

BOARD OF COUNTY COMMISSIONERS

JUNE 24, 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 Cummings, Commissioner Moore, and Commissioner Loftus. Also in attendance were County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Blair, and Deputy Clerk Manley. The following members were absent: None. The meeting was called to order at 9:00 AM.

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

Changes to the Agenda:

Addition # 1: Employee Recognition: Max Lopez, Fire/EMS, 30 yrs.

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

Motion Carried 5:0.

Special Recognition:

Proclamations - Commissioner D'Aprile

National Mosquito Control Awareness Week

COMMISSIONER LOFTUS MOVED TO APPROVE NATIONAL MOSQUITO CONTROL AWARENESS WEEK PROCLAMATION THE WEEK OF JUNE 22, 2008 THROUGH JUNE 28, 2008, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

The Proclamation was accepted by Jeanie Day, Biologist for Charlotte County Mosquito Control.

Employee Recognition: Chairman D'Aprile and County Administrator Baltz

Special Recognition: Fire/EMS, Retired: Max Lopez, 30 years

Fire/EMS Chief Dennis Didio stated that Chief Lopez has been a tremendous asset to the County and the citizens; that he would retire in February 2009; and expressed thanks for his outstanding thirty-years of service.

Award Presentations:

Acknowledge and recognize Charlotte County Board of County Commissioners' Employee United Way Fund Drive for 2008. Charlotte County employees pledged \$32,780.86 to the United Way of Charlotte County.

Environmental and Extension Services Director James Thomson and head volunteer representatives presented to Cecy Glenn of United Way of Charlotte County a check in the amount of \$32,780.86 from the Charlotte County Employee Fund Drive. Ms. Glenn expressed appreciation on behalf of United Way and those who are less fortunate.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Jim Sweeney addressed agenda item Z-2; indicated almost all strategies in the local housing assistance plan include moderate income people; that the housing crisis has increased the need to assist low income people and decreased the need to assist moderate income people; and that he would go to the Affordable Housing Advisory Committee meeting tomorrow and ask that the committee recommend to the Board of County Commissioners (BOCC/Board) to eliminate moderate income people from the plan.

Executive Director for Charlotte County Habitat for Humanity, Inc. Mike Mansfield spoke in support of agenda item T-3.

Christine Dunbar advised she is the Chief Operations Officer and foreclosure loss mitigation specialist of the Housing Corporation; indicated that the Housing Corporation is no longer servicing moderate income; and that the only moderate income program the Housing Corporation has is the foreclosure assistance program.

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 committee. Must be a licensed member of the Construction Industry.

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 2 years and be a licensed mechanical contractor. Length of term until May, 2009.

Code Enforcement Board - is seeking one volunteer to serve as Sub-Contractor. Term is effective July 8, 2008 and expires July 8, 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.

Gardens of Gulf Cove Street and Drainage Unit Advisory Committee - is seeking four regular members and one alternate member. Must be landowners who reside within the Unit.

Gulf Cove Waterway Advisory Committee - is seeking one member to serve as the alternate for a two year term. Must be a landowner and reside within the unit.

Harbour Heights Waterway Maintenance District Advisory Board - is seeking one volunteer to finish the term of the alternate. Must

live within the Unit. This term is effective immediately and will expire April 10, 2009.

Marine Advisory Committee - is seeking to fill the unexpired terms of two Member-at-Large positions. These terms will expire December 31, 2008 and December 31, 2010.

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 for a two year term.

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 Water Way Municipal Service Benefit Unit - is seeking two members and one alternate member.

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 Unit Advisory Board - is seeking three members and one alternate member. Must live in 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.

III. REPORTS RECEIVED AND FILED

June 13, 2008 MV-CRAAC Minutes

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE CONSENT AGENDA EXCEPT AGENDA ITEMS C-3 AND J-1, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Clerk of the Circuit Court

A. Finance Division

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

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 3, 2008 through June 16, 2008 in the amount of \$18,013,221.02.

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

March 25, 2008 9:00 AM Board of County Commissioners Regular Meeting

April 7, 2008 10:00 AM Strategic Financial Review

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve to appoint John Grubbs and Diana Drake to the Suncoast Waterway Maintenance Unit Advisory Board.
BUDGETED ACTION: None

(2) *RECOMMENDED ACTION*: Approve to appoint Raymond Cady, David Cislo, and Natalie Reach to the South Bridge Waterway Municipal Service Benefit Unit. *BUDGETED ACTION*: None

(3) *RECOMMENDED ACTION*: Approve the appointment of Kevin Schweim to serve as the District #4 Representative on the Charlotte County Beaches and Shores Advisory Committee for a term of four years. *BUDGETED ACTION*: None

Commissioner Duffy requested clarification if the representative to serve on the Charlotte County Beaches and Shores Advisory Committee must be a resident of District 4. Attorney Knowlton explained that the Board adopted a Resolution in 2005 so that appointments no longer must live in the district.

**COMMISSIONER MOORE MOVED TO APPROVE THE APPOINTMENT OF KEVIN SCHWEIM TO SERVE AS THE DISTRICT #4 REPRESENTATIVE ON THE CHARLOTTE COUNTY BEACHES AND SHORES ADVISORY COMMITTEE FOR A TERM OF FOUR YEARS, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.**

D. Administration - No items.

E. County Attorney

(1) *RECOMMENDED ACTION*: Board ratification of Objection to Sun River Utilities PSC Application to provide water and wastewater service in Charlotte and Desoto Counties. *BUDGETED ACTION*: None

F. Budget Office

(1) *RECOMMENDED ACTION*: Approve transfer of \$199,590 from the Crimes Prevention Fund to the Sheriff department in pursuant to F.S. 77.083 (2), Florida Statutes. *BUDGETED ACTION*: FY08 budget amount is \$199,590. Funds are provided in the Fine & Forfeiture Fund.

(2) *RECOMMENDED ACTION*: Approve transfer of \$105,827 from the Criminal Justice Education Fund to the Sheriff Department in pursuant to F.S. 318.18 (11)(c), Florida Statutes. *BUDGETED ACTION*: FY08 Budget Amount is \$105,827. Fund provided in the Criminal Justice Education Fund.

(3) RECOMMENDED ACTION: Approve transfer of \$71,584 from the County Law Enforcement Trust Fund to the Sheriff's Law Enforcement Trust Fund checking account. BUDGETED ACTION: FY08 Budget amount is \$71,584. Funds are provided in the Law Enforcement Trust Fund.

(4) RECOMMENDED ACTION: Authorize renewal of existing short term loan with Bank of America for \$88,300,000 related to the acquisition of property in the Murdock Village Redevelopment Area, and extend the maturity date. BUDGETED ACTION: Funds will be placed in the Murdock Village Fund to be used for project and interest costs.

Resolution 2008-065

(5) RECOMMENDED ACTION: Approve the attached MSBU Assessment Rates to be included in the TRIM (Truth in Millage) Notices. BUDGETED ACTION: None

G. Growth Management

(1) RECOMMENDED ACTION: Approve the recommendation that the County Commission find Babcock Property Holdings, LLC has complied with the annual review requirement of the Babcock Ranch Development Agreement. BUDGETED ACTION: None

H. Economic Development

(1) RECOMMENDED ACTION: Approve the nomination of Ed "Moe" Olson to serve on the Southwest Florida Workforce Development Board. BUDGETED ACTION: None

J. Environmental Services

(1) RECOMMENDED ACTION: a) Approve the Grant Agreement - Artificial Reef Agreement FWC-07305 - between the Florida Fish and Wildlife Conservation Commission and the Charlotte County Board of County Commissioners to build an artificial reef in an amount not to exceed \$50,000; and b) Approve Budget Amendment #08-A37 in the amount of \$50,000. BUDGETED ACTION: Approve Budget Amendment #08-A37 in the amount of \$50,000 for the construction of an artificial reef. Funding for this expense will be from a federal grant in the amount of \$50,000.

Commissioner Moore indicated the Florida Fish and Wildlife Conservation Commission does not get much recognition, and applauded its efforts for the work done in establishing the artificial reefs in this area.

