

BOARD OF COUNTY COMMISSIONERS

DECEMBER 9, 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 Duffy, Commissioner Cummings, Commissioner Loftus, Commissioner Starr, Commissioner Skidmore. Also in attendance were County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Stoner, and Deputy Clerk Lansing. The following members were absent: None. The meeting was called to order at **9:00 AM**

The Invocation was given by **Chairman Duffy**, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Z-5 - Set a BCC Board Workshop on Friday, December 12, 2008 at 1:30 PM in Room 119 on the "next steps" in performance based budgeting. (Requested by Budget Office)

Addition #2: Z-6 - Approve Surety Bond for Sheriff William Cameron. (Requested by Commission Office)

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

Motion Carried 5:0.

Special Recognition

Proclamations - Commissioner Dick Loftus

Arts and Humanities Council Artist of the Month - Teresa Lucree

COMMISSIONER STARR MOVED TO PROCLAIM TERESA LUCREE AS THE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH FOR THE MONTH OF DECEMBER 2008, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

Teresa Lucree proudly accepted the proclamation and the Chairman of Arts in Public Places expressed her appreciation in honoring the 100th Artist of the Month.

Edwin Quint Day

COMMISSIONER CUMMINGS MOVED TO PROCLAIM DECEMBER 6, 2008 AS EDWIN QUINT DAY, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

Mr. Quint accepted the proclamation, indicated he felt privileged and honored, and noted the last 22 years have been the happiest of his life.

El Jobean Community Christmas Parade and Festivities Day

COMMISSIONER CUMMINGS MOVED TO PROCLAIM DECEMBER 13, 2008 AS THE EL JOBEAN COMMUNITY CHRISTMAS PARADE AND FESTIVITIES DAY, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

Beverly Cutter, President El Jobean Community League, thanked the Board for the recognition and explained how they came up with holiday celebration ideas back in 1988.

For the Love of Kids Day

COMMISSIONER DUFFY MOVED TO PROCLAIM TUESDAY, DECEMBER 9, 2008 AS "FOR THE LOVE OF KIDS DAY", AND A SECOND WAS NOT REQUIRED

Motion Carried 5:0.

Randy Smith accepted the proclamation, thanked Commissioner Skidmore and Commissioner Loftus for their participation in the Pearl Harbor Day Ceremony, described "For the Love of Kids" and discussed the importance of the organization and the assistance it provides, quoted an article about Christmas, giving, and

sharing, mentioned the program has no paid staff, is volunteer and private donation based, announced the Holiday Dinner is Tuesday, December 29, 2008 and noted the Annual Recognition Picnic, thanked Charlotte County for its support, wished everyone a Merry Christmas and Happy New Year, and presented a recognition certificate to the Board for their support and proclamations. Commissioner Loftus thanked Mr. Smith and all the volunteers for their love of the kids in the Community.

Gerald Bruening Day

COMMISSIONER CUMMINGS MOVED TO PROCLAIM JANUARY 6, 2009 AS GERALD BRUENING DAY, SECONDED BY COMMISSIONER STARR.
Motion Carried 5:0.

Mr. Bruening accepted the proclamation and thanked everyone.

James Stallings Day

COMMISSIONER CUMMINGS MOVED TO PROCLAIM DECEMBER 10, 2008 AS JAMES STALLINGS DAY, SECONDED BY COMMISSIONER STARR.
Motion Carried 5:0.

Jim Thompson accepted the award on behalf of Mr. Stallings who was unable to attend, noted Mr. Stallings thanks, and mentioned he did an outstanding job and will be missed.

Kaye Beasley Day

COMMISSIONER STARR MOVED TO PROCLAIM DECEMBER 31, 2008 AS KAYE BEASLEY DAY, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.

Commissioner Loftus indicated Ms. Beasley's achievements and commended her service to the Community and its Library System for over 22 years. Ms. Beasley thanked the County, stated she is honored and grateful for the proclamation, said it has been a rewarding 22 years, noted she enjoyed working with a very high quality staff, and mentioned she has mixed feelings in leaving.

Oswald Henry Day

COMMISSIONER CUMMINGS MOVED TO PROCLAIM DECEMBER 9, 2008 AS OSWALD HENRY DAY, SECONDED BY COMMISSIONER STARR.
Motion Carried 5:0.

Mr. Henry accepted the proclamation and thanked his co-workers and the County.

Employee Recognition - Commissioner Dick Loftus

5 Years: Carlos Ferrer, Utilities; Kennet Kelsch, Utilities; Frank Muscato, Utilities; Richard Rawlings, Utilities; Joseph Rodericks, Utilities; Sharon Sartino, Utilities; Garry J Weedo, Public Works; **10 Years:** Karen Bliss, Public Works; Pasqualina Della Donna, Parks, Recreation & Cultural Resources; Patricia Raisch, Parks, Recreation & Cultural Resources; **15 Years:** Deana Southwell, Budget; **20 Years:** Ronald Beck, Public Works; Richard Morrin, Public Works; Erin Mullen-Travis, Building Construction Services; **25 Years:** William White, Fire/EMS; **Not Attending: 5 Years:** Jonathan Kilduff, Fire/EMS; **15 Years:** Bradford Herron, Fire/EMS; Amy Judy, Fire/EMS; **20 Years:** Mark Rooney, Fire/EMS

Award Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Steve Farmer noted his position on the Board of Little Gasparilla Island Fire and Rescue, discussed the timeline of events to date, described the situation, advised they have decided to re-group and bring Item Z-4 back for consideration in one (1) year, and requested his secretary read a statement into the record. Judy McCoy read the statement, mentioned that many Little Gasparilla citizens still have questions, requested Commissioner Skidmore withdraw the Item, and explained they will delay until December, 2009 to gather more information.

