

BOARD OF COUNTY COMMISSIONERS

AUGUST 12, 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 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 D'Aprile** followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: County Attorney, Z-2, Set a Special Board Meeting for the sole purpose of convening an Executive Session for August 27, 2008 at 1:00 p.m., or as soon thereafter, in the County Attorney's Office Conference Room to discuss settlement negotiations and/or litigation strategy related to Charlotte County vs. Edgewater 2000 LLC, Case No. 536-CA and Edgewater 2000 LLC c. Charlotte County, Case No. 07-1732.

Addition #2, County Attorney, Z-3, Set a Special Board Meeting for the sole purpose of convening an Executive Session for August 25, at 1:30 p.m., or as soon thereafter, in the County Attorney's Office Conference Room to discuss global phosphate settlement negotiations and/or strategy related to litigation with Mosaic.

Addition #3, Z-4, III. Reports Received and Filed, Charlotte Harbor Community Redevelopment Agency Advisory Committee Meeting Minutes for July 24, 2008, 10:00 a.m.

Deletion #1, Commission Office, C-4, Appoint M. Michele Stewart to the Environmentally Sensitive Lands Oversight Committee representing the environmental expertise category. Ms. Stewart would be replacing Gregg Klowden who resigned. Length of term - until January 23, 2010. BUDGETED ACTION: None

COMMISSIONER MOORE MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Special Recognition

Proclamations - Commissioner Dick Loftus

Arts and Humanities Council Artist of the Month of August

COMMISSIONER MOORE MOVED TO PROCLAIM SUSAN ANDERSON AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF AUGUST, 2008, SECONDED BY COMMISSIONER DUFFY.
Motion Carried 5:0.

Ms. Anderson accepted the Proclamation. Commissioner Moore and Commissioner Loftus both thanked the Arts and Humanities Council members for their support and for attending.

Community Health Center Week

COMMISSIONER MOORE MOVED TO PROCLAIM WEEK OF AUGUST 10 - AUGUST 16 COMMUNITY HEALTH CENTER WEEK, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Bob Johns accepted the Proclamation, represented the Community Health Center, explained what they do, and thanked the Board for the recognition.

Charlotte County Firefighter Appreciation Week

COMMISSIONER MOORE MOVED TO PROCLAIM WEEK OF AUGUST 25, 2008 AS CHARLOTTE COUNTY FIREFIGHTER APPRECIATION WEEK, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

An unidentified representative accepted the Proclamation and thanked the Board.

Employee Recognition - Commissioner Dick Loftus & Roger Baltz

5 YEARS: David Coble-Public Works, Gerry Collins-Growth Management, Renee Hughes-Parks & Recreation, Vivian Lively-Parks & Recreation, Robert Smith-Facilities, John Studenwalt-Utilities, Christopher Wilder-Parks & Recreation. **10 YEARS:** Glenn Braselton-Growth Management, Wendy Pacheco-Building Construction Services, Susan Putman-Growth Management. **15 YEARS:** George Howard- Public Work. **20 YEARS:** Edward McDonald-Public Works. **27 YEARS:** Theresa Parson-Fire/EMS. Not in Attendance: Philip L'Horty-Facilities, Lorraine Lundblad-Building Construction Services

Award Presentations

Recognition of a "Meritorious Award" received by Emily E. Chidester of the Communications & Marketing Department, from National Association of County Information Officers - NACIO.

Communications & Marketing Director, Joyce Ross noted the recognition was for Ms. Chidester's work on the County Activity Book.

The United Way of Charlotte County would like to present the Board of County Commissioners with a check donation in support of the County's 211 operations.

Director of Human Services, Vikki Carpenter introduced Cece Glen, CEO of the United Way of Charlotte County, Dr. Faezeh Andrews, Supervisor of Charlotte 211, and Kay Tvaroch, Executive Director of the Center of Abuse and Rape Emergencies (C.A.R.E.). Ms. Glen presented the Commissioners with a donation of \$20,000 for the Charlotte County 211 hotline and explained the importance of 211 and their partnerships. Dr. Andrews thanked the United Way for the donation and briefly discussed the program.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Park Pilikian commended the Community Health Center, talked about a friend with skin cancer who has no health insurance, mentioned some citizens fall through the cracks, expressed the need to stick together, and expressed hope that additional doctors would volunteer their time.

