

**BOARD OF COUNTY COMMISSIONERS**

**AUGUST 26, 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 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:**

**Deletion #1** - Agenda Item T-3 - Requested by: Real Estate Services - **RECOMMENDED ACTION:** Approve the Resolution authorizing the Board of County Commissioners to sell 3 parcels designated as "Park", located in South Gulf Cove to the adjacent property owners and authorizing the Chairman of the Board of County Commissioners to execute the Agreement of Purchase & Sale.

**Change #1** - Agenda Item E-1 - Requested by: Attorney's Office - **RECOMMENDED ACTION:** Set an Executive Session from August 27, 2008, at 2 PM, to August 28, 2008 at 1:00 PM, or as soon thereafter, in the County Attorney's Conference Room to discuss settlement and/or litigation strategy in the Sun River Utilities PSC case.

**Change #2** - Agenda Item L-3 - Requested by: Purchasing - **RECOMMENDED ACTION:** a) Award Bid # 08-306, Painting Contractor-Annual, to the lowest responsive, responsible bidder, Olson Painting of Charlotte County, Inc., of Rotonda West, Florida, per the unit pricing on the attached tabulation. This is an annual contract for a professional and licensed painting contractor to provide services for new and remodeling painting projects on an "as needed" basis, and b) Authorize the County Administrator to approve renewal options up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent.

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

Special Recognition

Proclamations - Commissioner D'Aprile

Dr. Mark Asperilla's "Service Above Self" Proclamation Day August 21, 2008.

COMMISSIONER MOORE MOVED TO APPROVE DR. MARK ASPERILLA'S "SERVICE ABOVE SELF" DAY PROCLAMATION AUGUST 21, 2008, SECONDED BY COMMISSIONER LOFTUS.  
Motion Carried 5:0.

The Proclamation was accepted by Dr. Asperilla. Dr. Asperilla provided an update of the St. Vincent de Paul and HIV Clinics and patients served.

Honorable Judge Donald E. Pellecchia Day Proclamation August 26, 2008.

COMMISSIONER LOFTUS MOVED TO APPROVE HONORABLE JUDGE DONALD E. PELLECCCHIA DAY PROCLAMATION AUGUST 26, 2008, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

The Proclamation was accepted by Judge Pellecchia.

Leukemia, Lymphoma & Myeloma Awareness Month Proclamation the month of September, 2008.

COMMISSIONER LOFTUS MOVED TO APPROVE LEUKEMIA, LYMPHOMA & MYELOMA AWARENESS MONTH PROCLAMATION THE MONTH OF SEPTEMBER, 2008, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

No one was present to accept the Proclamation.

Employee Recognition - None

Award Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Park Pilikian stated he attended Pre-agenda August 25, 2008 for the first time and enjoyed it; addressed the issue of the Public Works vehicles and working with one dealership; opined it is unnecessary for employees to drive to Ft. Myers to have vehicles repaired and agreed it would be good to work something out with the local dealerships; and indicated perhaps something can be worked out for minor work to be done locally and larger items handled by the larger dealerships in Ft. Myers.

Robert Armstrong President of the Punta Gorda Historic Mural Society addressed agenda item Q-1 regarding reconstruction of one of the ten (10) murals destroyed by hurricane Charlie on one of the Event Center walls; advised this would be the seventh (7th) mural re-created; and thanked Laura Kleiss-Hoeft, Director of Parks and Recreation, and her staff for their assistance, and the Board for their support.

Herman "Dutch" Kasten of Don Gasgarth's Charlotte County Ford commented on agenda item L-5, which is a bid for vehicles; and indicated Don Gasgarth's Charlotte County Ford did not receive a copy of the bid.

Nancy Pratke, C.E.O. of Team Punta Gorda spoke in support of agenda item Q-1 and the re-creation of the mural on the Event Center wall; and advised Team Punta Gorda is holding its annual meeting November 5, 2008 in the new Charlotte Harbor Event and Conference Center.

**Chairman D'Aprile** said he realizes this is not the proper time to do so, but would respond to Mr. Kasten now; indicated that serviceable items are done locally but not the big trucks; and requested clarification of dealerships that received the bid application. Purchasing Director Kim Corbett explained bidders are notified through a fax notification of an advertisement notice availability of bid specs, which is the same process that has been used for years; and stated she re-confirmed this morning that Charlotte County Ford and Bay County Ford were notified and that confirmations were received that the faxes had gone through. **Chairman D'Aprile** requested that Mr. Kasten check

further to determine if the fax was received and perhaps misdirected; and that Mr. Kasten contact him personally.