COMMISSIONER SKIDMORE MOVED TO PULL ITEM Z-4 - DISCUSSION OF LITTLE GASPARILLA ISLAND SPECIAL FIRE DISTRICT, SECONDED BY COMMISSIONER STARR.
Motion Carried 5:0.

Bob Hill, Chairman of the Little Gasparilla Island Advisory Committee, was not aware of Fire Board plans, agreed postponing will allow them to explore all alternatives, expressed the need to receive consensus from all property owners, and said they will provide status updates.

Richard Jones expressed the need for Fire and Rescue on Little Gasparilla Island, noted the Advisory Committee had not asked all residents for consensus to hold off on endorsing the Special Taxing District, opined they have forfeited their rights since they have not fulfilled their obligations, and described how a fire could impact the island.

Dan Butler expressed mixed feeling with what has been said related to Little Gasparilla and asked the Commission to delay until better information is provided to all island property owners.

Midge O'Hara addressed Mr. Butler's concerns, said she personally confirmed all 728 property owner addresses, advised the content and response received from the three letters sent, provided a timeline of events related to the topic, and said efforts were made to notify everyone.

Peter Taylor addressed Local Preference (Item Z-3), explained his understanding is that the information in the packet today is different than what he commented on in a note sent last night to the Board, Ms. Corbett, and Mr. Baltz, briefly discussed the issue, and opined no rush in a decision.

Gary Bayne, Southwest Engineering, spoke on Local Preference (Item Z-3), discussed the point system, and asked for delay until they can have one more meeting.

Douglas Tucker spoke on behalf of Item Z-1 and asked for Board approval.

Peter Van Buskirk discussed Local Preference (Item Z-3), mentioned criteria, opined residence should not be an issue, and requested approval.

Commissioner Duffy addressed Mr. Butler and confirmed the Board has delayed the Little Gasparilla Island Fire District decision.

II. COMMITTEE VACANCIES

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

Board of Zoning Appeals is seeking one volunteer to represent District 3. This board meets the second Wednesday of each month at 9:00 a.m. in room 119. The term is effective December 31, 2008 and expires December 31, 2012. Candidate must live in District 3.

Deep Creek Street and Drainage Unit Advisory Committee is seeking two volunteers, effective January 2009. Terms will expire January 2012.

Environmentally Sensitive Lands Oversight Committee is seeking volunteers who are residents and electors of the County to serve representing the following categories: environmental expertise; business/land development and community representative. Terms vary.

Lemon Bay Street & Drainage Advisory Committee is seeking two regular members and one alternate. Must be land owners and reside within the boundaries of the unit.

Manasota Key Street & Drainage MSTU is seeking two volunteers, effective January 19, 2009. Terms will expire January 19, 2012.

Manasota Key Street & Drainage Unit Advisory Committee is seeking one volunteer to serve as the alternate for a two year term. Must be a land owner and reside within the unit.

Placida Street & Drainage Unit Advisory Committee is seeking one volunteer to serve as the alternate member for a two year term. Must be a land owner and reside within the unit.

South Bridge Waterway Municipal Service Benefit Unit is seeking one (1) volunteer to serve as a regular member and one (1) volunteer to serve as an alternate member on this newly formed committee. Terms will be determined at first meeting.

South Burnt Store Street & Drainage Advisory Committee is seeking one volunteer. This is a three (3) year term effective immediately, expiring on June 26, 2011.

Town Estates Street & Drainage Unit Advisory Board is seeking one volunteer to finish a vacated term. Term is effective immediately and expires January 23, 2010.

Town Estates Street & Drainage Unit Advisory Board is seeking 3 volunteers, effective January 23, 2009. Terms expire January 23, 2012.

Transportation Disadvantaged Local Coordinating Board (LCB) - is seeking one Charlotte County resident to serve as a representative of At-Risk and Disabled Children. Your letter or email of interest stating the position for which you are qualified to represent should be sent to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com

West Charlotte Stormwater Utility is seeking one volunteer to serve as a regular member for a three (3) year term, effective immediately. Must be a land owner and reside within the unit.

III. REPORTS RECEIVED AND FILED

Minutes for 11/20/08 Charlotte Harbor Community Redevelopment Agency Advisory Committee Meeting

Murdock Village CRA Advisory Committee Minutes for November 14, 2008

IV. CONSENT AGENDA

**COMMISSIONER LOFTUS MOVED TO APPROVE ALL IV. CONSENT AGENDA ITEMS EXCEPT ITEM J-1, SECONDED BY COMMISSIONER SKIDMORE.
Motion Carried 5:0.**

Clerk of the Circuit Court

A. Finance Division

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

B. Minutes Division - No Items

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Reappoint Gwin R. (Dick) Whitney to represent District 1 on the Beaches and Shores Advisory Committee. This term will expire December 31, 2012. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve the appointment of Mr. John Damon to the 1. Construction Board of Adjustments and Appeals as an alternate member. This term will be for three years. Mr. Damon meets all of the requirements for appointment. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Re-appoint the following people to the Marine Advisory 1. Committee as recommended by that committee: Mel Staudmyer representing Harbor Heights Yacht Club, William Bergman representing Punta Gorda Sports Fishing Club Robert Leonard representing Charlotte Coastal Conservation Association of Florida, William Kumm representing Punta Gorda Boat Club, Tom Hamilton representing Isles Yacht Club. All terms are effective December 31, 2008 and expire December 31. 2011. 1. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Approve the appointment of Debra L. Highsmith to the Pirate Harbor Waterway MSBU Advisory Committee. This appointment fills this newly formed committee and the term will be determined at the first meeting. BUDGETED ACTION: None