Todd Rebol spoke in favor of Item H-3, said he worked with Don Root to jump start our local businesses, and urged the Board to approve the Interlocal agreement.

Dr. Bill Coy opined they had the best group of professionals on the Environment Sensitive Lands Oversight Committee, recommended changing the existing Ordinance, suggested they disband the old committee and create a new committee when the funds are available, and mentioned the work plan is still run on the \$2 Million they have left.

Percy Angelo spoke against disbanding the Environmental Sensitive Lands Oversight Committee, discussed the Ordinance, said it is not the will of the people, and urged the Board to reconsider.

II. COMMITTEE VACANCIES

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

Charlotte Harbor Community Redevelopment Agency Advisory Committee is seeking one (1) volunteer to serve as a Business Representative from within the Unit. Term is effective immediately.

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

Code Enforcement Board - is seeking three (3) volunteers to fill the expired terms of Engineer, Member-At-Large, and General Contractor. These terms will be effective August 26, 2008 and will expire August 28, 2011.

Environmentally Sensitive Lands Oversight Committee - is seeking four (4) 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.

Harbour Heights Waterway Maintenance District Advisory Board - is seeking one (1) volunteer to finish the term of the alternate.

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

Charlotte County Historical Advisory Committee is seeking three members to serve on the Committee. One member-at-large and two members from historical organizations.

Marine Advisory Committee is seeking to fill the unexpired term of one Member-at-Large position. This term will expire December 31, 2008.

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

III. REPORTS RECEIVED AND FILED

Minutes for the July 11, 2008 Charlotte Harbor Community Redevelopment Agency 1. Advisory Committee Special Meeting

Minutes for the July 11, 2008 Murdock Village Community Redevelopment Agency Advisory Committee

Summary of the Town Hall meeting sponsored by the Curmudgeon Club on July 23, 2008, at the Cultural Center, 6:30 p.m.

Charlotte Harbor Community Redevelopment Agency Advisory Committee Meeting Minutes for July 24, 2008, 10:00 a.m.

IV. CONSENT AGENDA

**COMMISSIONER LOFTUS MOVED TO APPROVE IV. CONSENT AGENDA, 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**

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for:

April 28, 2008 Strategic Financial Review 10:00 a.m.

April 29, 2008 Executive Session-Lamar Advertising of Ft. Myers vs. Charlotte County 9:00 a.m.

April 29, 2008 Strategic Financial Review 10:00 a.m.

May 5, 2008 Joint Meeting - BCC/Punta Gorda Council and School Board 2:00 p.m.

May 13, 2008 BCC Regular Meeting 9:00 a.m.

May 16, 2008 MSBU Process 10:00 a.m.

May 19, 2008 Strategic Financial Review 10:00 a.m.

May 20, 2008 Land Use Hearings 9:00 a.m. BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the appointment of Mr. Robert C. Hall as the volunteer citizen member on the Value Adjustment Board of Charlotte County. Mr. Hall meets all of the criteria for appointment. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Mr. Douglas Buuck and Mr. David Choken to the Charlotte Ranchettes Street & Drainage Unit Advisory Board. Mr. Buuck will replace Ruth Cudzillo who has resigned. Length of term - until January 23, 2010. Mr. Chocken would like to fill the vacant alternate position - length of term - until January 23, 2009. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Re-appoint Dr. Willard Coy to the Englewood Area Planning Advisory Board. Term is effective immediately and expires August 10, 2012. BUDGETED ACTION: None

D. Administration - No Items.

E. County Attorney - No Items.

F. Budget Office

(1) RECOMMENDED ACTION: Approve a Resolution to issue grandfather certificate of authorization to Utilities, Inc. of Sandalhaven, to provide wastewater service in Charlotte County. BUDGETED ACTION: None (Resolution# 2008-092)

(2) RECOMMENDED ACTION: Approve a Resolution to issue grandfather certificate of authorization to Bocilla Utilities, Inc., to provide water service in Charlotte County. BUDGETED ACTION: None (Resolution# 2008-093)