COMMISSIONER MOORE MOVED TO APPROVE GRANT 2008-012, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

K. Facilities Construction and Maintenance - No items.

L. General Services

(1) RECOMMENDED ACTION: a) Approve award of Bid #08-252, Stormwater Collection System Rehabilitation, at the unit rate bid to Lanzo Lining Services, Inc., Deerfield Beach, Florida. Term of contract is July 1, 2008, through and including June 30, 2009; and b) Authorize the County Administrator to approve up to two additional one-year terms at the same prices, terms and conditions, by mutual consent. This is an annual contract for the rehabilitation of existing storm sewer pipes, utilizing cured-in-place pipe lining on an "as required" basis for the Public Works Department. BUDGETED ACTION: Funds will be available in the MSBU/TU or Transportation Trust as needed, when work is requested.

(2) RECOMMENDED ACTION: a) Award Bid #08-226, Clean Washed Shell - Annual Contract, to Patco Contractors, Inc., for the period from date of award through and including December 31, 2008, at the unit prices listed on the bid form; and b) Authorize the County Administrator to have the authority to approve renewal options for two (2) additional one-year terms at the same prices, terms and conditions, by mutual consent for the purchase of 100% Clean Washed Shell material on an "as needed" basis to be utilized by the Parks, Recreation and Cultural Resources Department for use within the park system for the development and maintenance of trails, warning tracks, un-paved parking and other areas as appropriate. BUDGETED ACTION: Budgeted within various Parks Maintenance accounts.

(3) RECOMMENDED ACTION: Approve award Bid #08-249, Cape Horn Boulevard Entry Feature, to Billy Hay Excavating, Inc., of Port

Charlotte, Florida, for the total cost of \$114,543.19. BUDGETED ACTION: FY08 budget is available in the South Burnt Store Streets and Drainage MSBU. Project N054101 Cape Horn Blvd Entry. Project total is \$129,000.

M. Human Resources - No items.

N. Human Services - No items.

P. Information Technology - No items.

Q. Parks, Recreation and Cultural Resources - No items.

R. Public Safety - No items.

S. Public Works

(1) RECOMMENDED ACTION: Approve a Resolution requesting the Board of Trustees of the Internal Improvement Trust Fund to issue a modified non-exclusive sovereign submerged land easement required for the completion of a Florida Department of Environmental Protection (FDEP) permit requirement for the realignment of the "s-curve" at the mouth of the Alligator Creek Waterway. BUDGETED ACTION: None. CIP project c390502 Alligator Creek S Curve and Dredging. Project total is \$1,182,000.

Resolution 2008-066

T. Real Estate Services

(1) 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 Ninety-Three, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easement. (Owners: Russell and Roberta Smith) BUDGETED ACTION: None

Resolution 2008-067

(2) RECOMMENDED ACTION: Approve the attached Resolution accepting an Exclusive Access Easement granted by Brian O. and Sharon L.

Sutter, to be located within Section 7, Township 40 South, Range 21 East. BUDGETED ACTION: None

Resolution 2008-068

(3) RECOMMENDED ACTION: Approve the attached Resolution authorizing the Chairman of the Charlotte County Board of County Commissioners to approve the agreement for exchange of the County's interest in one platted lot for the interest in one privately owned platted lot owned by Charlotte County Habitat for Humanity Inc., located in Charlotte County, Florida. BUDGETED ACTION: None

Resolution 2008-069

V. Tourism Development - No items.

W. Utilities

(1) RECOMMENDED ACTION: Approve the "First Amendment to Transfer Agreement" between Gasparilla Island Water Association, Inc. and Charlotte County. BUDGETED ACTION: None

Agreement 2007-043

X. Building & Construction Services - No items.

Y. Other Agencies - No items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Utilities - RECOMMENDED ACTION: A recommendation from the Board to accept the Peace River/Manasota Regional Water Supply Authority's (Authority) FY 2009 tentative budget, to be presented at the Authority Budget Hearing on July 30, 2008.

Charlotte County Utilities (CCU) Director Jeff Pearson gave a presentation that paralleled information set forth on the packet material agenda item summary; reviewed highlights of the Peace River/Manasota Regional Water Supply Authority's (Authority) FY 2009 tentative budget; advised staff recommends approval of the

Authority's budget; and introduced the Authority's Executive Director Patrick Lehman.

Mr. Lehman stated that as the Authority matured it recognized the need to change its budget process, which was done this year; that the Authority initiated a series of meetings with financial staffs of all five customers and came to a consensus on the proposed budget; pointed out that the construction program is ongoing and the Peace River facility is being doubled from 24 million gallons per day (mgd) to 48 mgd; and that the Authority intends to produce water from the new facility by the end of this calendar year.

Mr. Lehman continued with a power point presentation reporting on the Reservoir expansion, integrated water system vision for 2025, and increased water allocations.

(Finance Director Ann Navan replaced Deputy Clerk Board Services Tommy Q. White for the remainder of the meeting.)

Mr. Lehman explained the budget is broken into the General Fund, which is the Management arm of the Authority, and the Enterprise Fund, which consists of Facilities Operations and Management (O & M), Construction, and Planning elements. Mr. Lehman advised that the Authority approved a tentative budget in May 2008; reviewed improvements that were made, which resulted in a revised budget in June 2008; commented on the FY09 budget versus the FY08 budget with the proposed changes; reviewed expenditures, rate related expenditures, and what makes up the O & M costs.

Mr. Lehman commented on the final impact of the budget to Charlotte County as outlined in the General Fund - Member Contribution slide; indicated the rate component for water is made up of a two-part rate structure, the base rate charge, and the water use rate; explained the base rate charge for Charlotte County for FY 09 goes from approximately \$7.5 M to a little over \$9 M; that the water use rate charge goes from \$.64 to \$.67; and that looking at a typical residential water usage of 5,000 gallons per month the \$.03 increase would equate to approximately \$.15 for a typical water user.

Mr. Lehman stated there is a decrease for Charlotte County for the upcoming fiscal year on the Reserve Fund Assessment, which is

how the Authority funds future water resource development; commented on the ability to trade water/pipeline capacity; and explained in the upcoming fiscal year North Port has a need for more pipeline capacity, Charlotte County has available capacity in existing pipelines from the Authority and proposes to make that available to North Port and North Port would pay for that usage, which would result in an annual credit to Charlotte County of over \$13,000. Mr. Lehman thanked the Charlotte County Utilities staff and advised the tentative FY 2009 tentative budget would be presented at the next Authority Board meeting in the Charlotte County Chambers, Room 119, on July 30, 2008.

Commissioner Loftus thanked staff for their efforts and commented on the need to look at energy conservation, equipment, chemicals, and holding the line on salary increases.

Attorney Knowlton advised Board support is requested.

COMMISSIONER LOFTUS MOVED TO APPROVE THE PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY'S (AUTHORITY) FY 2009 TENTATIVE BUDGET, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

(2) Commission Office - **RECOMMENDED ACTION:** Vote by ballot on submitted applications to serve on the Affordable Housing Advisory Committee, and pass Resolution appointing all 11 members to the Affordable Housing Advisory Committee under the new statutory requirements.

Chairman D'Aprile requested submittal of the four (4) ballots with only one applicant in order to expedite this agenda item, and reminded the Board there must be a majority vote on all ballots. Mr. Baltz suggested that voting be separate for each.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF MICHAEL MANSFIELD TO CATEGORY #1: ONE CITIZEN WHO IS ACTIVELY ENGAGED IN THE RESIDENTIAL HOME BUILDING INDUSTRY IN CONNECTION WITH AFFORDABLE HOUSING, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF KRISTEN C. MARSELLA TO CATEGORY #3: ONE CITIZEN WHO IS A REPRESENTATIVE OF THOSE AREAS OF LABOR ACTIVELY ENGAGED IN HOME BUILDING IN

CONNECTION WITH AFFORDABLE HOUSING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF BARBARA LISBY-SOWELL TO CATEGORY #5: ONE CITIZEN WHO IS ACTIVELY ENGAGED AS A FOR-PROFIT PROVIDER OF AFFORDABLE HOUSING, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF JAMES A. MARSHALL TO CATEGORY #8: ONE CITIZEN WHO ACTIVELY SERVES ON THE LOCAL PLANNING AGENCY PURSUANT TO FLORIDA STATUTES SECTION 163.3174, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF JIM KELLEY TO CATEGORY #2: ONE CITIZEN WHO IS ACTIVELY ENGAGED IN THE BANKING OR MORTGAGE BANKING INDUSTRY IN CONNECTION WITH AFFORDABLE HOUSING, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF JEAN FARINO TO CATEGORY #6: ONE CITIZEN WHO IS ACTIVELY ENGAGED AS A NOT-FOR-PROFIT PROVIDER OF AFFORDABLE HOUSING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF MELISSA DOYLE TO CATEGORY #11: ONE CITIZEN WHO REPRESENTS ESSENTIAL SERVICES PERSONNEL, AS DEFINED IN THE LOCAL HOUSING ASSISTANCE PLAN, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF JAMES SWEENEY TO CATEGORY #4: ONE CITIZEN WHO IS ACTIVELY ENGAGED AS AN ADVOCATE FOR LOW-INCOME PERSONS IN CONNECTION WITH AFFORDABLE HOUSING, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF NANCY L. BELL TO CATEGORY #7: ONE CITIZEN WHO IS ACTIVELY ENGAGED AS A