**II. COMMITTEE VACANCIES**

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

Boca Grande Street and Drainage Advisory Committee - seeking one volunteer to serve as the alternate. Must be a land owner and reside within the unit. Term is two years.

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

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

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.

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.

Greater Port Charlotte Street and Drainage Unit - is seeking one member to serve as the alternate. Must own be a land owner and reside within the boundaries of the unit. Term will expire in April 2009.

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

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

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

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

*Mid-Charlotte Stormwater Utility Unit - is seeking five members and one alternate member. Terms will be determined at the first meeting. Must be residents of the unit.*

*Charlotte County-Punta Gorda MPO - is seeking one volunteer to serve as a Minority Interest Representative on the Citizens' Advisory Committee (CAC).*

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

*Rotonda West Street and Drainage Advisory Committee - is seeking one member to serve as the alternate. Must be a land owner and reside within the boundaries of the unit.*

*South Gulf Cove Street and Drainage Advisory Committee - is seeking one member to serve as the alternate. Must be a land owner and reside within the boundaries of the unit.*

*South Bridge Waterway Municipal Service Benefit Unit - is seeking two regular members and one alternate member. Must live within the boundaries of the unit and terms will be determined at the first meeting.*

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

West Charlotte Stormwater Utility - is seeking one volunteer to serve as a regular member for a three year term. Must be a land owner and reside within the boundaries of the unit.

III. REPORTS RECEIVED AND FILED

August 8, 2008 MV CRAAC Minutes

County Investment Report - June 30, 2008

Charlotte County Utilities County-Wide Water Supply Master Plan

IV. CONSENT AGENDA

COMMISSIONER MOORE MOVED TO APPROVE CONSENT AGENDA, EXCEPT ITEMS L-1, L-5, AND Q-2, SECONDED BY COMMISSIONER LOFTUS.  
Motion Carried 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve the 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 August 5, 2008 through August 18, 2008 in the amount of \$15,221,145.89.

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

10:00 AM	May 21, 2008	Strategic Financial Review
10:00 AM	May 23, 2008	Strategic Financial Review
9:00 AM	May 27, 2008	BCC Regular Meeting

10:00 AM May 28, 2008 Strategic Financial Review  
10:00 AM May 29, 2008 Strategic Financial Review

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Reappoint Alan LeBeau Sr. as the General Contractor to the Code Enforcement Board. His current term is expiring on August 26, 2008; this term is effective immediately and will expire August 26, 2011. BUDGETED ACTION: None

D. Administration - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: Set an Executive Session for August 28, 2008, at 1:00 PM, or as soon thereafter, in the County Attorney's Conference Room to discuss settlement and/or litigation strategy in the Sun River Utilities PSC case. BUDGETED ACTION: None

F. Budget Office - No Items.

G. Growth Management - No Items.

H. Economic Development - No Items.

J. Environmental Services

(1) RECOMMENDED ACTION: Approve an extension on Florida Wildlife Commission Grant No.07010 from the original date of December 1, 2008 to June 30, 2009. This extension in our monitoring grant, it would ensure the completion of all the tasks related to our project. BUDGETED ACTION: Unspent grant funds will be carried over to FY 08/09 with approval of the extension. The budgeted grant amount for FY 08 is \$22,782 - \$9,293 of this amount will be carried over to FY 09. Grant is budgeted in the General Fund - Extension Services.

**Amendment No. 1 to Grant 2007-024**

(2) **RECOMMENDED ACTION:** Approve to set a public hearing for September 9 2008, at 10:00 a.m. or as soon thereafter as may be heard, to consider an ordinance revising Article II, Chapter 4-4 of the County Code relating to Charlotte County Sanitation Unit, providing for once-a-week automated service. **BUDGETED ACTION:** None

K. Facilities Construction and Maintenance - No Items.

L. General Services

(1) **RECOMMENDED ACTION:** Approve a one (1) year extension to Contract #05-308, Federal Lobbyist, with The Ferguson Group, LLC for the period from October 1, 2008 through and including September 30, 2009, for an amount not-to-exceed \$125,000 to continue Federal Lobbyist services for Charlotte County. **BUDGETED ACTION:** Budgeted for FY08/09 in the General Fund-BCC Control General - Professional Services.

**Commissioner Duffy** commented on the great return of our investment and the appropriations The Ferguson Group has helped the County gain from the Federal Government in the past year; and expressed thanks for their service.