(3) RECOMMENDED ACTION: Approve a Resolution to issue grandfather certificate of authorization to Little Gasparilla Water Utility, Inc., to provide water service in Charlotte County. BUDGETED ACTION: None (Resolution# 2008-094)

(4) RECOMMENDED ACTION: Approve a Resolution to issue grandfather certificate of authorization to NHC Utilities, Inc., to provide water service in Charlotte County. BUDGETED ACTION: None (Resolution# 2008-095)

G. Growth Management

(1) RECOMMENDED ACTION: Approve a stipulated settlement agreement with the Department of Community Affairs. The settlement agreement is to resolve a finding of non-compliance for a large scale plan amendment, petition # PA-01-05-16-LS, adopted on April 26, 2007. The property is located in West County, contains 170 acres, and is owned by J&J Homes, Inc. BUDGETED ACTION: None (Agreement# 2008-030 / XREF Ordinance# 2007-026)

H. Economic Development

(1) RECOMMENDED ACTION: Approve a Resolution that the Charlotte County Industrial Development Authority's Project 2008014 be accepted as an applicant pursuant to the Charlotte County Economic Incentive Development Ordinance and State's Qualified Target Industry Incentive. BUDGETED ACTION: Economic Development Incentives Fund (Resolution# 2008-096)

(2) *RECOMMENDED ACTION*: Affirm the nomination of Ethan Adams, Adams Bros. Cabinetry, Inc., to the Charlotte County Industrial Development Authority. *BUDGETED ACTION*: None

(3) *RECOMMENDED ACTION*: a) Approve Interlocal Agreement by and between Charlotte County and the Charlotte County Industrial Development Authority (IDA). This Interlocal Agreement will replace the Interlocal Agreement between Charlotte County and the IDA which expired May 21, 2008 and b) Approve Budget Amendment # 8-A35 to put in place dollars for Economic Incentive Development Fund for use in the Economic Incentive Program. *BUDGETED ACTION*: Budget amendment #8-A35 for \$500,000 from General Fund to Economic Development Fund. (**Agreement# 2008-031 / XREF Resolution# 2005-086**)

J. Environmental Services

(1) *RECOMMENDED ACTION*: a) Accept a three (3) 100% funded grants in the total amount of \$20,735 from the Natural Resources Conservation Service and b) Approve Budget Amendment #08-A44 in the amount of \$20,735. *BUDGETED ACTION*: Approve Amendment # 08-A44 in the amount of \$20,735 for the management of Environmental Lands.

(2) *RECOMMENDED ACTION*: Approve the annual certified budget for Mosquito Control. *BUDGETED ACTION*: The attached annual certified budget is currently the proposed County budget for FY 08/09.

K. Facilities Construction and Maintenance - No Items.

L. General Services

(1) *RECOMMENDED ACTION*: a) Approve Change Order #5 to Contract #08-043, Cleaning Services - Charlotte County Facilities, with JMC Services, Inc. as detailed on the attached breakdown, b) Approve renewal of Contract for the term 10/01/08 up to and including 09/30/09 at the prices listed on the attached, and c) Authorize the County Administrator to approve final one-year renewal by mutual consent of both parties for the period of 10/01/09 to 9/30/10. *BUDGETED ACTION*: Budgeted in Various Cost Centers

(2) RECOMMENDED ACTION: Approve a) Termination of Contract #08-249, Cape Horn Boulevard Entry Feature with Billy Hay Excavating, Inc. and b) Award to the second lowest responsive, responsible bidder, L. Cobb Construction, Inc. of Wauchula, FL in the amount of \$115,849.42. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Award Bid # 08-282, Landscape US 17 Medians, to Juniper Landscaping, Inc., of Fort Myers, FL, in the amount of \$242,595.78. BUDGETED ACTION: Funding is available within the Transportation Trust Fund. CIP project c410745, US 17 Landscaping. Project total \$377,805.