(5) *RECOMMENDED ACTION: Reappoint Audrey Seay to the Planning and Zoning Board as District 1 Representative. Her current term expires on December 31, 2008 and she has requested reappointment. The new term shall expire in four years, December 31, 2012. BUDGETED ACTION: None*

(6) *RECOMMENDED ACTION: Reappoint Philip Graham to the Edgewater North Waterway Advisory Committee. This term will expire September 12, 2011. BUDGETED ACTION: None*

D. Administration - No Items

E. County Attorney - No Items

F. Budget Office

(1) *RECOMMENDED ACTION: Approve FY2009-2010 Budget Workshop and public hearings for the Board of County Commissioners per the attached schedule. BUDGETED ACTION: None*

G. Growth Management

(1) *RECOMMENDED ACTION: Set a Public Hearing for January 13, 2009 at 10:00 a.m., or as soon thereafter as may be heard, to consider an ordinance extending the expiration date of the residential and commercial impact fee rollbacks. BUDGETED ACTION: None*

H. Economic Development

(1) *RECOMMENDED ACTION: Approve the revised Rules of Procedure for the Charlotte Harbor Community Redevelopment Agency Advisory Committee. BUDGETED ACTION: None*

(2) *RECOMMENDED ACTION: Approve a Development Agreement with Forsberg Construction Inc, that includes the utilization of the ECAP Infrastructure Incentive Program for an estimated amount of \$13,000. BUDGETED ACTION: None (AGR2008-064 / XREF: RES2004-175)*

J. Environmental Services

(1) **RECOMMENDED ACTION:** Approve the start of appraisals and negotiations on the following properties: Flamingo Waterway, Miller Charlotte Flatwoods, McQueen, and Lindner and to accept the work plans associated with each property. The Environmentally Sensitive Lands Oversight Committee has approved these properties for the next step of appraisals. **BUDGETED ACTION:** None

Commissioner Starr stated he is opposed to purchasing Environmentally Sensitive Lands at this time, commented the appraisals will cost \$28,000, and opined no rush in spending the taxpayers money at this time.

Commissioner Skidmore agreed with waiting, mentioned no interest in spending money now, noted the Advisory Board is not a strong recommending body at this time, and expressed his opposition to approval.

Commissioner Cummings advised the remaining funds can only be spent on Environmental Sensitive properties, explained these purchases will not impact our economic situation at all, opined now is the time to buy while prices are low, and provided the facts related to increased property values and increased tax base for urban service area properties that surround preservation areas.

Commissioner Starr agreed that the market and our revenues are down, realizes this money is dedicated to Environmentally Sensitive Lands, explained he mapped this County in the past and believes there are better properties available, expressed opposition to spending money for the appraisals and surveys, and noted they have years to review the inventory and purchase properties.

Commissioner Loftus agreed with both sides of the debate, commented that Flamingo Waterway has connectivity, brought up the Scrub Jay Plan, and said he is in favor of delaying the process for a maximum of six months.

COMMISSIONER SKIDMORE MOVED TO DENY THE START OF APPRAISALS AND NEGOTIATIONS ON THE FOLLOWING PROPERTIES: FLAMINGO WATERWAY, MILLER CHARLOTTE FLATWOODS, MCQUEEN, AND LINDNER UNTIL A NEW COMMITTEE CAN EVALUATE THE INVENTORY AND PROVIDE NEW RECOMMENDATIONS, SECONDED BY COMMISSIONER STARR.

Commissioner Loftus asked Commissioner Skidmore if he would agree to bring the item back in six months. Commissioner Skidmore responded he would not and advised he preferred the new committee be put in place first to provide their recommendations for Board review and approval. Commissioner Cummings provided connectivity detail and indicated the benefits related to purchasing the proposed properties on Item J-1. Commissioner Starr opined the properties provide connectivity no matter who owns them and stood firm to his opposition. Chief Deputy Board Services, Tommy White, clarified there is a difference between the money raised by the tax versus the money raised with the bond issue. Mr. White explained the tax money needs to be spent to pay the principal and interest on the debt, said it is carried over from year to year, and noted they have two years left to spend it. In addition, Mr. White indicated according to IRS regulations, the money raised with the bond needs to be spent within three years.

Motion Carried 4:1. Commissioner Cummings opposing.

RECESS 10:20 AM-10:32 AM

K. Facilities Construction and Maintenance - No Items

L. General Services

(1) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of December, 2008. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve Work Assignment #4, Forrest Nelson and Peachland, to Contract #07-206, CEI Services - Stormwater, with Wilbur Smith Associates in the not-to-exceed amount of \$260,422.78. BUDGETED ACTION: Funds are supplied from the Mid-Charlotte Stormwater MSBU.

(3) *RECOMMENDED ACTION:* a) Award Bid #09-096, Legal & Official Advertising for Charlotte County, to the sole submission, Sun Coast Media Group d/b/a Charlotte Sun/Englewood Sun, of Port Charlotte, Florida, at the prices bid (attached) and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year renewal terms, at the same prices, terms and conditions, by mutual consent. *BUDGETED ACTION:* Funding is budgeted in various departments as appropriate.

(4) *RECOMMENDED ACTION:* a) Approve Change Order #3 to Bid #07-349, US 41 Revitalization - Phase I with Peter A. Basile Sons, Inc. of Arcadia, FL, in the amount of \$178,503.94 and a 71 calendar day extension with a revised contract total of \$3,909,771.57; b) Approve CIP amendment #09-C02 in the amount of \$453,049; and c) Approve budget transfer #09-003 in the amount of \$453,049. *BUDGETED ACTION:* FY09 budget for this c/o is in the Transportation Trust Fund, CIP project c410304, US 41 Revitalization, project total after CIP amendment 09-C02 is \$4,799,059.