**COMMISSIONER DUFFY MOVED TO APPROVE AGENDA ITEM L-1, SECONDED BY COMMISSIONER LOFTUS.**

**Motion Carried 5:0.**

(2) **RECOMMENDED ACTION:** a) Approve Contract #08-212, Environmental Services - Coral Creek Bridge with WilsonMiller, Inc., in the amount of \$61,450; and b) Authorize the Chairman to sign the contract. This project is to support two (2) mitigation projects associated with the construction of the Coral Creek Bridge, including review of the water quality monitoring data for the bridge construction to ensure compliance with the permits. **BUDGETED ACTION:** Funds are available in the Road Improvements Fund. CIP project c419801, Coral Creek Bridge Replacement. Project total is \$9,958,000. Funding is supplied from gas taxes.

(3) **RECOMMENDED ACTION:** Award Bid #08-306, Painting Contractor-Annual, to the lowest responsive, responsible bidder, Olson Painting of Charlotte County, Inc., of Rotonda West, Florida, per

the unit pricing on the attached tabulation. This is an annual contract for a professional and licensed painting contractor to provide services for new and remodeling painting projects on an "as needed" basis, and b) Authorize the County Administrator to approve renewal options up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: Funding for this item is included in the Repairs & Maintenance of Buildings Accounts and Capital Accounts under various Departments and Funds. Average annual cost is approximately \$46,600.

(4) RECOMMENDED ACTION: a) Approve the award of Contract #08-348, Annual Office Moving Services, to Suncoast Moving & Storage, Inc., of Fort Myers, Florida at the unit prices with the contract term from October 1, 2008 through and including September 30, 2009; and b) Authorize the County Administrator to approve renewal options up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent. This is an annual contract to secure the services of office moving and/or relocating, on an "as required basis" for Facilities and Construction Maintenance Department and to be utilized by the entire County. BUDGETED ACTION: Budgeted in Various Cost Centers.

(5) RECOMMENDED ACTION: a) Approve Award of Bid #08-342, Annual Vehicle Contract, at the unit prices bid to Sam Galloway Ford, Inc. Term of contract is to be from October 1, 2008 through and including September 30, 2009; b) Authorize the County Administrator to approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent for the purchase of County vehicles on an "as needed" basis. BUDGETED ACTION: FY08 purchases are estimated at \$500,000. FY09 estimated purchases are \$800,000.

**Commissioner Loftus** stated he wants to be certain the local businesses received the faxes; and indicated it is very important that our local businesses are supported. **Commissioner Moore** opined that the requests are well advertised. **Commissioner Duffy** expressed concern that no closer local companies did an RFP and that it appears Charlotte County Ford did not receive the bid; indicated she is not certain she can approve this item; and opined this should be postponed if possible until all parties have an opportunity to get the information. Ms. Corbett explained the Board's option is to reject the bids and direct

staff to re-bid it, but the bid cannot be postponed to ask someone else to submit because the bids have already been opened.

**Chairman D'Aprile** pointed out the options are to allow the bid to go forward as set forth in L-5, or reject the bid and go out for another RFP. Ms. Corbett explained it would technically be the same bid as there are no requirements changing, but there would be a new bid number, advertising, and timeframes, and would be an independent bid. **Chairman D'Aprile** stated that putting this out to new bid does not assure a local bidder would get the bid; and indicated that in order to allow for equalization he would support rejecting L-5 and putting it back out to bid. **Commissioner Moore** said he likes to see us do business with local companies, but is unable to judge who did or did not receive the bid, and opined the Purchasing Department's procedures are correct. Ms. Corbett advised she was just advised that Charlotte County Ford is not interested in bidding in order to save the County expense in going through the process again.

**COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM L-5, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

(6) **RECOMMENDED ACTION:** Approve Novation for Contract #07-373, Removal of Abandoned Vessels, from current vendor, Tarheel Specialties, Inc. to TSI Disaster Recovery, LLC. **BUDGETED ACTION:** None

(7) **RECOMMENDED ACTION:** Approve the award of Bid # 08-328, Lift Station #801 Rehabilitation, to TLC Diversified, Inc. of Palmetto, Florida, for a total cost of \$672,735 to secure the services of an experienced, licensed and qualified Contractor to furnish all materials, labor, equipment and all other incidentals required to successfully complete the Rehabilitation of Lift Station 801. This Lift Station rehabilitation is needed to accept additional flows that will be handled as a result of the Rotonda WRF Plant expansion. **BUDGETED ACTION:** Budgeted Amount is \$750,000. Funding for this expenditure is from Utilities O & M Funds in CIP c350102.