(4) RECOMMENDED ACTION: a) Award Request for Proposal #08-158, Hurricane Protection Retrofit-Distributor/Installer of Hurricane Protection Systems to Storm Smart of Fort Myers, Florida, b) Authorize the Chairman to sign the Contract, and c) Authorize the County Administrator to approve the Contract renewal periods for two (2) additional one (1) year terms, by mutual consent, at the same prices, terms and conditions. BUDGETED ACTION: Budgeted in various cost centers

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

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

(1) RECOMMENDED ACTION: Approve a resolution providing for changes to ambulance and associated service fees charged by Charlotte County Fire/EMS Department. BUDGETED ACTION: None (Resolution# 2008-097 / XREF Resolution# 2005-086 & Resolution# 2002-044)

S. Public Works

(1) RECOMMENDED ACTION: Authorize the Chairman to sign the Developer's Agreement between Novrooz Properties and Charlotte County. BUDGETED ACTION: None (Agreement#2008-032 / XREF: Agreement# 990090A0)

(2) RECOMMENDED ACTION: Set a public hearing for August 26, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance creating an advisory board for the Pirate Harbor Waterway MSBU. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Pirate Harbor Waterway MSBU.

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve a Resolution and authorize the Chairman to execute a grant of a utility easement to Florida Power & Light Company, to be located in a parcel of land lying in Section 14, Township 40 South, Range 21 East, for the redevelopment and management of the Charlotte County Sports Park. BUDGETED ACTION: None (Resolution# 2008-098)

(2) RECOMMENDED ACTION: Approve a resolution and authorize the Chairman to execute a grant of easement to Florida Power and Light Company to be located in certain portion of Murdock Village. BUDGETED ACTION: None (Resolution# 2008-099)

(3) RECOMMENDED ACTION: Approve a resolution and authorize the Chairman to execute a grant of an Exclusive Ingress and Egress License to Citicasters Co. to be located in certain portions of Murdock Village. BUDGETED ACTION: None (Resolution# 2008-100)

(4) RECOMMENDED ACTION: Approve a resolution and authorize the Chairman to execute a grant of easement to Comcast Cable Communication, Inc. to be located in certain portion of Murdock Village. BUDGETED ACTION: None (Resolution# 2008-101)

(5) RECOMMENDED ACTION: Approve a resolution and authorize the Chairman to execute a grant of easement to Embarq to be located in certain portion of Murdock Village. BUDGETED ACTION: None (Resolution# 2008-102)

(6) RECOMMENDED ACTION: Approve the attached Resolution approving the release of a portion of a recorded twenty-foot (20') wide

canal maintenance easement located in Port Charlotte Subdivision, Section Forty-Three, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easement. (Owners: Ray E. Cowen III and Barbara Jefferies) BUDGETED ACTION: None (**Resolution# 2008-103**)

(7) RECOMMENDED ACTION: Approve a Resolution and authorize the Chairman to execute a grant of utility easements to Florida Power & Light Company, to be located on a parcel of land lying in Section 28, Township 40 South, Range 22 East, being over, across and through a part of the First Replat of a portion of Port Charlotte Subdivision, Section Seventy-Seven, now known as Sunrise Park, for the development and management of the Sunrise Park. BUDGETED ACTION: None (**Resolution# 2008-104**)

V. Tourism Development - No Items.

W. Utilities

(1) RECOMMENDED ACTION: Approve Chairman to sign the Amendment of Consent Order, OGC File No. 03-0534-08-DW, pertaining to the Rotonda Wastewater Reclamation Facility (WRF) extending the time to complete expansion of the facility to 2.0 MGD. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve the accumulated Utility Uncollectible Accounts through March 31, 2008. BUDGETED ACTION: None

X. Building & Construction Services

(1) RECOMMENDED ACTION: Approve two (2) Amended Developer's Agreements for two subdivisions for Beazer Homes Corp: FP 05-04-06 - Calusa Creek from June 2007 to Date of Completion. (**Agreement# 2006-030**) FP 07-02-05 - Calusa Creek Phase One from July 26, 2007 to Date of Completion. (**Agreement# 2007-046**) BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve Budget Amendment #08-A43 in the amount of \$1,610,837 to replace the current software Perconti with the new software Accela. BUDGETED ACTION: After the approval, Budget Amendment funds will be available in Building

Constructions Services in the Capital Equipment Computer Software line item.

Y. Other Agencies - No Items.

V. **REGULAR AGENDA**

Z. Regular Agenda

(1) Budget

Chairman D'Aprile explained Budget Item Z-1 included items "a" through "e" which all required a separate vote and introduced Budget Director, Ray Sandrock.