(5) *RECOMMENDED ACTION:* Award Bid #09-059, Paving Program-Fiscal Year 08/09, to Better Roads, Inc., for the total amount of \$5,574,730.42. *BUDGETED ACTION:* Funds are supplied from Gas Taxes (\$1,007,274.55), Gulf Cove Streets and Drainage MSBU (\$1,426,025.10), Northwest Pt Charlotte Streets and Drainage MSBU (\$742,325.50), and Greater Pt Charlotte Streets and Drainage MSBU (\$2,399,105.27).

(6) *RECOMMENDED ACTION:* a) Approve Amendment #3 to Midway Boulevard Widening - Engineering Services with Giffels-Webster Engineers, Inc., in the amount of \$120,155 and b) Authorize the Chairman to sign the Amendment. *BUDGETED ACTION:* Funds are supplied from Gas Taxes (\$95,485) and the CCU Connection Fee Fund (\$24,670).

M. Human Resources - No Items

N. Human Services

(1) *RECOMMENDED ACTION:* a) Approve the selection of the Housing Corporation of Charlotte County, Inc. as the State Housing Initiative Partnership (SHIP) administrator for homeowner strategies consistent with the Local Housing Assistance Plan

(LHAP) and b) Authorize the Chairman to execute appropriate agreements as developed by the County Attorney. BUDGETED ACTION: These administrative funds will be paid 100% from SHIP grant funds. There will be no financial impact to the county general fund.

(2) RECOMMENDED ACTION: For membership on the Community Action Agency Advisory Board: a) Reappoint three Elected Officials or Representatives: Kathleen Dailey; Frank Desguin and Alleen Miller and b) Reappoint four members from Business/Private Sector: Bonnie Holbach, Mary (Dee) Rutko, Sali Perry, and Kim Gaut. BUDGETED ACTION: None

P. Information Technology

(1) RECOMMENDED ACTION: Approve an interlocal agreement between Charlotte County and the City of Punta Gorda for the County to provide Geographic Information System (GIS) services to the City of Punta Gorda. BUDGETED ACTION: Punta Gorda will pay a \$30,000 retainer annually to the County for GIS professional services for system design, setup, maintenance and professional expertise. (AGR2008-065)

Q. Parks, Recreation and Cultural Resources

(1) RECOMMENDED ACTION: Approve addendum to the Museum Society agreement to accept the Society's donation for one additional year to fund the position of a part-time Administrative Assistant. BUDGETED ACTION: Funding comes from a donation from the Museum Society, Inc. \$20,000 budgeted in the Charlotte County Historical Center. (XREF: AGR2003-036)

R. Public Safety

(1) RECOMMENDED ACTION: Approve: a) the 2008 State Homeland Security Grant Program for Community Emergency Response Teams (CERT) Agreement and b) Budget Amendment # 09-A09 in the amount of \$5,000 to allocate the grant funds in the Emergency Management budget. BUDGETED ACTION: Approval of Budget Amendment 09-A09. (GRT2008-036)

(2) RECOMMENDED ACTION: a) Approve the EMS County Grant application for grant funds in the amount of \$37,650 to be used to improve and expand the County's pre-hospital Emergency Medical Services (EMS) system (GRT2008-137 / XREF: RES2008-152) and b) Approve a Resolution stating that the County will not use the grant funds to supplant existing county EMS budget allocations. BUDGETED ACTION: None (GRT2008-037 / XREF: RES2008-152)

S. Public Works

(1) RECOMMENDED ACTION: Approve, and authorize the Chair to sign the attached Seventh Amendment of the Cooperative Agreement between Charlotte County and the Southwest Florida Water Management District for the Greater Port Charlotte Flood Protection Management Plan - Implementation (K280). BUDGETED ACTION: Funding for the County's portion of this project is supplied from the Mid Charlotte Stormwater MSBU. (AGR2001-079)

(2) RECOMMENDED ACTION: Approve road and lane closures for the "Hands Across the Harbor" event sponsored jointly by the Charlotte Harbor Community Redevelopment Agency and the City of Punta Gorda Community Redevelopment Agency. BUDGETED ACTION: None

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve a grant of a utility easement to the City of Punta Gorda across the northerly twenty feet of a County-owned parcel located within the Charlotte Airport Park. BUDGETED ACTION: None (RES2008-153)

V. Tourism Development - No Items

W. Utilities - No Items

X. Building & Construction Services - No Items

Y. Other Agencies - No Items

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

(1) Public Work: RECOMMENDED ACTION: Conduct a public hearing to consider approving an ordinance to add additional territory to the Northwest Port Charlotte Street and Drainage MSBU. (ORD2008-095)

Dawn Harrison, Public Works, provided detail related to the proposed Amendment request.

Commissioner Skidmore asked if they were adding more homes into the MSBU area. Ms. Harrison responded there is only one home on the properties.

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO CONDUCT A PUBLIC HEARING TO CONSIDER APPROVING AN ORDINANCE TO ADD ADDITIONAL TERRITORY TO THE NORTHWEST PORT CHARLOTTE STREET AND DRAINAGE MSBU. (ORD2008-095), SECONDED BY COMMISSIONER STARR.

Motion Carried 4:1. Commissioner Skidmore opposing.

(2) Budget: RECOMMENDED ACTION: Conduct a public hearing to consider approving a Resolution of intent to use the uniform method of collection of non-ad valorem assessments for Manchester Basin Water MSBU, Manchester Basin Wastewater MSBU, East & West Spring Lake Wastewater MSBU, and Neal Road Street and Drainage MSBU. (RES2008-154)

Deputy County Attorney Dan Gallagher described the proposed Resolution of intent to use the uniform method of collection of non-ad valorem assessments.