REAL ESTATE PROFESSIONAL IN CONNECTION WITH AFFORDABLE HOUSING, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE APPOINTMENT OF JEFF AHRENS TO CATEGORY #9: ONE CITIZEN WHO RESIDES WITHIN THE COUNTY, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF BARBARA D. MELANSON TO CATEGORY #10: ONE CITIZEN WHO REPRESENTS EMPLOYERS WITHIN THE COUNTY, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2008-070, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

RECESS: 9:50 AM -10:00 AM

VI. PUBLIC HEARING AGENDA - 10:00 AM

(1) Growth Management - RECOMMENDED ACTION: Adopt an Ordinance amending Section 3-9-49, Planned Development zoning district, of the Charlotte County Code of Laws and Ordinances.

Growth Management Director Jeff Ruggieri provided some background information and advised he had just received a document in hand that appears to reflect a consensus by all parties. Mr. Ruggieri advised he had only reviewed the document quickly; that there are not a lot of changes; and that it proposes to amend the existing code with some slight modification. Mr. Ruggieri said he is comfortable with it but not recommending approval at this time; that it definitely provides flexibility that all are trying to achieve to allow some better developments in the community; and indicated it is on the right track and seems to encompass everything we are trying to do with minimal disruption.

Chairman D'Aprile advised that the Commissioners have not yet had an opportunity to review what was given to Mr. Ruggieri but that public comment would be taken at this time. Commissioner Cummings requested clarification that what is under consideration right now is the ordinance presented through the

packet, not the new proposal; and that approval could not be taken today with a change substantive enough to change the title of the ordinance because of the need to go through the appropriate advertising process. Attorney Knowlton said she has not seen the most recent proposal; that her understanding is it has not changed significantly; and that it goes back to Mr. Ruggieri's original proposal. Mr. Ruggieri agreed it is very close in intent. **Commissioner Cummings** indicated the title would remain the same and the question would only be if prudence dictates the Board table the matter and bring it back at a later time.

Mr. Ruggieri explained that we are reviewing the Planned Development (PD) that is in the Board packet, which is the proposed ordinance before you today; that actions that could be taken today are approve the ordinance, disapprove the ordinance, approve the ordinance with changes, or table the matter to a date certain. Mr. Ruggieri advised that direction from the Board was to try and find consensus; that the proposal in front of him today appears on the surface to be the closest thing to a consensus thus far; and indicated what they are trying to do may be clearer after public comment. **Commissioner Duffy** applauded the citizens for working together on this and indicated she would like to hear what both groups propose.

Chairman D'Aprile said this has been a long process with a great deal of dissention and opined that we should strive for everyone to be as comfortable as possible; that he looks forward to reviewing the new proposal; but he wants comments from the public that clearly addresses the issue in order to assist the Commissioners in making a beneficial decision for the community; and indicated he needs clarifications.

Commissioner Moore stated he welcomes the opportunity to hear the discussions but that he cannot make a definitive decision today.

Attorney Knowlton advised we need to hear that this is a consensus document from the groups who prepared it; agreed that the document should not be approved today; that the second hearing should be continued to the July 8, 2008 Board of County Commissioners meeting if this is a consensus document; and nothing decisive done today.

Betty Sue Carroll indicated she is working from the ordinance copy that came out Friday and hopes the proposed changes make her comments irrelevant. Ms. Carroll commented on the Florida Hometown Democracy, opined the PD revision is not designed to fulfill its lofty goals, inquired as to who asked for the changes and who approved them, and spoke in opposition to the document as it now reads.

Sue Reske of the Greater Charlotte Harbor Group of the Sierra Club and Suzanne Graham of the Charlotte/DeSoto Building Industry Association read from a prepared statement; indicated Percy Angelo would review the specifics of a proposed compromise, which is supported by various groups referenced in the prepared statement; asked that after Ms. Angelo speaks a recess be taken to allow the Board an opportunity to review the changes and perhaps vote on the issue today.

Percy Angelo continued reading from the statement furnished; stated that the proposal keeps the underlying ordinance in tact for the most part; that the underlying standards are those in the existing ordinance; indicated that the first paragraph provides a simple procedure to modify standards in the ordinance, which is modeled after the procedure that takes place in Sarasota; commented on why the group thinks that is better; reviewed items that were discussed and approved during the focus group; stated this keeps the underlying ordinance; and that they tried to keep it as simple and easy to use as possible.

Chairman D'Aprile stated that normally those who are ecologically concerned and builders usually disagree with one another, but that it appears from those standing in the audience that this time there is a consensus of the Building Department and conservancies. **Commissioner Duffy** commented on open space in paragraph 2 of the handout material and inquired if this is outdoor open space. Ms. Angelo replied affirmatively and stated no definitions needed to be changed because of the way this has been simplified. **Commissioner Duffy** requested further review of paragraph 7 in the handout material, which Ms. Angelo provided.

Attorney Robert Berntsson agreed that bringing these groups together is monumental, but pointed out they all have common goals of what is best for the county; and continued reading from

the handout statement. Attorney Berntsson requested the Board take a recess to review the ordinance, commented on the amendments, and pointed out two typographical errors.

Marvin Medintz, speaking independently and as President of the Cape Haze Property Owner's Association, indicated he has not seen the ordinance but opined it may be useful to allow those who are opposed to the ordinance to articulate their problems, then take a recess, in order for the Board to have comments from both sides to consider when deliberating.

Attorney Geri Waksler and Ruth Bromberg urged the Commission to take a recess and review the ordinance changes; stated the changes are consistent with the process everyone has gone through for the past several months; and opined it would be consistent with the ordinance and regulations for the Board to adopt it today at the conclusion of the public hearing because it is the culmination of the discussions held over several months.

Joe Mueller said he came to talk about the ordinance that was advertised and requested clarification that it is on the table right now and if there could be public comment on it; asked if it had to go through the Planning and Zoning (P&Z) Board; and questioned how there could be public comment on something that has not yet been published. Attorney Knowlton advised that the ordinance that was published is still on the table and being discussed today but that there is discussion of the new proposal as well and that public comment is being taken on both the old and new proposal, and that she did not believe it had to go through the P & Z Board. Attorney Knowlton stated that recommendation from Growth Management and Legal is continuance of this hearing to a date certain of July 8, 2008 to allow staff and the general public that are not part of the groups the opportunity for review. **Commissioner Loftus** explained that the public does not have a copy of the proposed new ordinance but copies are presently being printed and would be distributed during the break.

Ron Plotkin stated he would wait until after recess to make his comments, but inquired when there would be a stop to the new pieces of writing. **Chairman D'Aprile** said we put a stop to it when everyone comes to an agreement and the Board votes on it, pointed out the Board cannot vote on the issue right now, and

indicated public comment would be accepted on the old ordinance and the proposed new ordinance.

RECESS: 10:40 AM - 10:55 AM

Chairman D'Aprile re-opened the public hearing for comments; indicated that this matter is a bit unusual and procedure prior to the recess was a bit unorthodox; but that normal procedure would be followed hereafter.

Ron Plotkin advised his prepared statement was based upon the advertised ordinance; stated that trading height for horizontal space could be a risk; that a skyline built at the beach would affect air currents, erosions at the beaches, and tidal currents; commented on problems experienced in Miami Beach and the amount of renourishment needed there; read from a prepared statement (no copy furnished to the Minutes Clerk); and spoke in opposition of the ordinance as advertised.

Carol Leonard of Englewood spoke in opposition of the published ordinance; stated the Board has an obligation to look beyond the big picture and protect all of the systems; agreed the Board should not vote on this today; that she would like to see as much community effort coming together on the next ordinance, which is needed for a planned retreat from the beach; and opined building along the shoreline is a bad idea.

Rob Humpel said he was one of the people involved in the original PD citizen focus group; indicated there were many common threads brought up by the different groups during the focus sessions; and that what is before the Board now is the consensus based upon groundwork laid by the focus group. Mr. Humpel commented on work done by staff; indicated that not everyone has seen the new ordinance, but that it is the old ordinance with one change that allows height in exchange for some open space; and spoke in favor of the new ordinance submitted to the Board.

