either \$10,000 or 50% of the cost of the sign. Ms. Forester advised the program is available until 2008 and amounts are reduced as time goes by, so that by 2010 the program would be completed simultaneously with the ordinance requiring all signs to be in compliance. Ms. Forester stated the recently established sign grant program has two levels, the first level is for up to \$5,000 for painting, awnings, and quick replacements and improvements to the building, the second level is between \$5,000 and \$22,000, which requires a match by the private property owner.

Ms. Forester advised that the funds available were under a CDBG recovery grant and that Calvin Knowles has the technical details of what is required. Ms. Forester reported there has been informal discussions with property owners regarding the facade grant program, that 415 letters were sent out to commercial industrial property owners in Charlotte Harbor advising them again of the sign and facade grant programs, and that one business contacted Mr. Knowles and she received two calls regarding the programs.

Commissioner D'Aprile requested confirmation that 415 owners received the grant applications. Ms. Forester advised the mailings were sent July 18, 2006, and that she has received some inquiries as a result of the mailings. **Commissioner D'Aprile** inquired how many had applied for the grants prior to the mailings.

Ms. Forester explained the facade program was just recently put into place and she did not know about the sign grant applications. Dick Loftus advised that one sign grant application was received. **Commissioner D'Aprile** pointed out that this is free money and does not understand why it has not been taken advantage of, and explained that the funds are to help business owners who were affected by Hurricane Charley bring their signs up to meet the ordinance, and for beautification.

Commissioner D'Aprile suggested business owners contact Debrah Forester or members of the CRA about the grants.

Commissioner DeBoer advised he must leave at 3:00 PM and would like the Board to comment at this time. **Commissioner DeBoer** indicated there was a lack of communication in getting information to the public, and is in favor of increasing grant funds available to lessen the burden to those affected by Hurricane Charley. **Commissioner DeBoer** stated he did not conceive the financial impact to residents and businesses with the 50% rule, that this was a mistake in hindsight and people need to get back in business, and pointed out that the business people are not protected by homestead or save-our-homes.

Commissioner DeBoer stated most businesses are small operations and need assistance and flexibility from the County.

Commissioner Devos indicated when the decisions were agreed upon for Charlotte Harbor they were good decisions and she still supports what is attempted in the CRA, but explained there are extenuating circumstances here and agrees the County should be flexible because the storm created unexpected difficulties.

Commissioner Devos expressed concern because this was not done with businesses such as McDonalds that appealed to the BOARD in the past and it harmed them financially, and pointed out McDonalds does not expect to have the same business as it had before because of what was required in order to follow the rules.

Commissioner Devos indicated that it is financially advantageous for business owners to have their signs comply now, rather than take them down and conform later.

Commissioner DeBoer clarified the only thing he ever voted against was the 9 foot setback, but never realized the impacts to follow as a result of the hurricane.

Chairman Moore indicated he needs specifics in order to know how to solve problems.

Commissioner Devos clarified that her suggestion is that business owners build the appropriate signs now that will be phased in by 2010, that she does not know what the individuals need today, but that the BOARD should be as accommodating as possible, keeping in mind what the goals are of the CRA, and that under the extreme circumstances all rules cannot be applied equally or fairly, because no one rule will fit all.

Commissioner D'Aprile explained that there is a lot in the agenda that cannot be completed, that he has been involved with the CRA since the beginning and does not say its demands were wrong, just not humanistic, and he would like the BOARD to listen to the plight of the business community.

Commissioner D'Aprile pointed out that Rhodes built its place before the ordinance was set in motion, and although some do not think that is fair, they followed the law, and were not required to meet the 9 foot setback, and explained that the building codes and CRA beautification standards were met.

Dick Loftus stated Rhodes Furniture was in the pipeline prior to the 9 foot setback ordinance being adopted.

Chris Freeland of Harbor Nissan advised he and several others were speaking on behalf of Team Charlotte Harbor, rather than all members appearing.

Mr. Freeland presented a handout and explained that many business owners have spent a great deal of money attempting to get their businesses up and running Mr. Freeland indicated that anyone whose business or home was destroyed by Hurricane Charley should be allowed to rebuild exactly the way the home or business was prior to Hurricane Charley, but that any changes would require conformation to the new regulations.

Chairman Moore inquired what the time element would be for speakers. **Commissioner D'Aprile** asked that speakers cover their material quickly.

Mr. Freeland indicated that the repair or replacement should include signage, disagrees with the 9 foot setback, and stated he will not put up a sign because his business would sit on top of the highway, and indicated the way his business would be positioned will be a problem for neighboring businesses.