Commissioner Skidmore asked what the time period is if this does not pass today, opined seeking alternatives to the problematic MSBU system, and expressed opposition to adding MSBUs or preserving MSBU rights. Attorney Gallagher advised this is the early opportunity, noted the chance to approve again in January, 2009, and explained they are unable to levy non-ad valorem assessments for these units for the upcoming year without

approval. **Commissioner Loftus** commented that this is sewer and water and may be mandated per the DEP agreement. Jeff Pearson, Charlotte County Utilities Director, provided background and timeline related to the Manchester Waterway lock, talked about the conditions, noted the need to move toward central sewer, and referred to Ordinance 2007-061 which was passed to comply. **Commissioner Loftus** opined this is the best time for central sewer contract bidding. Mr. Pearson agreed the prices are the lowest now. Herman Velasco, Public Health Director, advised that DEP has designated Charlotte Harbor as an impaired waterway, said water samples will be taken again next year and discussed the related impact, mentioned septic tank issues and repairs in the vicinity, and explained the ultimate goal is to sewer the area. Mr. Pearson provided additional information related to water and sewer in the Manchester and Spring Lake area. **Commissioner Starr** opined MSBUs and MSTUs are not very effective, indicated you start out in the hole since 20% is administrative costs, discussed his views in great detail, and noted his opposition in creating more MSBUs. **Commissioner Loftus** stated this is a separate issue that should be addressed now to benefit the citizens and noted if delayed another year, the costs could increase.

Commissioner Starr opined there is no evidence that septic tanks ruined Charlotte Harbor, discussed the septic tank maintenance program, noted the importance of inspecting septic tanks in critical areas to be sure they are functional, commented he does not want another Pirate Harbor situation, opined we need to improve how we spend taxpayers money on Capital Projects, and indicated his position is if we do not have the money to begin a project, the project will not be started. **Commissioner Skidmore** expressed concern in advising citizens that they are being taxed now because costs are down, said MSBUs and MSTUs have been a headache, indicated he is opposed to them no matter what the need is, and said they should delay to receive better detail. Mr. Gallagher indicated approval today only preserves the right to use the uniform collection method and there is no obligation to create new MSBUs. Mr. Pearson read the exact permit language into the record. **Commissioner Cummings** opined it is clear that we do need to proceed with the Capital Improvements Program as advertised, discussed past and possible future litigations, advised the importance of complying to the Capital Improvement

Program, and advised we can say no later, but should approve today, to avoid future troubles with DEP.

Gary Bayne, Southwest Engineering, asked for confirmation of the Neal Road location, opined that location is already being maintained by East Charlotte Drainage District (ECDD), mentioned \$1 per truck pits that will help fund road maintenance when the economy returns, questioned the need for the MSBU in that area since it is already being maintained. Attorney Gallagher explained ECDD had been maintaining the area on their own, confirmed they are not legally required to do so, and advised they indicated they wish the County to take it over.

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

Motion Carried 5:0.

Mr. Baltz pointed out the result of a Waste Water Expansion Study conducted several months ago, remarked on the extremely high costs of sewer expansions, said resident funding is consistent with the State, summarized the Health Departments managed septic program, said it was put in place after they removed the lock, and noted the agreement states the County should move toward central sewer and will eventually be obligated to abide. Mr. Baltz also recalled past Board's were very vocal during conversations that indicated if they were to move forward with central sewers anywhere in the County, the procedure should be very systematic, include Public Outreach Programs, and provide residents with advance intent and clear details.

Chairman Duffy said the decision today is to consider the Resolution only, said she is in favor of delaying for a month or approving now, and commended **Commissioner Skidmore** and **Commissioner Starr** for their comments.

COMMISSIONER SKIDMORE MOVED TO DENY A PUBLIC HEARING TO CONSIDER APPROVING A RESOLUTION OF INTENT TO USE THE UNIFORM METHOD OF COLLECTION OF NON-AD VALOREM ASSESSMENTS FOR MANCHESTER BASIN WATER MSBU, MANCHESTER BASIN WASTEWATER MSBU, EAST & WEST SPRING LAKE WASTEWATER MSBU, AND NEAL ROAD STREET AND DRAINAGE MSBU. (RES2008-154), SECONDED BY COMMISSIONER STARR.

Commissioner Loftus asked for detail related to the timeframe. Mr. Gallagher advised they have until March 1st and noted they can wait to approve it at the last meeting in February, 2009. Commissioner Cummings asked for additional clarification related to advertising the item. Attorney Gallagher responded.

Motion Failed 2:3. Commissioner Duffy, Commissioner Cummings, and Commissioner Loftus opposing.

COMMISSIONER LOFTUS MOVED TO CONDUCT A PUBLIC HEARING TO CONSIDER APPROVING A RESOLUTION OF INTENT TO USE THE UNIFORM METHOD OF COLLECTION OF NON-AD VALOREM ASSESSMENTS FOR MANCHESTER BASIN WATER MSBU, MANCHESTER BASIN WASTEWATER MSBU, EAST & WEST SPRING LAKE WASTEWATER MSBU, AND NEAL ROAD STREET AND DRAINAGE MSBU. (RES2008-154), SECONDED BY COMMISSIONER CUMMINGS.

Chairman Duffy said she would support the motion but asked staff to research all options within the available timeframe.

Motion Carried 3:2. Commissioner Starr, and Commissioner Skidmore opposing.

VII. PRESENTATION AGENDA - No Items

V. REGULAR AGENDA

Z. Regular Agenda

(1) Purchasing: RECOMMENDED ACTION: Status update regarding Charlotte Sports Park project; a) Approve Amendment #9 to Contract #07-008 Charlotte Sports Park Renovation & Expansion with Hunt/Mathews/Taylor for miscellaneous items in the not to exceed amount of \$436,630.00; b) Authorize the Chairman to sign the Amendment; c) Approve Budget Amendment 09-A11 in the amount of \$436,630 for the amendment to Contract and Budget Transfer #09-004 in the amount of \$139,186 to cover impact fees; and d) Approve CIP amendment 09-C03 in the amount of \$575,816 to amend the Charlotte Sports Park CIP project to cover the impact fees and the amendment to the construction contract.