Bob Carroll thanked the Board for their service; indicated he was speaking to Friday's published version and has a problem with the validity of the economic impact statements; spoke in opposition of the document published on Friday; and asked that the Board not rush to closure.

Joe Mueller, resident of Placida speaking for Friends of Cape Haze and their attorney, Brad Kelski, read into the record a letter Attorney Kelski requested he read (no copy furnished to Minutes Clerk).

Deborah Highsmith said she has been speaking with the Commissioners since 2001 about PD's in the Burnt Store Corridor; commented on the 60' tower on the Greg Eagle property, 80'-90' tower on the Turn Bay property, and a small tower at Burnt Store Marina; indicated the commercial nodes that exist in the Burnt Store Corridor are tastefully done, Florida style, one and two story; opined it is not necessary to have "tower creep", which can occur in the PD ordinance; and pointed out there are ten other zoning code areas in Charlotte County that can accommodate taller buildings. Ms. Highsmith stated she supports the new proposal.

Interim Executive Director for the Englewood/Cape Haze Area Chamber of Commerce (Chamber's) Jon Bednerick stated the Chamber's Board of Directors as recently as last week reaffirmed support for the passage of changes to the PD ordinance; and indicated it is important to this area that there be flexibility, site specific, and unique to good comprehensive projects that will harmonize with the community, be effective, and economically viable. Mr. Bednerick requested that the Board move forward expeditiously and not drag it along.

Marvin Medintz, President of the Cape Haze Property Owner's Association, said he was procedurally confused; indicated if there are two competing versions properly before the Commissioners today that if possible the version that was published and part of the Board Agenda and posted on line drafted in previous weeks be voted down today and vote the other one in as quickly as possible. Mr. Medintz believes the compromise reached is good, complimented the efforts by all, and stated he hopes the proposal does not get cut to pieces within the next two weeks; that he wants to get rid of the concept of a community enhancement; there is no remedy or recourse in the old/new ordinance if the developer decides to default; and spoke in favor of approval of the proposed changes.

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO CONTINUE PUBLIC HEARING VI (1) TO JULY 8, 2008 AT 10:00 AM, SECONDED BY COMMISSIONER MOORE.

Commissioner Duffy stated she supports the motion, appreciates the efforts by all involved, and cautioned in not "tweeking" this too much. *Commissioner Cummings* advised he supports the motion; that the ordinance seems to be clear, straightforward, and addresses the issues he raised, but indicated prudence dictates everyone have the opportunity for review. *Chairman D'Aprile* stated he supports the motion. *Commissioner Duffy* requested that the County Attorney give an opinion by July 8, 2008 if this Planned Development (PD) Ordinance is inconsistent with the County's Comprehensive Plan.

Motion Carried 5:0.

(2) Growth Management - RECOMMENDED ACTION: Approve the adoption of an Ordinance amending Section 3-9-2, Rules of Construction.

Mr. Ruggieri recommended that this agenda item also be tabled to July 8, 2008. *Attorney Knowlton* advised that the item should be opened for public hearing. *Chairman D'Aprile* advised this agenda item would be continued but that he would open it for public hearing at this time.

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO CONTINUE PUBLIC HEARING VI (2) TO JULY 8, 2008 AT 10:00 AM, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

(3) Public Works - RECOMMENDED ACTION: Consider approving an Ordinance to establish a "No Parking" zone on both sides of Sailors Way from SR 776 to 435 feet north of SR 776.

Public Works Director Dan Quick explained this item is a public hearing to establish a "No Parking" zone on that portion of Sailors Way as delineated in the packet material.

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

Motion Carried 5:0.

COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2008-052, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

VII. PRESENTATION AGENDA - No items.

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

X. CITIZEN INPUT - ANY SUBJECT

AA. County Administrator: - None.

BB. County Attorney: - None.

CC. Commissioner Comments:

Commissioner Loftus advised direction was given to staff at the BOCC meeting of February 27, 2001 on five (5) items with reference to the phosphate issue and indicated he would like those items eliminated. Attorney Knowlton summarized for clarity that the five (5) items are: engaging in a letter writing campaign, enlisting support from the general public and providing assistance as needed on the phosphate action plan, contacting the news media, enlisting environmental group support, and enlisting the support of neighboring counties.

COMMISSIONER LOFTUS MOVED TO ELIMINATE DIRECTION GIVEN TO STAFF AT THE FEBRUARY 27, 2001 BOCC MEETING WITH REFERENCE TO THE PHOSPHATE ISSUE OF THE FIVE (5) ITEMS AS READ INTO THE RECORD BY ATTORNEY KNOWLTON, SECONDED BY COMMISSIONER MOORE.

Commissioner Cummings recalled results produced due to that action were the most cost effective of any aspect of the entire effort; expressed concern that this is premature and is shutting down the County's most effective tool in pursuing this effort; opined until there is a contract in hand there is no actual settlement with Mosaic; and that until we have settlement we should not stand down. Commissioner Moore disagreed and Chairman D'Aprile said he has mixed emotions.

Motion Carried 3:2. Chairman D'Aprile, and Commissioner Cummings opposing.

Commissioner Cummings stated he wanted it on the record that this only affects what that staff member does on County time and that he can still do whatever he chooses on his own time as a private citizen. **Chairman D'Aprile** and **Commissioners Moore** and **Loftus** agreed.

Commissioner D'Aprile stated many complaints are being received about overgrown vegetation on personal property, which creates fire hazards; that many properties are not being maintained properly, it affects many neighbors, there is no way to make the property owner responsible for making that property safe; it is an issue that needs addressing and asked the County Attorney what can be done about it.

Commissioner Cummings explained this has been a long standing matter, especially with so many vacant lots; indicated we do not have the resources and Scrub Jay habitat makes it more difficult to deal with; and opined the best way to deal with this issue is to give the responsible agencies the ability to do controlled burns, but we must get the State to get out of the way.

RECESS: 11:45 AM - 2:00 PM

IX. BOARD WORKSHOP AGENDA - 2:00 P.M. - No public input.

The Board of County Commissioners shall participate in the kick-off for the Smart Charlotte 2050 Comprehensive Plan rewrite. No Board action will be required.

Mr. Ruggieri explained the meeting is to introduce stakeholders, concerned citizenry, and the Board of County Commissioners to the planning team, the comprehensive planning process, and Smart Charlotte 2050 website; indicated that over the next 18 months we will dive into issues and concerns and surface with a vision to provide a blueprint to guide development and the provision of services countywide for the next forty (40) years; reported that the existing Comprehensive Plan (Comp Plan) planning horizon expires in the year 2010; and that about two years ago funding was received from the Board to hire a consultant with the skills

necessary to assist staff in this project. Mr. Ruggierii commented on challenges and constraints; indicated that Gladding Jackson and her team of sub-consultants were hired to assist in the process; and introduced Frances Chandler Morino, Principal and Director of Regional Planning for the firm, point person and project manager for the Comp Plan, who would review the process as a whole, introduce the website, and review how to use it.

Ms. Morino stated she has been doing Land Use in Florida for about twenty three (23) years and looks forward to taking the Comp Plan to the next level in this state; a Comp Plan that is truly community-based and tries to do things that other plans in this state and around the country have not tried.

Ms. Morino indicated the purpose of having the workshop today is that the team is preparing to kick off some community workshops in July and wants the Commission to know about the Smart Charlotte process, how it operates and flows, and timing prior to beginning. Ms. Morino said the website tool would be used over the next eighteen (18) months; that there is nothing special about the website, but it gives the community the opportunity to have access to planning information, or if they cannot attend a meeting, through a computer anywhere in a concise way they have not had before. Ms. Morino stated material and results would be online the next day following any meeting.

Ms. Morino advised the two big issues to focus on in updating the Comprehensive Plan are creating a new horizon plan going out to 2050 and rural area planning; and pointed out that we look that far out because there are issues that are not easily resolved in the short term and must be thought out long-term.