Mr. Sandrock explained Item Z-1 is related to the Murdock Village financial issues, plans to reduce the debt related to Murdock Village per past Board direction, said they had discussed the subject at several CIP meetings, indicated today's vote would take the formal actions necessary to complete these items, and proceeded to describe each item for approval.

a) Approve Budget Amendment #08-A45 in the amount of \$30,000,000.

**COMMISSIONER LOFTUS MOVED TO APPROVE BUDGET AMENDMENT #08-A45 IN THE AMOUNT OF \$30,000,000, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

b) Approve paydown of \$30,000,000 for Murdock Village Project Debt (Bank of America)

**COMMISSIONER LOFTUS MOVED TO APPROVE PAYDOWN OF \$30,000,000 FOR MURDOCK VILLAGE PROJECT DEBT (BANK OF AMERICA), SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

c) Discussion/Direction related to options for use of \$6,000,000 in the Capital Projects Fund to approve associated Budget Amendment/Transfer (Attachment A)

Mr. Sandrock explained three options available for consideration and requested the Commissioners provide direction on one of the options.

Chairman D'Aprile asked for Board discussion. Commissioner Moore said he prefers Option 2, opined design is important in moving forward with Murdock Village, and is in favor of retiring additional debt. Commissioner Duffy is in favor of Option 1 because it provides flexibility over time and she has concerns that the wastewater pipeline will need to be extended into Murdock Village eventually. Commissioner Cummings spoke in favor of Option 3, opined they need to pay down the debt, eliminate the interest now, and advised they could borrow later if they needed to. Commissioner Loftus indicated he is in favor of Option 1, agreed the design of Murdock Village was important, and liked the flexibility of reserves. Chairman D'Aprile stated Board opinion is mixed, asked each Commissioner to confirm their choice, requested that Mr. Sandrock explain each option again, said he is in favor of Option 1, and commented they would need a motion.

COMMISSIONER LOFTUS MOVED TO APPROVE OPTION 1 - USE \$2,500,000 FOR THE DESIGN OF TOLEDO BLADE BLVD. AND KEEP IN RESERVE THE REMAINING \$3,500,000 FOR CONSIDERATION TO FUND FUTURE INFRASTRUCTURE ELEMENTS RELATED TO THE MURDOCK VILLAGE PROJECT. (THERE ARE NO BUDGET TRANSFERS OR AMENDEMENT THAT NEED TO BE APPROVED), SECONDED BY COMMISSIONER DUFFY.
Motion Carried 3:2. Commissioner Cummings, and Commissioner Moore opposing.

- d) Request internal General Fund loan of \$12.2 million to be forgiven as a loan thus becoming a permanent transfer.
- e) Direct future sales proceeds from Murdock Village property to be prioritized as follows: (1) Retirement of any remaining external debt related to Murdock Village and (2) Repay to the General Fund and Capital Projects Fund for monies used from these funds for the Murdock Village Project.

Mr. Sandrock explained Items "d" and "e" and suggested they be combined for the purpose of the vote.

COMMISSIONER MOORE MOVED TO ACCEPT BOTH "D" AND "E" AS PRESENTED AND PRINTED, AND A SECOND WAS NOT REQUIRED
Motion Carried 5:0.

(2) Set a Special Board Meeting for the sole purpose of convening an Executive Session for August 27, 2008 at 1:00 p.m., or as soon thereafter, in the County Attorney's Office Conference Room to discuss settlement negotiations and/or litigation strategy related to Charlotte County vs. Edgewater 2000 LLC c. Charlotte County, Case No. 07-1732.

Attorney Knowlton described Z-2 as related to the "Beirut" building. Chairman D'Aprile commented on the beauty of the building and said deciding to take it down or complete it is long overdue.

COMMISSIONER LOFTUS MOVED TO SET A SPECIAL BOARD MEETING FOR THE SOLE PURPOSE OF CONVENING AN EXECUTIVE SESSION FOR AUGUST 27, 2008 AT 1:00 P.M., OR AS SOON THEREAFTER, IN THE COUNTY ATTORNEY'S OFFICE CONFERENCE ROOM TO DISCUSS SETTLEMENT NEGOTIATIONS AND/OR LITIGATION STRATEGY RELATED TO CHARLOTTE COUNTY VS. EDGEWATER 2000 LLC C. CHARLOTTE COUNTY, CASE NO. 07-1732, SECONDED BY COMMISSIONER MOORE.

