

BOARD OF COUNTY COMMISSIONERS

JULY 22, 2008

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 D'Aprile, Commissioner Duffy, Commissioner Moore, and Commissioner Loftus. Also in attendance were County Administrator Baltz, County Attorney Knowlton, Finance Director Navan, Executive Assistant Stoner, and Deputy Clerk Lansing. The following members were absent: Commissioner Cummings. The meeting was called to order at **9:00 A.M.**

Invocation was given by **Chairman Thomas C. D'Aprile**, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Z-1 - Requested by: Commission Office - Request the Board of County Commissioners accept the roads, roadside swales, and pertinent roadside easements constructed within Airport Commerce Park for operation and maintenance. Authorize the Chairman to sign the Development Agreement, Perpetual Non-Exclusive Drainage Easement Agreement, Roadway Easement Dedication Agreement. Request that the Board accept the Warranty Deed from the Charlotte County Airport Authority for a segment of the Airport Commerce Park Entrance Road.

Addition #2: Z-2 - Requested by: Attorney's Office - Set a special meeting on Tuesday, July 29, 2008, at 3:00 p.m. or as soon thereafter as possible after the conclusion of the CIP presentation to discuss the experts' analysis of Mosaic's South Fort Meade mine permits and determine the appropriate course of action.

Addition #3: Z-3 - Requested by: Attorney's Office - **RECOMMENDED ACTION:** Approve a Memorandum of Agreement with Florida Power & Light ("FPL") concerning removal of poles and appurtenances from Murdock Village property. **BUDGETED ACTION:** There will be no cost to the County.

Deletion #1: E-2 - Requested by: Attorney's Office - RECOMMENDED ACTION: Approve a Memorandum of Agreement with Florida Power & Light ("FPL") concerning removal of poles and appurtenances from Murdock Village property.

Commissioner Moore asked if Addition Z-2 was a Special Meeting or an Executive Session. County Attorney Knowlton advised the addition was a Special Meeting.

COMMISSIONER MOORE MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Special Recognition

Proclamations - **Commissioner Tricia Duffy**

Florida Water Professionals Week the week of August 4, 2008 through August 8, 2008.

COMMISSIONER MOORE MOVED TO PROCLAIM THE WEEK OF AUGUST 4, 2008 THROUGH AUGUST 8, 2008 AS FLORIDA WATER PROFESSIONALS WEEK, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

An unidentified citizen accepted the Proclamation.

Employee Recognition - None

Award Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Manasota Key property owner Tommy Brock spoke against the approval of D-1, provided a handout, and discussed his position.

Captain Ron Blaco requested D-1 not be passed, stated the Marine Advisory Committee unanimously recommends the County do everything to keep the geo tubes in place, discussed his reasons, read a memo he sent to the Commissioners, and opined it would be

in the County's best interest to leave the tubes there for one year.

Attorney Geri Waksler spoke in favor of Z-1, advised for the record it referred to Airport Commerce Center not Park, appreciated the item being brought forward today, and asked for approval.

Gary Bayne represented Southwest Florida Land Developers, spoke in favor of Z-1, thanked the Board and staff, and said this industrial park will be successful and the largest in Southwest Florida.

Ed Marinelli spoke on behalf of the International Union of Painters and Allied Trades (IUPAT), publicly pleaded with the Board to save the 81 positions they are about to terminate, opined the savings were not substantial, provided funding suggestions, offered money saving solutions, said the Union Board challenged the Commissioners, advised **Commissioner Cummings** had cancelled his meeting, **Commissioner Duffy** refused to meet with them, and asked the Board to delay the decision to consider alternative solutions.

Richard Hanson brought up the Sewer Impact Fee and was advised that issue could be discussed later in the meeting during Public Hearing.

II. COMMITTEE VACANCIES

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

Boca Grande Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the Unit to serve as the alternate member. The term shall be for two years.

Construction Board of Adjustments and Appeals - is seeking one member to serve as an alternate on this Board. Must be a member of the construction industry and hold a current license.

Charlotte Harbor Community Redevelopment Agency Advisory Committee - is seeking one volunteer to serve as a Business

Representative from within the Unit. Term is effective immediately.