Ms. Morino pointed out that Randall Arndt, a national expert and noted author on rural planning, is on the team and has had an opportunity to visit with staff and take a tour of the County to look at the rural areas. Ms. Morino said some real good ideas about the vision for the County were put together with the Charlotte Assembly 2007, and in addition to taking the Comp Plan horizon out to 2050 they would take the County's visioning ideas to the next level. Ms. Morino explained all of that is really about creating dialogue, about planning, and having access to that planning. Ms. Morino said to do that a website was created, which is still in the development stage; indicated that on July

1, 2008 the website would be live and consistent with the current website and would be an evolutionary tool; and reviewed video clips and pages contained on the website, including discussions on smart growth and smart development, what issues take a longer plan development, and a little about the final product.

Ms. Morino continued review of the website and pointed out there is a piece included which explains what a Comp Plan is and the entire process of writing the Comp Plan; and opined this is something citizens should have available all the time to familiarize themselves with; indicated there is a "participate now" option area, which links to what the next event is; stated the site must be easy and have people informed in order to get participation; and pointed out participation can be done online.

Ms. Morino explained that anyone can historically go back and see what has happened after a presentation with the use of video and links to view presentation material; and stated that a survey has begun to get things started as to viewer's thoughts. Ms. Morino indicated we are looking at the course of the next year to have the draft complete and that the first public events are scheduled in July 2008. Ms. Morino commented on other key points, stated there would be workshops for those, and that other smaller events would go on throughout the year.

Ms. Morino reported this focuses on the big scale community participation right now but it will continually be updated to think through some of the smaller scale outreach. Ms. Morino explained information could be viewed from a calendar timeline; that a photo gallery has been started and posted online; that as we move forward in developing the planning process the photo gallery will be organized to show more of a story. Ms. Morino said we will include video clips and we want the citizens to find information online, understand what it is and how to participate. Ms. Morino stated that this is just a tool to help us see what people's interests are and give us feedback on the County; but that the exciting part about Smart Charlotte 2050 is creating a new way to have a Comprehensive Plan, which will be community based and completely interactive online.

Commissioner Cummings said he likes seeing the horizon look further out, but regardless of what horizon period is being looked at one of the tools he finds very useful in making

decisions from the dias are build-out scenarios; opined that Land Use decisions are better off beginning with a destination in mind; commented on clear benchmarking as the process proceeds; and indicated as the process proceeds whatever can be done to build those build out scenarios into the background information would be a very useful tool and something people understand.

Ms. Morino agreed; and indicated the visioning piece would be set up in two distinct components, a visioning effort, which is actually taking the guiding principals that have begun to evolve through Charlotte Assembly and move them out further, and the Comp Plan itself, which is 2050. Ms. Morino explained they ever constrain the vision; that it is always a build out focus, which has three (3) pieces to it 1) do nothing 2) keep doing things as they have been done 3) future, potential option that could look totally different. Ms. Morino said they think about it in these three (3) pieces and in this very long build out kind of view first, and only after we get that do we scale it back for the Comp Plan.

Commissioner Cummings voiced approval with Ms. Morino's comments; stated he is encouraged by the interaction and that it is not just sitting around having conversation; and commented on useful interactive tools previously used.

Commissioner Duffy asked Ms. Morino to speak more about what the mobile charrettes would be like. Ms. Morino stated the mobile charrettes is one of the big scale pre-planned events that would move around different locations of the County and that by then the Comp Plan draft would have been available for about a month's period of time. Ms. Morino indicated that this is the process by which we will get comment and feedback directly on the Comp Plan draft itself; that the mobile charrette days have been broken into a morning group, afternoon group, and large scale open house in the evening of each day in four (4) different locations in the County. Ms. Morino explained there are eight different settings to allow opportunity for smaller scale dialogue and the presentation of the evening sessions would be more on the big ideas that the Comp Plan embodies.

Commissioner Duffy inquired if there was enough flexibility to cover an overwhelming number of people responding. Ms. Morino said they would re-schedule certain areas of main discussion as

needed, but that mobile charrettes is a broad net; that they see what people are most worried about and focus on those areas; and pointed out it helps if people are prepared on just one element or part of one element.

Commissioner Loftus commented on successful charrettes with Dr. Gaylor several years ago and inquired how people would be informed about the charrettes. Ms. Morino said they have talked with staff about crafting a long mailing and notification distribution list, but they were still thinking of other ways to get the information out there; indicated that word of mouth is always the best; and stated that the first workshop must be meaningful and that a lot is riding on the July Workshop.

Chairman D'Aprile indicated it is a powerful statement when saying on the Comp Plan itself that we are creating a new horizon; agreed we must have a vision before determining where Charlotte County would go in the future; advised he would like to see that vision; and clarified that was one of the elements being worked on. Ms. Morino said we are starting in July 2008 and would roll out the vision in November before drafting a Comp Plan, but they must have the discussion on the vision before drafting the Comp Plan.

Chairman D'Aprile said this is an opportunity for the public to be involved in the Comp Plan, understand it better, and know what the Board envisions for the future; and indicated that no other County is doing this. Ms. Morino said most Comp Plans are books and different in that there are no pictures or explanation of what is meant, or studies that were done; that if the Comp Plan is a data base and linked for comments it says the citizens count in the comp planning process. **Chairman D'Aprile** said he is happy with where we are going with this.

Commissioner Cummings stated that as we proceed areas to be dealt with are rural estate-type development, creating commercial nodes in our urban service area to reduce trip generation, reduce a need for eminent domain, reduce a need for road right-of-way expansion, and intermodal transportation as an aspect of that such as bike paths, sidewalks, and whatever other avenues we can get. **Commissioner Cummings** explained that the build out scenario is critical and stated that if we do nothing we will have build out larger than Tampa; and opined that regardless of what the

vision is we must deal with three (3) components: diversifying economy away from growth based economy to a knowledge based economy, enhancing and creating unique characteristics for different neighborhoods, and protecting the environmental assets that attracted people here to begin with.

Ms. Morino elaborated further on **Commissioner Cummings'** remarks; pointed out that walk ability and relationships of neighborhoods to commercial areas are very important and it is important to think through and be very aggressive about that. Ms. Morino said the nature of the nation is changing and people are thinking differently; and that we must be respectful of where things are headed and all those things must be included in our vision.

Commissioner Duffy stated public input is critical; expressed concern with the timeline; and indicated she wants to be certain young professionals and families have input and that consideration needs to be given that many go on vacation during the July period. Ms. Morino explained they are very respectful of vacation periods and other things going on; indicated that those are not the only events that will be done; that this has been crafted to give flexibility, get the big things on the screen and then re-focus; and advised that they would keep the Board informed of the re-focus.

RECESS: 2:50 PM - 3:00 PM

STRATEGIC FINANCIAL REVIEW - 3:00 PM

The meeting was called to order at **3:00 PM**, followed by the Pledge of Allegiance.

1. Not for Profits - United Way

Mr. Sandrock explained the first topic today is the Human Service request; indicated there is a new process this year; and introduced Cecy Glenn for United Way to discuss the new process and the evaluation process that took place regarding the funding request.

Ms. Glenn provided an update based upon an information sheet provided; indicated the Board of County Commissioners (Board/BOCC) approved the United Way process as the way to

determine the Human Service funding by unanimous vote on January 22, 2008; that shortly thereafter Applications and the Minimum Eligibility Requirements were sent out to all that received funding last year; and it was also made available on the County website for all local non-profit organizations desiring an application. Ms. Glenn reviewed the Minimum Eligibility Requirements and explained the criteria.

Ms. Glenn explained the United Way of Charlotte County adopted the Community Impact process that is supported by the United Way of America and that the Commission's purpose of having United Way recommend the funding levels was to separate this budget process from the political pressures of budget development and put it into the hands of the public. Ms. Glenn reported on recruitment of volunteers, what was required of the volunteers, and how the volunteers evaluated the agency's programs and justification of the level of request. Ms. Glenn stated that the volunteers were aware of the financial constraints and pressure the BOCC is under this year to cut the budget; reviewed the recommendations of funding levels process made by the volunteers; and advised that the United Way would report on the use of the BOCC funding on a quarterly basis, or as otherwise requested.

Ms. Glenn advised the 2008-2009 funds requested by the agencies is \$1,104,955; that the 2007-2008 amount awarded by the BOCC is \$823,049; that the United Way request for County funding 2008-2009 is \$537,305 as recommended by the Community Impact volunteers; and that the figure represents a reduction of 35% from last year funding level and a reduction of 51% from this year's requested amount.