Andrew Baker, Facilities, Construction and Maintenance Director, introduced Michael Kalt, Senior VP for Business Development for the Devil Rays. Mr. Kalt said the Rays are excited and looking forward to spring training, said they enjoyed watching the sports park transform, discussed positive season ticket sales, expressed gratitude for the partnership received, and explained the importance of being a part of the Community. **Chairman Duffy** commented on the number of Rays fans in Charlotte County and congratulated them on a great season. Karen Huff, Project Manager, said they have made tremendous progress over the last two years, noted this project was unique since it was part renovation and part new construction, commented on the teamwork involved, and played a video which highlighted the renovations. Mr. Baker requested approval of the item.

Commissioner Skidmore commented the project was impressive. **Chairman Duffy** agreed the project was outstanding.

COMMISSIONER LOFTUS MOVED TO APPROVE AMENDMENT #9 TO CONTRACT #07-008 CHARLOTTE SPORTS PARK RENOVATION & EXPANSION WITH HUNT/MATHEWS/TAYLOR FOR MISCELLANEOUS ITEMS IN THE NOT TO EXCEED AMOUNT OF \$436,630.00; B) AUTHORIZE THE CHAIRMAN TO SIGN THE AMENDMENT; C) APPROVE BUDGET AMENDMENT 09-A11 IN THE AMOUNT OF \$436,630 FOR THE AMENDMENT TO CONTRACT AND BUDGET TRANSFER #09-004 IN THE AMOUNT OF \$139,186 TO COVER IMPACT FEES; AND D) APPROVE CIP AMENDMENT 09-C03 IN THE AMOUNT OF \$575,816 TO AMEND THE CHARLOTTE SPORTS PARK CIP PROJECT TO COVER THE IMPACT FEES AND THE AMENDMENT TO THE CONSTRUCTION CONTRACT, SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 5:0.

(2) Commission Office: RECOMMENDED ACTION: Discussion and selection of Commissioners' committee assignments for fiscal year 2008/09.

After Board discussion the following 2009 Commissioners' committee assignments were filled as follows:

Chairman Duffy:

Monthly: SWFRPC (Regional Planning), Children's Services Council, Affordable Housing

Bi-Monthly: SWFL Juvenile Justice Council

Quarterly: Metropolitan Planning Org.

As Needed: Finance Committee, Value Adjustment Board
(VAB) (ALT.)

Commissioner Cummings:

Quarterly: Community Area Advisory Board, National Estuary
Program (NEP)

As Needed: Finance Committee (ALT.)

Commissioner Loftus:

Monthly: PR/MRWSA (Water Supply Auth.), Charlotte Harbor
CRAAC, ANRAC

Quarterly: Peace River Basin Mgmt. Adv., CHEC, Metropolitan
Planning (MPO)

As Needed: SW FL Water Mgmt. Dist., Value Adjustment Board
(VAB), BIOC, Peace River Water Alliance

Commissioner Skidmore:

Monthly: SWFRPC, Murdock Village Comm. Redevelopment Agency
Advisory Comm., Marine Advisory Committee

Bi-Monthly: Public Safety Coord. Council

Quarterly: Metropolitan Planning Org. (MPO) (ALT.), Tourist
Development Council, WCIND

Commissioner Starr:

Monthly: PR/MRWSA (ALT.), Environmentally Sensitive Lands
Oversight Comm., Recreation & Parks Advisory Board, Beaches &
Shores Advisory Council

Quarterly: Metropolitan Planning Org. (MPO)

As Needed: Value Adjustment Board (VAB)

COMMISSIONER LOFTUS MOVED TO APPROVE MOVE THE SLATE OF
COMMISSIONERS' COMMITTEE ASSIGNMENTS FOR FISCAL YEAR 2008/09 AS
STATED, SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 5:0.

Chairman Duffy noted the Committees that
Commissioner appointments are not required by State Law and said
historically Commission Members have attended because of
interest.

Mr. Baltz pointed out the Building Industry Oversight Committee
(BIOC) and the Peace River Water Alliance are two additional

groups that have had Board attendance in the past, mentioned who attends, described what is discussed, and indicated group appreciation of Commissioner involvement.

(3) Purchasing: RECOMMENDED ACTION: Discussion and direction on Local Preference as it relates to the Request for Proposal Process.

Purchasing Director, Kim Corbett, advised the Board had directed this item be delayed until today, said she met with the consultants on December 2, 2008, discussed criteria and related issues in detail, noted she included a copy of the sign in sheet and updated facts in the Board packet, and explained what steps would be required if the Board decided to review the information. **Commissioner Skidmore** requested seven (7) additional days for Board review. The remaining Commissioners agreed and **Commissioner Cummings** pointed out seven (7) days would put it onto a Land Use Agenda.

County Attorney Knowlton, said although unusual, Board consensus could add it to the Land Use meeting next week. **Chairman Duffy** asked for discussion since many citizens were waiting for this item since 9:00 A.M. and brought up changes related to residency of personnel. Ms. Corbett explained what she had added, suggested qualifying residency of personnel at the prime firm not the sub consultants, and clarified by reading the updated language into the record. **Commissioner Cummings** said he will side with Board consensus, but opined local wages fuel the economy. **Commissioner Skidmore** agreed and suggested the Committee meet once more to iron out the wrinkles with staff.