Commissioner Moore noted the presence of youths on top of the building again last night; said deputies are unable to catch them in the dark; stated the building is not secure or safe despite what the owners say; mentioned extreme damage to an adjacent home including cement being thrown from the roof; opined the County will be sued eventually if trespassing continues; indicated citizens want this eyesore removed; and mentioned a new Judge on the case. Chairman D'Aprile and Commissioner Cummings commented on how long this has been an issue and opined it has now become a safety hazard and must be addressed.

Motion Carried 5:0.

(3) Set a Special Board Meeting for the sole purpose of convening an Executive Session for August 25, at 1:30 p.m., or as soon thereafter, in the County Attorney's Office Conference Room to discuss global phosphate settlement negotiations and/or strategy related to litigation with Mosaic.

Attorney Knowlton described Z-3 as related to the phosphate settlement negotiations and strategies.

COMMISSIONER LOFTUS MOVED TO SET A SPECIAL BOARD MEETING FOR THE SOLE PURPOSE OF CONVENING AN EXECUTIVE SESSION FOR AUGUST 25, AT 1:30 P.M., OR AS SOON THEREAFTER, IN THE COUNTY ATTORNEY'S OFFICE CONFERENCE ROOM TO DISCUSS GLOBAL PHOSPHATE SETTLEMENT NEGOTIATIONS AND/OR STRATEGY RELATED TO LITIGATION WITH MOSAIC, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

(4) Request to approve III. Reports Received and Filed - Charlotte Harbor Community Redevelopment Agency Advisory Committee Meeting Minutes for July 24, 2008, 10:00 AM.

COMMISSIONER LOFTUS MOVED TO APPROVE III. REPORTS RECEIVED AND FILED - CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE MEETING MINUTES FOR JULY 24, 2008, 10:00 AM., SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

VI. PUBLIC HEARING AGENDA - No Items.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Percy Angelo indicated she is running for County Commissioner in District 3, complained she is not being allowed to participate in the candidates forum since she is a Democrat without an opponent in the primary, said many citizens will cast their votes early and not have the opportunity to see her and other candidates at the next forum, provided a copy of the regulations, urged the Board read them, and asked the Commissioners to allow all candidates to participate tomorrow night or move the General Election Forum to an earlier date to be fair to all running.

Marvin Medintz indicated the Board had adopted their Administrative Code on July 22, said he was only concerned with 2

of the 398 pages, pointed out pages 20 and 21, Section 2.02, noted it provides for a strict code of conduct on campaign activities and Cable TV usage for those running for re-election, and suggested they follow their own rules.

Mr. Pilikian talked about the beauty of Florida, its waters, pointed out the importance of canals to our County, and asked the Board to not restrict the Environmentally Sensitive Lands Oversight Committee from helping those have access to the waters.

AA. County Administrator:

Chairman D'Aprile asked for County Administrator comments. County Administrator Baltz advised he had several topics to cover and suggested they take a break first. **Chairman D'Aprile** agreed and approved a 15 minute recess.

RECESS: 10:05 AM - 10:20 AM

Mr. Baltz stated he has several topics to cover this morning, said he was pleased to inform the Commissioners that the Consent Order related to the Burnt Store Waste Facility has been satisfied, then provided a follow-up on Request of Proposals (RFP) associated with Health insurance, and Property & Casualty insurance and advised proposals should be coming back in September. Mr. Baltz presented, Director of Real Estate Services to give the Board a briefing. Mr. Payette explained the status of resolving issues related to access, gave the tentative closing date, and gave the Board several options if the issues were not resolved by the closing date.