Charlotte Ranchettes Street & Drainage Unit Advisory Board - is seeking one alternate member. Volunteer must be a resident of Charlotte County and reside within the unit. Term expires January 23, 2009.

Construction Industry Licensing Board - is seeking a volunteer to represent the mechanical contractor category. Volunteer must be a resident of Charlotte County for at least two years and be a licensed mechanical contractor. Length of term until May, 2009.

Code Enforcement Board - is seeking three volunteers to fill the expired terms of Engineer, Member-At-Large, and General Contractor. These terms will all be effective August 26, 2008 and will expire August 28, 2011.

Environmentally Sensitive Lands Oversight Committee - is seeking two volunteers who are residents and electors of the County. One volunteer is needed representing the business/land development category and another is needed to represent the environmental expertise category.

Englewood Area Planning Advisory Board - is seeking one volunteer who is a landowner and resides within the boundaries of the unit to serve as a regular member for a three year term.

Harbour Heights Waterway Maintenance District Advisory Board - is seeking one volunteer to finish the term of the alternate. This term is effective immediately and will expire April 10, 2009. Must live within the unit.

Lemon Bay Street and Drainage Advisory Committee - is seeking two volunteers to serve as regular members, and one volunteer to serve as an alternate member. The term for regular members are for two and three year terms, and the term for the alternate member is for two years. All volunteers must be landowners and reside within the boundaries of the unit.

Manasota Key Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the unit to serve as the alternate member. The term shall be for two years.

Charlotte County is seeking volunteers to serve on the following Committees: Marine Advisory Committee - is seeking to fill the unexpired term of one Member-at-large position. This term will expire December 31, 2008.

Mid-Charlotte Stormwater Utility Unit - is seeking five members and one alternate member. Initial terms of office shall be drawn by lot at first meeting. Must be residents of the unit.

Placida Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the unit to serve as the alternate member. The term shall be for two years.

Rotonda West Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the unit to complete a vacated term as the alternate member. The term shall expire on February 27, 2009.

South Bridge Waterway Municipal Service Benefit Unit - is seeking two regular members and one alternate member. Must live in the unit. Terms effective immediately; length of term to be determined at first meeting.

South Gulf Cove Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the unit to complete a vacated term ending February 13, 2009, as the alternate member.

South Gulf Cove Waterway Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the unit to complete a vacated term as the alternate member. The term shall expire on January 9, 2009.

Suncoast Waterway Maintenance Municipal Service Benefit Unit - is seeking three regular members and one alternate member. Must live in the unit. Term effective immediately; length of term to be determined at first meeting.

Value Adjustment Board of Charlotte County - is seeking a volunteer citizen member to serve on the Board. The citizen member must own homestead property within Charlotte County, may not be a member or an employee of any taxing authority and may not be a person who represents property owners in any administrative or judicial review of property taxes. Submit resume to: Board of County Commissioners, 18500 Murdock Circle, Room 536, Port Charlotte, FL 33948-1094, or e-mail bcc@charlottefl.com by July 31, 2008. If you require special assistance or accommodations please include this information with your resume.

West Charlotte Stormwater Utility - is seeking one volunteer who is a landowner and resides within the boundaries of the unit to serve as a regular member for a three year term.

III. REPORTS RECEIVED AND FILED - None

IV. CONSENT AGENDA

Commissioner Duffy and Commissioner Loftus asked that D-1 and L-3 be pulled from the Consent Agenda.

COMMISSIONER LOFTUS MOVED TO APPROVE IV. CONSENT AGENDA EXCEPT AGENDA ITEMS D-1 AND L-3, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Clerk of the Circuit Court

(1) RECOMMENDED ACTION: Approve Clerk's Finance Memoranda -
BUDGETED ACTION: None

A. Finance Division

Memorandum #1 - Status of Contingency Reserves -FY 06/07

Memorandum #1A - Status of Contingency Reserves - FY 07/08

Memorandum #2 - Total Disbursements for the Period June 28, 2008 through July 14, 2008 in the amount of \$14,175,277.71.