Mr. Freeland agrees the CRA is a good idea, but disagrees with its management, stating that matters went to the CRA Committee, but not beyond, and there was no compassion by that committee. Mr. Freeland stated requests should have gone back to the BOARD and did not, and indicated the process should be reviewed.

Mr. Freeland indicated there is a lack of communication in the permitting process, and that the permitting process should be streamlined.

Pete Quartuccio advised if flexibility is allowed within the framework it would allow more to get done with less difficulties, does not understand why anyone would want to walk down U.S. 41 as proposed, inquired if there are any qualifications for the CRA Committee, and stated there seems to be a mass exodus from that committee, and perhaps it was time to look at this committee and its leadership.

Duane Needham of Tile & Carpet World advised it has been 23 months and his building has not been started because he must go through engineering again. Mr. Needham stated all of the Charlotte Harbor businesses stand behind what Mr. Freeland said, described the difficulties he encountered in attempting to get permits issued, and indicated that was characteristic of what each of the Charlotte Harbor business owners experienced.

Mr. Needham reported that Wal-Mart built a super center quicker than he can build an 8000 sq. ft. building after the hurricane, stated that the setbacks were put into play after the hurricane, and that a hold should have been put on that after the storm. Mr. Needham explained the difficulties he has experienced in complying with the new codes because of retentions, signs,

drainfield, a ditch, and culverts that are in front of his office, and explained when he asked for a little compassion in trying to get his business up and running, staff informed him they were not in the compassion business.

(Commissioner DeBoer was not present for the remainder of the meeting.)

Mr. Needham pointed out that bringing his building 21 feet forward would block his neighbor's business, stated his sign had less than 50% damage, he was initially told it could be repaired, but now is told he cannot fix it, and understands that several other businesses have had the same problem.

Jerry Wilson of Jerry Wilson Motorcars agreed with Mr. Freeland, and stated the grant funds would not have done what he needs because his sign is 30' high and costs \$40,000. Mr. Wilson disagreed that all businesses must have monument signs, and stated that many businesses complied because they were forced to do so in order to get their business up and running.

Mr. Wilson stated he has a great location but needs a sign larger than monument size.

Herman D'Alessandro advised he is not a businessman and lives on the south side of Gardner Drive in Port Charlotte, but had to comply with the regulations of the CRA because he lives within the CRA district, agreed many things should have been done differently after the hurricane, advised that complying cost him a great deal of money, and that if the rules are changed 23 months after the fact, the Board should find a way to return the money he spent.

Richard Holden stated the Advisory Committee and staff should assist people, not put up road blocks, and if it cannot be done then the Committee should be shut down.

COMMISSIONER D'APRILE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS.

Motion Carried 4:0.

ABSENT: and Commissioner DeBoer.

Dick Loftus, Chairman of the Charlotte Harbor CRA Committee, advised that the CRA has been in existence since 1992, that the design standards ordinance was passed in 1996, that the CRA has reviewed all permits since 1996, that in 1998 the design standards were made mandatory, and the CRA has reviewed all design standards since that time, that the sign ordinance has been in place since 2003, and explained the review requirements.

Mr. Loftus stated the CRA expedites everything as quickly as possible and that no favoritism has been granted, that all ordinances are on the website, that he has been available to meet with anyone at any time, explained that no member of the CRA has the authority to bend the rules, only to be certain the rules are applied and conformed to, and that the Building Department, not the CRA, has jurisdiction over the 50% rule.

Mr. Loftus stated that the issues on the table are in the ordinance and on the internet, and that the CRA was very flexible in creating the ordinance. Mr. Loftus advised that the 0-9 foot setback was given to allow an opportunity to build more in that area because the commercial lots are very small, and stated letters were sent to the business owners after the hurricane in an effort to furnish as much information as possible.

Commissioner D'Aprile explained no decision can be made today but concerns have been heard. **Commissioner D'Aprile** indicated there needs to be a one-on-one meeting, and he would meet with staff and Mr. Loucks with the hope that a feasible solution can be obtained for some of the issues, realizing that not all of the issues will be solved.

Commissioner D'Aprile pointed out that the CRA has no authority and can only give recommendations; he is confused about the 50% rule on signage and has a problem with it; and advised his business is still not in operation two years after the hurricane and that his business sign must be cut down considerably to comply with the ordinance by 2010.

Chairman Moore asked that Mr. Perez review signage again. Mr. Perez advised signs can be attached to a building or free-standing, explained size allowances, and stated that a variance is available.