Chairman Duffy expressed concern related to notaries and small businesses. Attorney Kira Honse said there is an extensive network of notaries within the County. **Commissioner Cummings** opined the business should have a notary within their organization. Pete Taylor said he sees no problem with residents getting their paperwork notarized but noted concern with percentage points and said many businesses use leasing companies. **Commissioner Cummings** confirmed his suggestion was giving a percentage to the team doing the job not a percentage for the number of company employees. Rob Humple commented that many construction related employees are transit because of the

economy and indicated that could confuse the point system. Commissioner Duffy and Commissioner Skidmore explained it is important that our residents receive points and asked that the Committee meet again and advise the Board next Tuesday.

Mr. Bayne agreed with Commissioner Cummings, expressed concern with Charlotte County residency, said the "locals" were outnumbered 3 to 9 at the December 2, 2008 meeting, and indicated the need for corrections. Chairman Duffy confirmed this item would be delayed until Tuesday's Land Use meeting. Ms. Corbett provided her timeline.

(4) By Motion and unanimous vote during Citizen Input, discussion of Little Gasparilla Island Special Fire District was removed and delayed until December, 2009.

(5) Set a BCC Board Workshop on Friday, December 12, 2008 at 1:30 PM in Room 119 on the "next steps" in performance based budgeting.

Ray Sandrock explained the workshop will focus on performance budgeting.

COMMISSIONER CUMMINGS MOVED TO SET A BCC BOARD WORKSHOP ON THE "NEXT STEPS" IN PERFORMANCE BASED BUDGETING, SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 5:0.

(6) Approve Surety Bond for Sheriff William Cameron.

COMMISSIONER LOFTUS MOVED TO APPROVE SURETY BOND FOR SHERIFF WILLIAM CAMERON, SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 5:0.

X. CITIZEN INPUT - ANY SUBJECT

Joan Pilikian opined property owners do not have the same rights regarding volunteering to serve committees, said they are unable to apply because of the restrictions, and requested the Board correct the requirements for volunteer rights related to committee vacancies.

AA. County Administrator:

Mr. Baltz advised **Commissioner Loftus** will discuss hydro biological during Commissioner Comments, provided an update from a meeting they attended last week with the City of North Port and the Peace River Water Authority, noted their request to consider using hydraulic capacity in one of our existing water lines to help the City of North Port meet their transmission needs, discussed related issues, noted interest in helping our neighbors as long as there is no negative affect on our County, and advised further details will be provided. Mr. Baltz mentioned receiving a letter from our State Representative stating he no longer requires an office on the fifth floor and advised they are considering minor remodeling to better support the Board administratively. Mr. Baltz pointed out the partnership we have with the Rays, said it allows the County to schedule programming at the Sports Park when it is not being used for baseball, noted those additional revenues can offset stadium maintenance, discussed agreement language, and said the contract is available for review by the Commissioners.

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Loftus stated Dr. William A. Dunson is retiring from the Scientific Peer Review Panel, suggested they appoint Dr. Tony Janicki, Ph.D. as the next representative, mentioned he is currently representing Charlotte County at the Peace River Management Plant, and opined he is familiar with the issues and is the best candidate. **Chairman Duffy** agreed. Attorney Knowlton said it would come back for official designation. **Commissioner Cummings** agreed with the choice as long as his specialty is confirmed for this project.

Commissioner Loftus attended a ceremony with Dr. Walker from Edison Community College and Dr. Bradshaw, President of Florida Gulf Coast University, said their intent was to get a satellite office running on our campus, stated it has been delayed due to lack of funds, commended the schools for working together and for offering degrees and programs that are needed here to establish

economic development in our Community. **Commissioner Loftus** mentioned the importance of indexing our local gas tax and discussed beautification related to our gateways.

Commissioner Skidmore mentioned speaking at the Economic Development Luncheon last week, commended the Airport Authority for working to return commercial air service to Charlotte County and for putting our area on the map of destinations, confirmed a Town Hall meeting scheduled next month at Tringali to discuss sewers, said Mr. Baltz and Mr. Rollo will both attend, indicated he has no intention of mandating sewers in West County, announced his availability at his office on San Casa, thanked Mr. Baltz for his support, and said he is looking forward to the Retreat.

Commissioner Cummings indicated North Port has been the best neighbor to Charlotte County in terms of water supply, said we are under an obligation to hear their concerns, and opined we should receive reciprocity if it is determined that North Port and Sarasota need to work out their own issues, and explained why.

Commissioner Starr said he attended a meeting arranged by citizens for Cyber Justice in Deep Creek, explained the organization focuses on homeowners and condo owners, mentioned other attendees, said he listened for 4 hours and was amazed at the amount of problems, and expressed confidence that they will be supported by the State Legislature.

Commissioner Duffy asked the Board if they had the opportunity to review the list of Legislative Priorities Program, agreed with a Florida Association of Counties recommendation to create a Trim Notice that is made easier for residents to understand, noted the changes can not be made without State approval, pointed out **Commissioner Loftus'** suggestion to index local gas tax, and requested Board consensus to add these two items to the Counties list of priorities. **Commissioner Starr** indicated the need to index County priorities to confirm what is really important to us. **Commissioner Loftus** advised with the exception of the bunk house, the priorities submitted to Congressman Rooney have been on the list for 2 years, noted they are continuing appropriations, and explained while lobbying the Congressmen have commended our County for providing a prioritized list and agreed

with the importance of the appropriation selections. **Chairman Duffy** agreed with **Commissioner Starr** and indicated the need to keep track and reorganize the process. **Commissioner Cummings** opined **Commissioner Starr** makes an important point, explained the small list created for the congressional delegation and discussed its coordinated process. **Commissioner Cummings** clarified more difficulty with the State and National Legislative agenda and opined the best procedures to follow. **Commissioner Starr** suggested being proactive and questioned follow up methods. **Chairman Duffy** explained the process.