B. Minutes Division

(1) *RECOMMENDED ACTION*: Approve Minutes for:

10:00 AM	April 16, 2008	Strategic Financial Review
2:00 PM	April 17, 2008	Strategic Financial Review
9:00 AM	April 22, 2008	BCC Regular Meeting
3:00 PM	April 22, 2008	Strategic Financial Review

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office - No items

D. Administration

(1) *RECOMMENDED ACTION*: Approve a Resolution accepting Amendment Number Two to Easement Number 31354 from the Board of Trustees of the Internal Improvement Trust Fund for the Stump Pass Experimental Stabilization Project and authorizing the Chair to sign the amended easement. *BUDGETED ACTION*: None Resolution: 2008-077 (XREF: Resolution 2006-049)

Commissioner Duffy explained D-1 is related to the geo tubes installed at Stump Pass in Englewood, clarified the Department of Environmental Protection (DEP) is responsible for having them removed, expressed concern that the tubes are working but the State still wants them removed, opined sand could fill the Pass again, and asked if they had done everything possible to convince DEP not to remove them. Assistant County Administrator Shoemaker explained the sequence of events to date, said they were being pushed up against the wall on this issue, mentioned this was a DEP project, advised this was their final consent order, and indicated if we chose to appeal the situation could get sticky for us since we are in the process of applying for a dredging permit. **Commissioner Duffy** commented that since the tubes are working it changes the scope of the dredging considerable and opined dredging may not be necessary if the pipes remained. Ms. Shoemaker explained DEP makes their own decisions and noted we are only the host site. **Commissioner Duffy** asked why DEP wanted the tubes removed. Ms. Shoemaker indicated some tubes were not installed properly and noted there

was correspondence related to less turtle nesting and turtle land. **Commissioner Duffy** pointed out it may have been a small group of citizens who convinced DEP to remove the tubes. Ms. Shoemaker could not confirm that, but said there was a large amount of correspondence on the subject. **Commissioner Duffy** asked what would happen if they voted against this. Ms. Shoemaker said this is one legal piece of what needs to be done, said the County generated an easement request, and was not sure if a negative vote would help. **Chairman D'Aprile** interjected, said DEP has been clear that they want the tubes removed and asked for Board comments. **Commissioner Loftus** commented he served on the Marine Advisory Board for 10 years, noted dredging was brought up in the early 1990's, noted Marine Advisory made similar recommendations then, said it is a shame they are being removed since they are effective, mentioned he did not want to jeopardize the dredging project, and indicated the County must abide by the law. **Commissioner Moore** said he shares the frustration of the public, noted he was not against citizens protesting DEP decision, opined the tubes did a good job, said they will still ask to dredge Stump Pass, explained the State is convinced they are doing the right thing, and is opposed to the County taking formal action against the State. **Chairman D'Aprile** stated he does not take threats very lightly, indicated no pity for the State, mentioned the environmental committees he served on in the past, noted everyone but DEP agrees the geo tubes should stay, said they must comply with the law, announced the Board is opposed to the DEP decision, and opined this is politics at its worst.

COMMISSIONER MOORE MOVED TO APPROVE A RESOLUTION ACCEPTING AMENDMENT NUMBER TWO TO EASEMENT NUMBER 31354 FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND FOR THE STUMP PASS EXPERIMENTAL STABILIZATION PROJECT AND AUTHORIZING THE CHAIR TO SIGN THE AMENDED EASEMENT. RESOLUTION # 2008-077, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Duffy said she feels like the Board is being held hostage. **Chairman D'Aprile** said this is what he hates about politics. **Commissioner Loftus** remarked that this was recommended in 1991 to help save the Pass and now they want to have the tubes removed.

*Motion Carried 3:1. Chairman D'Aprile opposing.
ABSENT: Commissioner Cummings.*

Commissioner Moore requested the Chairman send a letter to DEP asking them to reconsider their decision and opined the County would still loose. Commissioner Duffy suggested he also send a letter to the Governor. Chairman D'Aprile said he would send the letters and again explained that the Board was compelled to comply with the law, but for the record stated they were all opposed.