Chairman Moore requested clarification for a sign less than 50% damaged. Mr. Perez said if the sign is less than 50%, the sign can be repaired, unless the face of the sign is damaged, which triggers the requirement for replacement of the sign to bring it into compliance.

Commissioner Devos explained that the Board is the CRA, and that the Advisory Committee brings to the BOARD a list of things that can be done, that there was a lot of discussion on the 9 foot setback, that the BOARD adopted the standards, and staff must see the standards are adhered to. **Commissioner Devos** indicated that when the BOARD was acting as the CRA it discussed flexibility, but is embarrassed that the storm was in August and the 9 foot setback was adopted in September, and suggested the BOARD meet as a CRA quickly to review what is in place and what flexibility is available.

Commissioner Cummings agreed with **Commissioner Devos** and stated that bringing back rejections long after the opportunity to have first caught the problem is unacceptable, and that those type occurrences should be minimized, agreed that sign facing being a trigger on replacement merits review, believes that Roger Kress of Team Punta Gorda is an excellent resource to bring on board, that there should be a balance between standards and incentives, that pedestrian facilities on U.S. 41 are necessary, that the BOARD needs to be careful in either retaining the 9 foot setback or changing back and forth, but there is nothing wrong with going back and reviewing demand for changes.

Commissioner Cummings stated there is a need to accommodate getting owners back into business without veering too far away from what is wanted for the area, and indicated areas like Solona, Cleveland, Charlotte Harbor and McCall would be important as the area grows, and pointed out that standards are needed.

Chairman Moore confirmed that an old sign that is damaged cannot be repaired, but must be replaced to meet the new standards, but if a new sign is installed, and then damaged, it could be repaired. Mr. Perez stated that was correct because the new sign conform to the new standards.

Commissioner Devos expressed concern that Wal-Mart had an easier time getting a permit than the small businesses in Charlotte Harbor.

Mr. Loucks explained that a process must be followed in order to change an ordinance, and inquired if the meeting of the BOARD sitting as a CRA could be set for August 15th, and if staff was to present potential changes to the ordinance at that meeting.

Commissioner Devos suggested proposed changes be presented because of advertising requirements. (**Discussion ensued on timeframe.**) Mr. Loucks explained that based upon conversations today, the sign ordinance and 9 foot setback matter would go before the Planning and Zoning Board on August 14, 2006, and the first of two required public hearings would be scheduled for the BOARD meeting of August 15, 2006, and recommended a joint meeting be held between the CRA and the CRA Advisory Board, preferably before the Planning and Zoning meeting, but definitely before the BOARD meeting.

Mr. Konafel presented a background review and slide presentation of Grande Preserve located south of Grove City off Placida Road in West County, pointed out the area where the dock in question is proposed, and advised that the concern is that existing subdivision boat owners would have difficulty going westbound around the proposed boat dock. Mr. Konafel stated that the applicant for the boat dock and slips has received approval from SWFWMD and the Army Corps of Engineers, which review environmental areas and width and depth navigability of the waterway. Mr. Konafel advised that county staff is the final review authority, and its review permit has not yet been issued, that staff has the authority to review based upon navigability, that staff can review it for environmental and navigation purposes, but does not have the expertise to deal with width and depth navigation issues, and would require consulting staff. Mr. Konafel indicated there would be room to go around the new docks, but there may be difficulty with depth for existing subdivision boats. Mr. Konafel advised staff does not typically review for navigation issues, relying on SWFWMD and the Army Corps of Engineers.

Commissioner Cummings expressed concern with a vessel being moored that is longer than the length of the pier. **Chairman Moore** agreed because the area is very shallow. Mr. Konafel indicated the existing navigation channel is relatively narrow, and there is concern that if the dock is built there may not be sufficient room in the dredged out channel to go around.

Commissioner D'Aprile noted the County can deny this for safety reasons. Mr. Konafel stated an opinion from a local water-based engineer would be needed. **Commissioner D'Aprile** suggested this be done before decisions are made.

Mr. Konafel indicated the ordinance is set up to be answered technically at the staff level. **Chairman Moore** advised that Michael Poff has done other similar work for the county.

Commissioner Cummings agreed it would be prudent to hire an engineer but that person should have maritime traffic lane expertise.

Chairman Moore inquired if the matter could be resolved by the end of September. Mr. Konafel advised that the application is inactive based upon time, that it would take only one or two weeks to get an opinion from an engineer, but the applicant must update the application, and a decision would be made only if the application is on the table.

MEETING ADJOURNED: 4:05 PM

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 of file in Commission Minutes
/gm**