RECESS: 12:30-2:00 PM

VIII.PUBLIC WORKSHOP AGENDA - Public input permitted.

Conduct a Public Workshop to discuss Green Building concepts and practices.

Building Construction Services Official/Director Jim Evetts indicated he was directed six (6) months ago to look into a green building ordinance, explained his Business Manager Claire Jubb did most of the research, and asked her to introduce the speakers. Ms. Jubb introduced Mr. Rob Vieira, Director, Building Research at Florida Solar Energy Center and provided his broad background information. Mr. Vieira gave a very detailed presentation which paralleled visual slides. Mr. Evetts handed out corresponding pamphlets to the Board.

Commissioner Duffy asked for more information related to horizontal building, insulated concrete, and insurance credits and discounts. Mr. Vieira responded in detail. **Commissioner Cummings** commented on horizontal building and questioned density and preservation. Mr. Vieira provided additional facts, mentioned positives related to redevelopment, and noted the importance of location and maintaining a long term land use plan. **Commissioner Loftus** appreciated the presentation, noted the significance of moving forward to preserve our eco system and discussed the need for incentives and discounts for developers. Mr. Vieira advised many developers want to position themselves in the market by going green and noted others may not be interested or have the funds in their budget. Mr. Vieira suggested providing educational sessions, mentioned working with

the industry and the building department, and explained credits given for compliance. **Commissioner Loftus** brought up light dimmers, noted he has saved energy and money over the last 50 years, announced Charlotte County has saved \$635,000 in electricity over the last 6 months, and noted an overall reduction of 15% for the year. **Commissioner Skidmore** asked if other counties adopted incentive measures prior to a green ordinance. Mr. Vieira opined an incentive is usually given when you require something in return, noted that is usually done with regulations that are passed through an ordinance, mentioned commitment first, indicated Gainesville was the first to include an incentive within their green ordinance, and explained further.

Commissioner Starr asked when the energy efficiency federal credits sunset since they are available with or without a green ordinance. Mr. Vieira provided the deadlines for each category and discussed the criteria and codes. **Chairman Duffy** questioned if they could pass a resolution instead of a green ordinance. Attorney Knowlton advised resolutions are normally of a temporary nature and recommended using an ordinance for a program with incentives. **Commissioner Cummings** stated the ordinance is just a tool for recording the conditions of the program.

Ms. Jubb introduced Dr. Bill Hammond from the Southwest Council for Environmental Education and provided his extensive background information. Mr. Hammond advised he is not a certified expert, but has been exposed to the issues for many years, noted he is a consultant for Kitson & Partners on the Babcock project, mentioned Florida building codes have changed due to hurricanes, and expressed the need to move forward with green building. Dr. Hammond described green building, provided a very detailed presentation which paralleled visual slides and an informational packet, and closed by opined this ordinance is well grounded. **Chairman Duffy** thanked Dr. Hammond for the interesting presentation.

Rob Humble with Matthews Taylor provided his background, noted the importance of determining goals prior to going green, mentioned the need for life cycle cost estimates, noted the difference in building types, and offered to answer questions in the future.

Commissioner Cummings opined the three most important things to protect the future quality of life in Charlotte County are diversifying the economy, enhancing and creating unique characteristics within the County, and protecting the environment and ecological assets, and discussed additional related issues. **Commissioner Loftus** agreed we need to be proactive and indicated the importance of good planning. **Chairman Duffy** said they have a lot of decisions to make, brought up incentives, impact fees, a 50% permit fee, standards, goals, and pay back issues. **Commissioner Cummings** suggested there is no end to this issue, said it will come back again, opined they move ahead with the ordinance, explained they can update with better enhancements later, and indicated this is just the framework. **Commissioner Loftus** agreed we can define it as we move forward and indicated he wants to see the Gainesville and Sarasota ordinances. Attorney Honse explained the ordinance was formulated from the Florida Building Commission model which was put together with parts of the Gainesville, Sarasota, and possibly the City of Jacksonville ordinances, advised the Laws of Florida Chapter 2008-227 requirements, and read the mandates into the record. **Commissioner Skidmore** asked for Statute clarification related to tiers. Attorney Honse explained her understanding. **Chairman Duffy** advised green pricing has come down significantly. Attorney Honse remarked there is a misconception related to green pricing and noted a Penn State Law Review article estimated green costs are only 3% to 5% higher than traditional building costs. **Commissioner Loftus** brought up many issues related to the landscaping ordinance. **Commissioner Starr** agreed with **Commissioner Cummings**, opined looking at the tier levels, indicated the need to clarify cost analysis and payback, recommended they look at retrofit pricing on remodels, and suggested addressing the concerns and moving forward with the ordinance as a work in progress. **Chairman Duffy** asked the Board when they would like to see this back on the agenda. **Commissioner Loftus** indicated the importance of taking the time to study the issue prior to a decision. **Commissioner Starr** suggested that staff make the modifications, meet with the Commissioners individually to discuss, and present the ordinance at the meeting.

Suzanne Graham indicated they would like to see another workshop or two, mentioned the need for additional public input, and opined it is easier to avoid a lot of amendments by studying all the information prior to passing the ordinance. **Commissioner Cummings** opined this is not a rush issue, said it is the framework needed, and agreed with comparing new construction costs versus the cost of renovations.

Mr. Baltz clarified the plan of action for the Board, said they will review the existing draft ordinance with each Commissioner individually to address issues and bring it back at another public workshop at the second BCC meeting in January, 2009. **Chairman Duffy** agreed and asked that they address each item specifically. **Commissioner Cummings** commented on government setting the example for green building since they have long term residency. **Chairman Duffy** thanked the speakers for their presentations.

IX. BOARD WORKSHOP AGENDA - No Items

ADJOURNED: 3:45 PM

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