(2) RECOMMENDED ACTION: Approve Change Order #1 for J.C. Pilato, Inc., in the amount of \$5,026.00 for the installation of a new HVAC system for a recipient of Community Development Block Grant monies. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve Change Order #1 with Fred Shute Real Estate and Development, Inc., in the amount of \$6,550, for the installation of a well for a recipient of Community Development Block Grant monies. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Adopt the Administrative Code prepared by the County Administrator, in compliance with the County Charter. BUDGETED ACTION: None

E. County Attorney

(1) RECOMMENDED ACTION: Approve the Stipulated Settlement Agreement ("Settlement Agreement") between the State of Florida Department of Community Affairs and Charlotte County as a partial settlement of all claims raised in DOAH Case No. 06-2011GM, and authorize the Chairman to sign the Settlement Agreement. BUDGETED ACTION: None

F. Budget Office - No items

G. Growth Management - No items

H. Economic Development

(1) RECOMMENDED ACTION: Approve up to \$94,900 in tax increment funds to fund enhanced design and construction of the Florida Department of Transportation (FDOT) eight-foot wide sidewalk along US41 in Charlotte Harbor Community Redevelopment Area and authorize the Chairman to sign a letter of intent. BUDGETED ACTION: Budget is available in Project - Charlotte Harbor Gateway, project total is \$11,988,000.

J. Environmental Services

(1) RECOMMENDED ACTION: Approve Budget Amendment #08-A42 in the Mosquito Control Department budget in the amount of \$4,367 and Budget Transfer #08-022 in the amount of \$18,992 in the Mosquito Control state budget. BUDGETED ACTION: Approve Budget Amendment in the amount of \$4,367 and Budget Transfer #08-022 in the amount of \$18,992. Funding for the Amendment is FEMA reimbursement from Hurricane Wilma and the Budget Transfer is to cover expenses for leased equipment and for improvements to property.

K. Facilities Construction and Maintenance - No items

L. General Services

(1) RECOMMENDED ACTION: a) Approve award of Bid #08-202, Coral Creek Bridge Replacement, to Thomas Marine Construction, Inc., for the base bid cost of \$7,898,401.36 and approve award of Option B (Gasparilla Island Water Association work requested and funded by GIWA) in the amount of \$411,758.55, for a total cost of \$8,310,159.91; and b) Approve CIP Amendment #08-C18 in the amount of \$907,000; and c) Approve budget transfer # 08-019 in the amount of \$907,000, to construct a replacement bridge for the existing Coral Creek Bridge. The new structure will be a cast-in-place concrete structure. BUDGETED ACTION: After the above transfer and CIP amendment funds will be available in the Road Improvements fund. CIP project C419801, Coral Creek Bridge Replacement. Project total is \$9,958,000. CCU's portion is in projects c339702, Major Water Transmission Lines (\$290,559.93) and c350602 Wastewater Force Main (\$300,611.93).

(2) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #03-207, Emergency Debris Management Services with Ashbritt, Inc.;

Crowder-Gulf; Grubbs Emergency Services, LLC; and Asplundh Environmental Services, Inc.; and b) Authorize the Chairman to sign Amendments. BUDGETED ACTION: None, if eligible, the Federal Highway Administration will reimburse expenditures.

(3) RECOMMENDED ACTION: a) Approve Contract #2008000121, Methane Gas Collection for Charlotte County Landfill with North American Natural Resources-Southeast for the Purchase of all existing and future methane gas collected at the Charlotte County Landfill Site; and b) Approve the Site Lease Agreement between Charlotte County and North American Natural Resources. BUDGETED ACTION: None required. All costs are the responsibility of the developer. All future revenues generated will be deposited in the Solid Waste Fund.

Commissioner Loftus stated he is a strong conservationist, is in favor of pro-active energy and resource conservation, announced the Energy Conservation program saved \$613,000 within the first 6 months, said he had suggested a public/private partnership to extract methane from the landfill to be converted to electricity, opined it would reduce oil dependency and carbon omissions, would provide a positive revenue flow to the landfill, thanked Mr. Thomson for bringing this forward 4 years earlier than expected, and stated we need to do everything we can to save the planet.

Environmental Services Director Jim Thomson provided an overview of what Methane Gas Collection means for Charlotte County, advised the benefits, and stated the County is well on its way to becoming a green community.