Commissioner Cummings expressed concern with the criteria for qualification wording, and stated if funding is coming out of this budget it needs to be servicing strictly Charlotte County citizens. Ms. Glenn agreed; explained that some of the agencies that United Way funds are multi-county; that Directors are told upfront that funding is only for Charlotte County and that United Way only wants to know what is going on in Charlotte County; and that the applications are geared toward what services are being provided in Charlotte County. **Commissioner Cummings** said when he hears "they must serve but not limited to" he is hearing that both of those are required; and that he just wants to be certain what he is hearing is not what is being used. Ms. Glenn said she

would re-visit the sentence in the guideline, but explained that there is no United Way funding raised in Charlotte County, or BOCC funds, that goes to provide services to anyone that is not a Charlotte County resident. **Commissioner Cummings** said, "nor would we prohibit an organization which served only Charlotte County citizens from receiving funds". Ms. Glenn replied affirmatively.

Commissioner Moore asked if a firm answer was expected today. Mr. Sandrock said it can be done right up to the final public hearing in September 2008 if you generally like the concept of where we are with the United Way; and advised they just wanted to provide the Board with an update. **Commissioner Moore** said he personally likes the process very much and is hopeful July 1, 2008 would bring good news; indicated this is a bad time to cut these groups down to lesser amounts of money because the services are needed; and asked if July 1, 2008 was the timeline for decisions to be made. Mr. Sandrock advised the Board has until the end of September 2008 to make a decision on funding levels. **Commissioner Moore** opined that would be very late and a bit unfair to the players.

Commissioner Loftus said he realizes it is very difficult for the non-profit organizations to have funds cut, but times are difficult; and thanked all those who assisted in the United Way process.

Commissioner Duffy thanked the United Way and the citizens who made up the committees who reviewed the applications and applauded their efforts; stated she was comfortable accepting the recommendations today regardless of what happens July 1, 2008; and stated this is along with the cuts that have been made.

Commissioner Cummings stated he appreciates the expertise and work done by the United Way; that it is a rigorous, measurable process they go through; indicated he is not comfortable with the process of giving the check to United Way and them distributing the funds; that he understands the problem with Sunshine but it is in conflict with BOCC responsibilities; opined it is the fiduciary and legal responsibility that the process be open to public scrutiny; because of that he does not take issue with the recommendations, but is not comfortable with the process; that he can accept the recommendations, but does not know what it does

with the Sunshine Law; that he is not comfortable writing one check to United Way and them going outside the Sunshine for distribution; and indicated he cannot support that.

Commissioner Loftus stated he is comfortable with the process and the outcome and is ready to move on; and believes the Board is living up to its fiduciary responsibility. **Commissioner Duffy** disagreed with **Commissioner Cummings**; indicated the Board voted in January 2008 to ask United Way to take over the responsibility for disbursement of funds; and that it was discussed with the Attorney's office if we were in compliance with Sunshine Laws and the Attorney's office advised us that we did the right thing.

Chairman D'Aprile said his understanding is there are four choices to be made: 1) Accept and fund the United Way request 2) Reject the request and evaluate independently 3) Increase or decrease level or 4) Suspend funding for "not for profit" requests due to economic conditions; and indicated the Board needs to determine acceptance of any of the four (4) choices listed, after which time he has questions concerning requests from the various organizations that are not getting what they requested and areas he believes are very important to have the necessary funding.

Chairman D'Aprile asked if United Way indicates to the Board that a smaller amount than requested by the various organizations would be given and the Board believed the larger amount was due, could the Board cut other programs, or is it cut in stone at this point that what United Way says goes. Attorney Knowlton explained if you get into re-evaluating what United Way has done then you would have a Sunshine issue because you either have to basically give a grant to United Way of the money and let them go through their established process, which Ms. Glenn has just reviewed, and trust that they are following that process, or go back to the old process where the Board does the evaluation.

Chairman D'Aprile stated he wants to be certain everyone understands it is clear cut that the United Way is doing all the decision making and the Board has nothing to say about that. **Commissioner Moore** said this was discussed a long time back; that the system is such that there is no cherry picking; that it is what it is, either accept it all or throw it all out.

Attorney Knowlton pointed out that yearly the Board could determine to change.

COMMISSIONER LOFTUS MOVED TO ACCEPT AND FUND THE UNITED WAY REQUEST, SECONDED BY COMMISSIONER DUFFY.

Commissioner Moore asked if the amount could be increased at a later meeting if we get good news in July. Mr. Sandrock replied affirmatively. **Chairman D'Aprile** clarified that **Commissioner Moore** was talking about increasing the \$537,000 amount, not the individual distribution amounts. Mr. Sandrock explained if the Board makes a decision at a later date to increase or decrease the \$537,000 it is done proportionate to the way funds are allocated now; and that it would not change the proportionate amounts to the individual agencies.

Commissioner Cummings requested clarification that once the grant is given it is United Way's decision on where the additional funding goes. Mr. Sandrock stated the information he just gave out came from Ms. Glenn as to their procedure. Ms. Glenn explained the manner in which increases or decreases would be handled; indicated that the volunteers were aware of the tight budgetary constraints the Board was in and made some tough decisions; but if there is more money there could be an across-the-board increase for all the agencies.

Commissioner Cummings indicated that we would see what happens after the July 1, 2008 Workshop, but if the Board advertises on July 10, 2008 to maintain the same millage rate there will be no money next year; that the reason he is repeating this now is that the non profits need to be aware that cuts this year would drive a doubling of the cuts next year, and there would be no funding next year if the advertisement goes out with the same millage rate; indicated those are the range of possibilities and he is just giving fair warning.

Chairman D'Aprile said a Commissioner's job is a pressure job and he does not mind taking the responsibility of getting yelled at, but he does like the responsibility of picking those items that he feels personally are more valuable to the community, unless someone proves to him otherwise, although he is always open for discussion.

Motion Carried 3:2. Chairman D'Aprile, and Commissioner Cummings opposing.

2. Other Not for Profits - Ray Sandrock/Bill Taylor

Kelly Shoemaker stated that the Commissioners had in front of them four groups which were funded last year; that last year \$154,175 was awarded; and this year the total requested amount is \$196,775. Ms. Shoemaker explained the Board could make a yes or no decision today and amount it is comfortable with, or wait until later in the process. Ms. Shoemaker reviewed the Charlotte Community Foundation, Inc. funding request specifics reflected on page 5 of the handout material. **Commissioner Duffy** proposed keeping the funding the same as last year, or this current budget year. **Chairman D'Aprile** asked where this money comes from. Mr. Sandrock explained all these areas are funded by ad valorem. **Chairman D'Aprile** clarified this was other than what was just discussed. Mr. Sandrock replied affirmatively, other than Human Services. Mr. Baltz pointed out these are ad valorem funds being requested; that he was uncertain if the intent is to hear all of them and make a collective decision; and encouraged feedback, explaining it would be helpful to the budget process. **Chairman D'Aprile** asked if there was consensus to **Commissioner Duffy's** proposal to fund \$41,775, which is the same as last year. **Commissioner Moore** asked if there was recommendation from staff. Mr. Baltz said no recommendation was given by staff, only the amounts for the current year we are in because we understand the sensitivity and pressure the Board is under from the various groups to fund them. **Commissioner Moore** said he would be inclined to reduce the funding amount 25% - 35% in closer keeping with what was done with United Way.

Commissioner Loftus agreed with **Commissioner Moore** that there should be a 35% reduction from last year's funding for the non profits coming up for discussion as was done with United Way. **Commissioner Cummings** said should the Board choose to go along with the current proposal it would have to go with reducing each of the amounts below last year; and that the Board could be boxed into that corner dependent upon what millage rate is set. **Commissioner Cummings** pointed out that the Arts & Humanities' FY08/09 request is less than what was awarded for FY07/08; and indicated Charlotte Harbor Environmental Center, Inc. (CHEC) could be a different scenario because that is not just a

contribution to another organization; that we are actually a corporate member of CHEC and it may be a slightly different environment where it amounts to paying dues as one of the corporate members of the organization; indicated he did not think we are legally required to do so, but that it is more of an ethical issue where Charlotte County was one of its corporate founding members; and recommended keeping that at the \$35,000 it has been at.

Chairman D'Aprile indicated the recommendation is for a 35% reduction, which he thinks is high; that he does not understand how these non profits could operate with a 35% decrease; and he cannot support it. Ms. Shoemaker explained that in regards to the Charlotte Community Foundation funding would be decreased by 35% and the total funding awarded for FY08/09 would be \$15,714.75. **Chairman D'Aprile** requested a motion to follow through with the request of a 35% reduction from last year's funding on all four (4) non profits, Charlotte Community Foundation, Inc., Arts & Humanities Council of Charlotte County, Inc., Charlotte Harbor Environmental Center, Inc. (CHEC), and Military Heritage & Aviation Museum. **Commissioner Loftus** indicated Charlotte County is a partner of CHEC and responsible for their operation and questioned if there was anything from Administration on that.