Chairman D'Aprile asked what the problems are. Mr. Payette explained the issue in detail. **Commissioner Duffy** brought up appraisals, values, asked if a third appraisal had been done recently, and if the appraisers are State certified. Mr. Payette explained the last appraisal was completed approximately 6-8 weeks ago and answered the other questions related to the appraisers. **Commissioner Duffy** then asked about the grants. Andy Stevens, Natural Resources Manager gave a quick overview of the grants. **Commissioner Loftus** wondered if they had applied for grants through Southwest Florida Water Management District (SWFMD). Mr. Stevens explained SWFMD is interested in a partnership related to one of the parcels and continued to answer

several other questions related to future property considerations, acquisitions, roads and costs. Mr. Payette again discussed options if they did not close on time and mentioned they had an opportunity to consider an extension of the closing or due diligence if it were the will of the Board. **Chairman D'Aprile** explained his understanding related to the road. Mr. Payette provided the detail. **Commissioner Duffy** stated she was in favor of extending the due diligence period. Attorney Knowlton said she heard consensus from two Commissioners and the remaining Board members agreed for the record.

Mr. Baltz indicated during the budget process, staff had compiled a list of issues, questions, thoughts about efficiencies, and ideas, said one of the things that came from the focus groups is the idea of creating a pilot program to bring in non emergency transportation throughout Charlotte County, noted the Chief was working on it, and said they may see more information on the subject in a few weeks.

Mr. Baltz commented that he had handed the Board a copy of the Strategic Plan for 2025 Peace River/Manasota Regional Water Supply Authority during the break, said **Commissioner Loftus** has been dealing with it this past month, pointed out page 3, item 3 which involves integration for new supplies and read new language entered at their request, discussed the reason for the change, and talked about Babcock Ranch water. **Commissioner Loftus** also discussed the reason for the language change, opined the important words are "physically and financially feasible," said the present Board may recognize it now as a Board, but it needs to be on the record for the next Board. Attorney Knowlton said it is a strategic plan on the record, stated it is best to clarify clearly in this document that it presently excludes Babcock, and asked if "physically and financially feasible" was for member agencies or the water authorities. Mr. Baltz advised it was member agencies. **Commissioner Duffy** asked if Babcock Ranch was brought up and opined it presents a huge challenge and agrees the language should be clear and safe. **Commissioner Loftus** advised he would bring it up at the next meeting. **Commissioner Moore** said these goals do not affect water supplies out of Southwest Florida Water Management District (SWFMD) district and opined it says Babcock without saying Babcock. **Commissioner Cummings** was happy with the language change, indicated his hopes that they will go further, discussed

the importance of developing local sources, mentioned regional levels, cooperation and results, noted how to be successful in that area, and opined the two most important changes to be addressed are the ability to develop our local supplies at Burnt Store and Airport and not going to the "common rate" mentioned in section on page 6. **Commissioner Duffy** discussed the contract she read from the State, questioned regional water sources, and agreed with **Commissioner Cummings**. Mr. Baltz discussed the subject further, pointed out the importance of updated language to provide flexibility in the future, and mentioned a decrease in County water consumption.

BB. County Attorney:

Attorney Knowlton provided a brief update on the Pooper Scooper Ordinance, advised surrounding counties do not have one, explained the City of Punta Gorda does, said law enforcement must witness the act, discussed fines, and asked for Board direction. **Commissioner Cummings** asked if it was a countywide ordinance and opined this would only make sense if it was left up to each individual community plan. **Chairman D'Aprile** admitted he had brought it up after receiving complaints from PGI residents, and agreed the individual communities should develop their own rules. Attorney Knowlton indicated they brought it back to the Board for informational purposes and to advise citizens that the current codes apply to public parks and beaches. Ms. Knowlton discussed the Regional Conflict Council suit, mentioned our \$1,000 cap contribution, said 24 other Counties have signed on, and gave detailed information on the case, attorney's involved, and status.

CC. Commissioner Comments:

Commissioner Cummings responded to citizens input, spoke in favor of bringing the candidate forum date forward to be fair to everyone, opined the forum should have been conducted prior to the absentee ballots going out since thousands have already placed their votes without the opportunity of seeing all the candidates, and suggested the Board offer a new date to the League of Women Voters. **Commissioner Cummings** discussed off shore drilling, explained the process, his related background, explained the real impacts, and expressed the importance of breaking our dependence on foreign oil.

Commissioner Loftus offered a resolution to **Commissioner Cummings** comments, opined the need to be more conservative, and said he has cut his energy use down by 50% with the last year. **Chairman D'Aprile** commended **Commissioner Loftus** on his conservation efforts and provided his thoughts on the subject. **Commissioner Moore** opined nuclear power is a serious solution. **Commissioner Duffy** mention the reduction of water consumption in Charlotte County and suggested the County set a target to reduce energy and gas usage as well.