COMMISSIONER LOFTUS MOVED TO APPROVE CONTRACT #2008000121, METHANE GAS COLLECTION FOR CHARLOTTE COUNTY LANDFILL WITH NORTH AMERICAN NATURAL RESOURCES-SOUTHEAST FOR THE PURCHASE OF ALL EXISTING AND FUTURE METHANE GAS COLLECTED AT THE CHARLOTTE COUNTY LANDFILL SITE AND APPROVE THE SITE LEASE AGREEMENT BETWEEN CHARLOTTE COUNTY AND NORTH AMERICAN NATURAL RESOURCES, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

(4) RECOMMENDED ACTION: Request the Board terminate Contract #08-015, Potable Water Main Extension-Design, with Wilson Miller, Inc., in the amount of \$989,600. BUDGETED ACTION: Budgeted in

FY08 but CIP deferred to future period and funding/expense removed in proposed FY09 budget.

M. Human Resources

(1) RECOMMENDED ACTION: Staff recently concluded a series of Strategic Financial Workshops with the Board outlining departmental proposals for budget re-structuring to deal with FY08/09 revenue shortfalls. One of the strategies involves staffing reductions. This agenda item requests the Board's approval to implement the staffing reductions and re-structuring as discussed during the previous workshops. BUDGETED ACTION: None

N. Human Services - No items

P. Information Technology - No items

Q. Parks, Recreation and Cultural Resources - No items

R. Public Safety

(1) RECOMMENDED ACTION: a) Approve the modification of the Emergency Management Preparedness & Assistance (EMPA) Base grant agreement #08BG-24-09-18-01-368 for an additional \$34,361; and b) Approve Budget Amendment #08-A38 in the amount of \$34,361. BUDGETED ACTION: Approve Budget Amendment # 08-A38 in the amount of \$34,361. Funding comes from the Federal Emergency Management Performance Grant Award for use by Emergency Management budget in the General Fund. Grant # 2007-029

(2) RECOMMENDED ACTION: Approve Budget Amendment #08-A40 to recognize the award of \$862,138 funding for Grant Project Number g250802, Charlotte County Equipment Upgrade Project, for the purchase and installation of Enhanced 911 (E911) systems, including training costs, plus equipment maintenance and warranty costs for one year. BUDGETED ACTION: Budget Amendment #08-A40: Increase revenue budget in State Grant-Public Safety line, R 1055.000000.334.201.0000 \$862,138, Increase expense budget in Equipment line, E 1055.296407.525.64.0001 \$862,138. The Grant award will be placed in the Enhanced 911 Fund (#1055), where all related expenditures will be charged. Grant # 2008-002

S. Public Works - No items

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve the attached Resolution approving the release of a portion of a recorded twenty-foot (20') wide canal maintenance easement and a portion of a platted twenty-five foot (25') wide canal maintenance easement, both located in Port Charlotte Subdivision, Section Forty-Four, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easements. (Owners: William and Carol Vanderslice) BUDGETED ACTION: None Resolution # 2008-078

(2) RECOMMENDED ACTION: Approve the attached Resolution approving the release of a portion of a twenty-foot (20') wide canal maintenance easement located in Port Charlotte Subdivision, Section Eighty-Seven, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easement. (Owners: Bernd and Ingrid Duerrschmidt) BUDGETED ACTION: None Resolution # 2008-079

V. Tourism Development - No items

W. Utilities - No items

X. Building & Construction Services - No items

Y. Other Agencies - No items

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office: RECOMMENDED ACTION: Request the Board of County Commissioners accept the roads, roadside swales, and pertinent roadside easements constructed within Airport Commerce Park for operation and maintenance. Authorize the Chairman to sign the Development Agreement, Perpetual Non-Exclusive Drainage Easement Agreement, Roadway Easement Dedication Agreement. Request that the Board accept the Warranty Deed from the Charlotte County Airport Authority for a segment of the Airport Commerce Park Entrance Road. Agreement # 2008-027, Agreement # 2008-028, & Agreement # 2008-029

County Engineer, Dan Quick explained Item Z-1 in detail, requested approval, and offered to answer any questions.