Commissioner Moore commented on contracts being eliminated with CHEC through Parks and Recreation; and stated he is not certain how Parks and Recreation as a government body can do things less expensive than a volunteer group. **Commissioner Duffy** opined that there had been discussion and direction to keep the Cedar Point Contract in place and agreed with **Commissioner Moore** that they cannot beat volunteers. **Commissioner Moore** indicated there has been insufficient conversation on this. **Commissioner Duffy** stated it could put CHEC out of business if the Cedar Point Contract is eliminated and funding is cut here. **Commissioner Cummings** said that dependent upon the decision on the millage rate the reductions would need to be made, but he does not support the reductions because he does not support where the Board is going, so far, with the overall millage rate; and indicated he supports **Chairman D'Aprile's** position. Attorney Knowlton clarified the motion is to cut 35% of last year's (FY07/08, current year) funding. **Chairman D'Aprile** and Ms. Shoemaker replied affirmatively. **Commissioner Duffy** asked if

the reduction was 35% or 30%. **Chairman D'Aprile** and Ms. Shoemaker advised the motion is for a 35% reduction. **Commissioner Duffy** requested clarification that CHEC was included in the motion for reductions. **Chairman D'Aprile** stated the motion included all four (4). **Commissioner Loftus** stated there has been a reasonable question raised in reference to CHEC. **Chairman D'Aprile** asked if **Commissioner Loftus** wanted to eliminate CHEC from his motion. **Commissioner Loftus** replied affirmatively, and to keep it at the same funding, because Charlotte County is a partner of that organization. **Chairman D'Aprile** stated that the others are also partners of the County, technically speaking, do wonderful things for the community, and it is difficult for him to make this decision.

Chairman D'Aprile clarified the motion is for a 35% reduction from last year's (07/08, current year) award amounts for Charlotte Community Foundation, Inc., Arts & Humanities Council of Charlotte County, Inc., and Military Heritage & Aviation Museum, with elimination of CHEC from the motion, and asked if there was consensus. (**Consensus**). **Commissioner Duffy** stated she knows something drastic and tough must be done, but indicated she could not support a 35% reduction. **Commissioner Loftus** said 35% was used because that is the percentage used for United Way.

COMMISSIONER LOFTUS MOVED TO APPROVE A 35% REDUCTION FROM LAST YEAR'S (FY07/08, CURRENT YEAR) AWARDED AMOUNTS FOR CHARLOTTE COMMUNITY FOUNDATION, INC., ARTS & HUMANITIES COUNCIL OF CHARLOTTE COUNTY, INC., AND MILITARY HERITAGE & AVIATION MUSEUM, WITH ELIMINATION OF CHEC FROM THE MOTION, SECONDED BY COMMISSIONER MOORE.

Motion Failed 2:3. **Chairman D'Aprile**, **Commissioner Duffy**, and **Commissioner Cummings** opposing.

COMMISSIONER DUFFY MOVED TO APPROVE A 20% REDUCTION FROM LAST YEAR'S (FY07/08, CURRENT YEAR) AWARDED AMOUNTS FOR CHARLOTTE COMMUNITY FOUNDATION, INC., ARTS & HUMANITIES COUNCIL OF CHARLOTTE COUNTY, INC. AND MILITARY HERITAGE & AVIATION MUSEUM, FAILED DUE TO LACK OF SECOND.

COMMISSIONER LOFTUS MOVED TO APPROVE A 30% REDUCTION FROM LAST YEAR'S (FY07/08, CURRENT YEAR) AWARDED AMOUNTS FOR CHARLOTTE COUNTY FOUNDATION, INC. ARTS & HUMANITIES COUNCIL OF CHARLOTTE

COUNTY, INC., AND MILITARY HERITAGE & AVIATION MUSEUM, SECONDED BY COMMISSIONER MOORE.

Motion Carried 3:2. Chairman D'Aprile, and Commissioner Cummings opposing.

Commissioner Cummings pointed out for clarification that right now the Board of County Commissioner's proposal is to cut its ad valorem budget by 51.50%; and indicated he was just trying to draw a comparison. Chairman D'Aprile pointed out that a motion was needed to accept CHEC's FY08/09 funding request of \$35,000 without a cut.

COMMISSIONER LOFTUS MOVED TO ACCEPT CHARLOTTE HARBOR ENVIRONMENTAL CENTER, INC. (CHEC) FY08/09 FUNDING REQUEST OF \$35,000 WITHOUT A CUT, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 4:1. Commissioner Moore opposing.

3. Healthcare - Update from Risk Management

Mr. Sandrock explained that not everything has been clarified but they wanted to provide the Board an update on HealthCare and would continue giving frequent updates; and indicated that this would be an important decision as we move through the budget procedure. Mr. Sandrock stated that presently a 25% increase is being put into the budgets based upon staying with the policy plan we now have; that based upon usage trends a 25% increase is needed, which equates to \$3 Million; that this is across all funds, not just ad valorem; that the goal is to reduce, not increase; and introduced Risk Management Manager Bob Pryor to review the schedule of events of the next few months.

Mr. Pryor reviewed the HealthCare Timeline Insurance Coverage, Renewal Date, and Current Carrier set forth on page 8 of the handout material, which reflects the policy renewal dates; indicated those that are different are the Employee Assistance Program, which is a two year program with Cigna Behavioral renewing January 1, 2010, and the Dental with Aetna, which renews in October 2010. Mr. Pryor indicated a Clinic RFI was released by Charlotte County Purchasing May 20, 2008; reviewed Proposed Schedule of Activities shown on slide 16, page 8 of the handout material; reported that bids received range from \$900,000 to about \$1.2 Million in cost, are all structured differently, and that some things are included as a separate cost in addition to

the cost presented in the bids. Mr. Pryor said it will take a few weeks to evaluate the bids and that on June 9, 2008 they would be reviewed with the Commissioners individually; and on June 10 2008 is the presentation of the budget. Mr. Pryor advised that Clinic finalists would be interviewed July 25, 2008; that a Request for Proposal would be released for HealthCare; and a not to exceed number from Aetna would be received for the renewal. Mr. Pryor said at that point in time we would know where we are; that based upon usage we would have to go out for bid; that we are currently at an 82% loss ratio, a rolling twelve (12) loss ratio of 102%; explained why those percentages are not good; indicated we don't have any mature data yet because we only have through April 2008; that it takes about 90-120 days for all claims to go through the system and begin getting mature claim data; and July 1, 2008 we will have the May 2008 claims and see for the first month where we are really running at.

Mr. Pryor continued reviewing the HealthCare Timeline per slides 17 and 18 on page 9 of the packet material; indicated that on September 5, 2008 there would be a review with the Commissioners of Medical RFP and Clinic Best & Final Results; that on September 19, 2008 a recommendation of Medical Carrier and Clinic Provider (if selected) would be made; that approval would be requested in October 2008 and open enrollment prepared for; open enrollment would be in November 2008; and on January 1, 2009 the plan year would begin. Mr. Pryor advised that if the Clinic is done the implementation target date would be April 1, 2009. Mr. Pryor reviewed HealthCare Options shown on slide 19, page 10, indicated that option one (1) is not the most desired; that Program changes in option 3 would be things like a large deductible program, cost-shifting, higher co-pays, and possibly carving out the retirees and putting them under a different plan; stated they would be looking at a number of different scenarios and asking for quotes from the carriers on the RFP; and would present a variety of options for consideration by the Board in order to take care of the current year problem and strategically as we go forward.

Commissioner Cummings clarified that at this point Mr. Pryor is informing the Board of what is being done, and that for budget planning they had to plan for funding the 25% increase because it is the only figure known at this time; that they would go out to bid and in the course of doing so explore the program changes,

and potential merits/costs of a healthcare clinic. Mr. Pryor replied affirmatively and indicated that this presentation is an update of where the issue is presently and what they are looking to do. **Commissioner Duffy** inquired if it was possible to assume in a bidding situation Aetna might come in with a lower cost than the 25% increase. Mr. Pryor replied affirmatively, and stated that on July 30, 2008 we would receive from Aetna a not-to-exceed number; that we expect that number to be at least 25% based on claims data available so far; and pointed out that more claim data would be available by the time this goes out for bid and if it continues to stay in the 80's or drop into the 70's we are in a much better position to negotiate renewals. **Chairman D'Aprile** clarified that the 25% increase is an estimate. Mr. Pryor said yes based upon last year's renewal; and indicated that the 25% equates to about \$3 Million.