Commissioner Duffy talked about Matt LaPorta, a Charlotte County resident who is on the USA Olympic Baseball Team, said he is moving up in the minor leagues, and suggested he be presented with a Proclamation when he returns. **Commissioner Duffy** mentioned receiving emails related to our fence ordinance, easements, underground lines, opined fees are too high, noted other County codes and fees, and asked for Board comments.

Commissioner Moore said we may need to look at this, opined what we have today is ridiculous, agreed the fees are too high, and asked for Board consensus to review the system. **Commissioner Loftus** agreed. **Chairman D'Aprile** advised they have Board consensus to move forward. **Commissioner Cummings** said he would like to review the issue.

Commissioner Duffy advised she met with business owners last week to discuss their issues, mentioned attendees, topics, read suggestions made, summarized 3 possible options, said the system needs improvement, and indicated the goal is to use the phase Charlotte County is Open for Business. **Commissioner Loftus** commended **Commissioner Duffy**, said this problem has been with County for over 25 years, and agreed with the need for change to open the doors of our Community and stay competitive. **Commissioner Cummings** agreed with the good intentions to improve our process, advised the danger of one Board member meeting with small select groups, said the County Attorney had advised against it, mentioned the Sunshine Laws, opined business is to be conducted publicly, quoted the meeting invitation, and said the County should be open to everyone. **Commissioner Moore** disagreed. **Commissioner Loftus** was surprised and appalled at what was just said and noted private meetings go on all the time. **Chairman D'Aprile** indicated success through

the Building Oversight Committee he established 2½ years ago. **Commissioner Duffy** responded she had checked with the County Attorney and Mr. Baltz, noted she did not break any Sunshine Laws, indicated all citizens were welcome, strongly disagreed with **Commissioner Cummings'** interpretation of the meeting, and said past meetings have not worked so far. **Chairman D'Aprile** said everyone has been clear, is entitled to their opinions, and asked for other Commissioner comments.

Commissioner Moore said a local church was interested in renting a small section of Murdock Village (Section 10) commercial land along 41, requested Board consensus to allow the County to prepare a request for proposal to rent the property, as is for no longer than 2 years. **Commissioner Loftus** spoke against the rental and opined a renter could cause delays or future problems if a developer wants to move forward on a project. **Commissioner Cummings** agreed they should not move forward with it, remarked the only two properties left in Murdock Village are two churches, and said removing a church tenant could be difficult. **Commissioner Moore** described the present condition of the building, mentioned a leaking roof, stolen air conditioning units, torn up bathrooms, and indicated repairs would be the renters responsibility. **Commissioner Cummings** said that was part of his concern, noted if the Church makes the investment they would not want to lose their equity, and mentioned a similar situation with the Beirut building. **Commissioner Duffy** opined it would be a dangerous situation to be involved with and said it could delay the sale or tear down of the building in the near future. **Chairman D'Aprile** opined this is an opportunity to make some money and explained it could go no further since the consensus is 3/2 against.

Chairman D'Aprile brought up Pirate Harbor MSBU, provided a factual timeline of events, and expressed his concern. **Commissioner Loftus** said he has a problem with utilities, discussed over pricing and misinformation coming from CCU in the past, and mentioned his concern that proper detail is not reaching the public. **Chairman D'Aprile** opined this has gone on too long, explained correct facts must be presented prior to a vote, and said he does not hold Mr. Pearson responsible for past CCU management problems.

Commissioner Cummings advised the quote given to the people was created by a staff person that is no longer at CCU, indicated he was astonished when he read it, and proceeded to give a detailed account of what occurred. Chairman D'Aprile mentioned a past overcharging error in Section 15 in Charlotte County, said they could not charge the other MSBUs, mentioned they did refund them out of ad-valorem, apologized for the situation, and said he does not want to see this happen again.

Chairman D'Aprile said they honored the utility workers with a Proclamation for Florida Water Professional Week, said he visited the CCU East Port location, and commended the workers and the beautiful location.

ADJOURNED: 11:55 AM

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