COMMISSIONER LOFTUS MOVED TO APPROVE THE BOARD OF COUNTY COMMISSIONERS TO ACCEPT THE ROADS, ROADSIDE SWALES, AND PERTINENT ROADSIDE EASEMENTS CONSTRUCTED WITHIN AIRPORT COMMERCE CENTER FOR OPERATION AND MAINTENANCE, AUTHORIZE THE CHAIRMAN TO SIGN THE DEVELOPMENT AGREEMENT, PERPETUAL NON-EXCLUSIVE DRAINAGE EASEMENT AGREEMENT, ROADWAY EASEMENT DEDICATION AGREEMENT, AND ACCEPT THE WARRANTY DEED FROM THE CHARLOTTE COUNTY AIRPORT AUTHORITY FOR A SEGMENT OF THE AIRPORT COMMERCE PARK ENTRANCE ROAD., SECONDED BY COMMISSIONER DUFFY.

Commissioner Duffy clarified for the record that it is Airport Commerce Center not Park.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

(2) Attorney's Office: RECOMMENDED ACTION: Set a special meeting on Tuesday, July 29, 2008, at 3:00 P.M. or as soon thereafter as possible after the conclusion of the CIP presentation to discuss the expert analysis of Mosaic's South Fort Meade mine permits and determine the appropriate course of action.

County Attorney Knowlton explained this is a request to set a Special Meeting to discuss the expert analysis related to Mosaic, noted it was scheduled for 3:00 PM but would now be changed to 5:00 PM to accommodate Chairman D'Aprile's schedule. Commissioner Duffy asked for clarification of another meeting set that day and was advised it is a CIP presentation from 1:30 PM to 5:00 PM with Commissioner Moore standing in for the Chairman.

COMMISSIONER LOFTUS MOVED TO APPROVE A SPECIAL MEETING ON TUESDAY, JULY 29, 2008, AT 5:00 P.M. OR AS SOON THEREAFTER AS POSSIBLE AFTER THE CONCLUSION OF THE CIP PRESENTATION TO DISCUSS THE EXPERT ANALYSIS OF MOSAIC'S SOUTH FORT MEADE MINE PERMITS AND DETERMINE THE APPROPRIATE COURSE OF ACTION, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

(3) Attorney's Office: RECOMMENDED ACTION: Approve a Memorandum of Agreement (MOA) with Florida Power & Light ("FPL") concerning removal of poles and appurtenances from Murdock Village property. BUDGETED ACTION: There will be no cost to the County.

Assistant County Attorney Burton explained the Memorandum of Agreement with FPL related to Murdock Village in detail, provided the timeline of events to date, noted changes made per FPL to the MOA draft previously presented to the Board, and advised FPL representatives were present. Attorney Knowlton noted an additional provision in Paragraph 3 for the record.

Commissioner Moore opined they would not accept last minute changes from a developer, said it is inappropriate to provide the Board with these changes so late, and indicated he would support it. Attorney Knowlton apologized to the Board and explained FPL denied their request for an extension. Commissioner Loftus indicated the Board should have had more time to review the changes. Chairman D'Aprile advised that FPL had come to him last week with changes and requested they offer more time in the future.

Charlotte Miller, FPL Area Manager offered to allow the Board additional time to review the documents prior to approval. Chairman D'Aprile said it would not be necessary since these changes are beneficial and again requested any future changes be provided to the Board in advance.

COMMISSIONER LOFTUS MOVED TO APPROVE A MEMORANDUM OF AGREEMENT WITH FLORIDA POWER & LIGHT ("FPL") CONCERNING REMOVAL OF POLES AND APPURTENANCES FROM MURDOCK VILLAGE PROPERTY. AGREEMENT # 2008-026, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Chairman D'Aprile announced Citizen Input - Any Subject would be taken next prior to the 10:00 AM Public Hearing and asked the citizen who stood up earlier to come forward.

X. CITIZEN INPUT - ANY SUBJECT

Mr. Hanson spoke about a new pool he put in, noted it took 9 months to complete the \$30,000 pool, advised the pool was not installed properly and the deck was not stable, claimed he complained to inspectors who stated they do not speak to the homeowners, said he is being fully assessed for the pool, mentioned nobody can help him, discussed permits and licenses, and said the system does not work.

Chairman D'Aprile asked Mr. Hanson to make an appointment to meet with him to discuss this further.