Chairman D'Aprile said the County has been a good customer to Aetna and Aetna has been a good insurance company for the County, but we must be cognizant of what we do and do not have; opined going out to bid would not be a bad thing; but indicated that perhaps Aetna would come back before the bid process starts with a number we could live with. Mr. Pryor advised when the number is received from Aetna in July 2008 it could entirely change the prospective. **Chairman D'Aprile** inquired if we had to go out for bid before the end of July. Mr. Pryor said it could be pushed back five (5) days if needed. **Chairman D'Aprile** suggested waiting to see what Aetna offers before going out to bid and requested consensus from the Board (**Consensus**).

Commissioner Moore indicated we would not know where Aetna is until the end of July 2008, and requested a status report on the clinic. Mr. Pryor said proposals were received and are being reviewed; that something would be available in about two weeks after negotiating with the finalists; and that a recommendation would then be made to the Board. **Commissioner Moore** asked if we will always be doing insurance at the last minute. Mr. Pryor replied yes and explained the difficulties involved.

Mr. Sandrock explained that the \$3 Million increase would be across all funds; that about half would be ad valorem funds; and commented on the buildup of Stabilization Reserve, which could be used to help cushion the increase.

4. BCC Controlled - Ray Sandrock

Mr. Sandrock explained this is where we charge some of the more miscellaneous corporate-type expenses; that the total budget is \$7.8 Million; that some of the major categories of expenses include CRA payments to Punta Gorda, Charlotte Harbor, and Murdock Village of \$2.1 Million; our financial responsibility to Mental Health of \$1.5 Million; the Not for Profits, which we just discussed, in the amount of \$866,224; some mandated-type things which we are required to do, such as Audit Costs of \$357,000, and Juvenile Justice of \$558,312; and pointed out that a significant amount of the funding in this area is uncontrolled.

Mr. Sandrock reviewed areas where reductions could be made reflected on slide 23, page 12 of the handout material, being (1) \$20,000 - Economic Regional Research, (2) \$250,000 - Consulting, legal and closing fees, (3) \$5,000 - Use of Sheriff's Plane; and recommended the Board approve reducing the budget in those areas.

**COMMISSIONER LOFTUS MOVED TO APPROVE REDUCTIONS AS RECOMMENDED AND PRESENTED BY MR. SANDROCK, SECONDED BY COMMISSIONER DUFFY.
Motion Carried 5:0.**

Mr. Sandrock reviewed slide 24, page 12 of the packet material on funding to Charlotte Behavioral Health Care; indicated that the total FY07/08 budget is \$1,594,601; that we are mandated to pay \$820,992; that we are in an overmatch position and paying more than required by the State (\$773,609). Mr. Sandrock explained the options are to keep the FY07/08 budget level where it is or reduce the County Overmatch. Mr. Sandrock reminded the Board that the County funded \$1.2 Million over the last year or so to build a detox facility; that the State is likely to take away some funding; and there could be an impact, depending upon what the County chooses to do on the options, regarding opening the detox center. Mr. Sandrock stated that the agency needs seem to be high during certain periods of time versus others, but that the opportunity is here to reduce the County Overmatch.

Commissioner Cummings recalled the increase in demand for services Charlotte Behavioral Health Care is experiencing is quite substantial, in addition to the detox facility. Mr. Sandrock reported a 41.5% increase for outpatient counseling and a 52.9% increase for psychiatric services; and pointed out

Charlotte Behavioral Health Care is averaging 300 new requests each month for services. **Commissioner Cummings** pointed out this is happening while the State is cutting funds, and asked the amount being cut by the State. Mr. Sandrock replied the range is from \$150,000 - \$300,000. **Commissioner Cummings** reported that the County Overmatch occurred by the State taking away funding from Mental Health Services and the County filled the hole. Mr. Sandrock agreed. **Commissioner Cummings** stated that we are not suggesting that we fill the hole the State is adding to this year, just not exacerbate the problem the State is causing by continuing to unfund; opined that if we do not maintain some fundamental level of service here we will pay for it in the jail; that it is more expensive to not deal with the issue than to pay for it up front; and stated he cannot see cutting this in the face of the increases in need for the services and the longer term cost to the community by the way it would show up in the jail.

Commissioner Moore agreed with **Commissioner Cummings** and stated he is not in favor of cutting the Charlotte Behavioral Health Care funding at this point.

COMMISSIONER MOORE MOVED TO MAINTAIN THE SAME LEVEL OF FUNDING TO CHARLOTTE BEHAVIORAL HEALTH CARE, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

5. CCU PILT - Ray Sandrock/Roger Davis

Mr. Sandrock read the Concept statement referenced in slide 25, page 13 of the handout material regarding the CCU-Payment-in-lieu of tax (PILT); stated a Florida County survey was done; that 33 Counties responded; that of the 33 Counties 7 currently collect PILT from County owned Utilities; that a significant number of cities collect PILT; and that 4 other Counties are considering this for FY08/09, one of which is Sarasota County, looking at a \$2 Million payment. Mr. Sandrock reviewed the manner in which the payment amount is calculated; and indicated that an outstanding issue is that in discussion with Bond Council there is a need to evaluate whether or not if we decided to go this way that it would be in conflict with any of our bond documents. Mr. Sandrock explained that no direction is needed today; that this has not been built in as a strategy for this year; and that it

could be a second or third year strategy, or not explored at all. **Chairman D'Aprile**, and **Commissioners Duffy** and **Cummings** agreed to not explore the option at all. **Commissioner Moore** explained tomorrow is filled with unknowns and he does not wish to discard the option. **Commissioner Loftus** agreed with **Commissioner Moore**. **Chairman D'Aprile** explained no decision need be made on the option today. **Commissioner Cummings** opined it does not solve the problems and he is not in favor of doing it.

6. Conference Center Parking Fees - Kelly Shoemaker

Ms. Shoemaker said they wanted to confirm the discussion that took place at the joint meeting; and based upon the discussion the anticipated \$40,000 revenue was not included in the upcoming budget. **Commissioner Loftus** said he feels strongly about it; that it is a parking lot with continuous activity; that this could be used as a municipal parking lot; that we should have control over it and generate revenue from it; and that it should be a pay-as-you-go; and opined that those utilizing the facilities should be able to pay the fees.

Commissioner Moore had no comment at this time. **Commissioner Cummings** said if the City does a comprehensive parking program that includes fees we should look at it and integrate it at that time, but not until then. **Commissioner Duffy** believes it is tacky and does not like it. **Chairman D'Aprile** opined a parking fee should be incorporated as a part of the charge for the event; and stated he does not like parking meters or kiosks.

Commissioner Moore said he encourages the City to take note that we are concerned about the parking and may have to adjust programs in the future. **Chairman D'Aprile** pointed out if the City puts in their parking building they would then charge, at which time we would charge at the Event Center, but his concern is the procedure of how we charge, and recommends charging according to the event ticket.

Commissioner Cummings stated the concern for someone renting the facility, needing the parking spaces for their customers, and other people doing other things in the City parking there for free and walking elsewhere, is the argument why you would have a parking fee for anyone parking there so that someone who paid those fees get full benefit of what they paid for; that the other

side of the argument is that the Land Use layout in an urbanized area like downtown Punta Gorda is a shared parking; that it is not supposed to be each unit having all its own maximum peek parking; and opined that until the City of Punta Gorda takes a comprehensive approach to parking that includes charging a parking fee we should not do that either, but integrate in with whatever program the City does.

Commissioner Cummings pointed out that the former museum site was donated by the City to meet parking requirements; opined the County has some obligation to consider the City's wish in asking us not to charge; agreed there are reasonable arguments on both sides; but believes the County should integrate with the whole plan for the City of Punta Gorda.

Chairman D'Aprile disagreed with **Commissioner Cummings** on the parcel of property the City gave for the Event Center parking; indicated he was opposed to the Event Center being placed in that location; that the City got what it wanted; and that he does not consider the former museum lot a factor.

Commissioner Loftus asked if the County gave a portion of the property behind the Courthouse in exchange for the former museum lot. **Chairman D'Aprile** did not recall. **Commissioner Cummings** said he believed that was correct.

7. County Administrator/Budget Director Comments - None

ADJOURNED: 4:30 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

gm