RECESS: 10:00 AM - 10:10 AM

VI. PUBLIC HEARING AGENDA - 10:00 A.M.

(1) Budget: RECOMMENDED ACTION: Consider an ordinance amending County Code Chapter 3-8 Article II concerning the regulated water and wastewater utilities to include price indexing and grandfather certificates. Ordinance # 2008-058, (XREF: Ordinance # 2007-092 & Resolution # 2007-143)

Roger Davis provided an overview of the proposed Ordinance including past background and future procedures.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER LOFTUS MOVED TO APPROVE AN ORDINANCE AMENDING COUNTY CODE CHAPTER 3-8 ARTICLE II CONCERNING THE REGULATED WATER AND WASTEWATER UTILITIES TO INCLUDE PRICE INDEXING AND GRANDFATHER CERTIFICATES. ORDINANCE # 2008-058 (XREF: ORDINANCE # 2007-092 & RESOLUTION # 2007-143), SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

(2) Growth Management: RECOMMENDED ACTION: Grant a waiver from Section 3-9-63 of the Code of Laws and Ordinances of Charlotte County to allow access to 19715 Kenilworth Blvd. by way of Kenilworth Blvd., a local road. Resolution # 2008-080

Jeffrey Crimer provided an overview of the waiver request, pointed out the site on the overhead, talked about the future land use, and provided recommendations.

Attorney Rob Bernsson provided facts related to the Novrooz Properties he is representing and Todd Rebal presented visual slides. Commissioner Duffy requested additional location clarification. Attorney Bernsson explained in detail.

COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER MOORE MOVED TO APPROVE A WAIVER FROM SECTION 3-9-63 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY TO ALLOW ACCESS TO 19715 KENILWORTH BLVD. BY WAY OF KENILWORTH BLVD., A LOCAL ROAD. RESOLUTION # 2008-080, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

(3) County Attorney: RECOMMENDED ACTION: Consider an ordinance granting an electric franchise to Florida Power & Light Company ("FPL"). Ordinance # 2008-059

Attorney Burton provided an overview of the replacement Franchise Agreement with FPL, discussed major and minor revisions in great detail by page and paragraph, referenced FPL representatives Charlotte Miller and Attorney Patrick Ryan, and noted the County is responsible for communicating their issues to FPL.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER LOFTUS MOVED TO APPROVE AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO FLORIDA POWER & LIGHT COMPANY ("FPL") INCLUDING CHANGES STATED FOR THE RECORD TODAY. ORDINANCE # 2008-059, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Chairman D'Aprile asked if anyone could buy solar power and sell it back to FPL. Ms. Miller mentioned a process called "Net Metering" which includes provisions for a customer to do so and indicated she would provide the Commission with detailed information. Attorney Ryan said Net Metering is a new process and advised the Energy Bill recently passed by the Legislature approved Net Metering for residential customers. Commissioner Loftus asked which legislature. Attorney Ryan confirmed it was the State Legislature and provided additional information.

VII. PRESENTATION AGENDA - No items

VIII. PUBLIC WORKSHOP AGENDA - Public input permitted. - No items

IX. BOARD WORKSHOP AGENDA - No public input. - No items

AA. County Administrator:

Mr. Baltz noted positive conversations with Sarasota County related to a regional jail and other future joint opportunities, mentioned 2012 as their threshold year, advised they are open to working with Charlotte County, and said he would keep the Board informed.

Mr. Baltz discussed the potential Botanic Gardens project, advised initial actions and discussions related to the project, stated the Board of Zoning Appeals (BZA) has allowed the project as a permitted use, mentioned project support, and said they will continue to monitor and communication with the property owner. Commissioner Loftus asked if Sarasota was interested in the regional jail. Mr. Baltz explained they are not as far along as we are in that area, indicated they have no specifics or locations, indicated the opportunity to discuss future partnerships, and advised he would continue to pursue.

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Loftus said he brought up insurance at the last meeting, indicated he was waiting for detail from staff, stated time is of the essence, and opined it is very important to save the Charlotte County Citizens money. Commissioner Moore commented he was hoping for a response. Mr. Baltz explained he received a memo with responses yesterday related to follow-up done by the Risk Management Department, said he had not had the chance to distribute it to the Board, and opined he could provide the detail to the Commissioners before end of business today.

ADJOURNED: 10:43

Signature on file in Commission Minutes
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

JL