(8) **RECOMMENDED ACTION:** Approve Novation for Contract #05-302 In-Home Elder Care & Support Services, from current vendor Med-Zone,

Inc. to WPI Acquisition Corporation dba Woodbury Products.  
BUDGETED ACTION: No action required.

(9) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #08-072, Fire Training Building-Design, with Thomas A. Huff Architect, Inc. in the amount of \$6,620 for a total revised contract amount of \$98,465; and b) Authorize the Chairman to sign the Amendment. This is for professional design services in the construction of Charlotte County's new Fire Training Building.  
BUDGETED ACTION: Budgeted amount in FY08 is \$1,025,000; in CIP Project Fire Train Burn Building.

M. Human Resources - No Items.

N. Human Services

(1) RECOMMENDED ACTION: a) Approve Annual SHIP reports; and b) Annual Hurricane Housing Recovery Report; and c) Authorize the Chairman to sign all reports and the attached Regulatory Certifications. BUDGETED ACTION: None

P. Information Technology - No Items.

Q. Parks, Recreation and Cultural Resources

(1) RECOMMENDED ACTION: Approve the Punta Gorda Mural Society to move forward with recreating the "Movie Memories" mural on a 10ft. by 36 ft. screen wall located at the Event Center and authorize the Chair to sign Agreement. BUDGETED ACTION: None

**Agreement 2008-033**

(2) RECOMMENDED ACTION: Approve agreement to allow Ripken Rays to operate a Florida State League at the Charlotte Sports Park. This agreement benefits Charlotte County by providing additional revenue to offset operational cost of the stadium, creates economic opportunity, and enhances the stadium as premier sports and event destination in Southwest Florida. BUDGETED ACTION: This item will be budgeted in the upcoming budget year.

Commissioner Moore said he pulled the item in order for the public to hear about it but also because there is a slight change in the contract. Parks, Recreation, and Cultural Resources

Director Laura Kleiss-Hoeft gave background information on the Ripkin Rays agreement; introduced Jeff Eisman, Vice President of Professional Baseball Operations for the Ripkin organization, and Joe Hart, General Manager for the Ripkin organization. Ms. Kleiss-Hoeft indicated the agreement meets the objectives the Board gave; stated that property taxes are not being used to build the stadium and commented on where funds come from; and stated there is an economic benefit to this facility. Mr. Baltz explained there would be 74 baseball games played at the stadium as part of the agreement; that it is well on the way to being what the property's intended use was; and commented on some follow up concessions. **Commissioner Loftus** thanked all those who were involved in this effort. Mr. Eisman stated the organization is excited to be in Charlotte County, anticipate making a big announcement for the organization tomorrow, plan to be great corporate citizens and very active in the community, and make Charlotte County proud of their presence.

Attorney Knowlton stated there has been one minor change to the contract since the Board last saw it. Assistant County Attorney Derek Rooney explained language has been changed in paragraph 36, page 22 of the contract for clarification; that because we had a pre-existing agreement with the Rays and their uses would be back-to-back, we are acknowledging that the Rays have primary use in the event of any conflict.

**COMMISSIONER LOFTUS MOVED TO APPROVE AGREEMENT 2008-034 AS MODIFIED ON THE RECORD, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.**

R. Public Safety

(1) **RECOMMENDED ACTION:** Approve FY 08-09 Hazard Analysis Grant award, 09CP-04-09-18-01 in the amount of \$2,810.00. **BUDGETED ACTION:** Approve Fiscal Year 08-09 Hazard Analysis Grant award. Funding comes from Florida Dept of Emergency Management grant award. Funding is included in the FY08/09 Proposed budget for Emergency Management.

**Grant 2008-017**

S. Public Works

(1) *RECOMMENDED ACTION*: Approve to set a public hearing for September 9, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance to lower the speed limit from 55 mph to 45 mph on Taylor Road from US 41 north to Airport Road. *BUDGETED ACTION*: Budget of approximately \$750 for new speed limit signs is available in the Transportation Trust fund. Funds for new signs are supplied from Gas Taxes.

T. Real Estate Services

(1) *RECOMMENDED ACTION*: Approve the attached Resolution approving the release of a portion of a ten-foot (10') wide utility and drainage easement, and two (2) portions of a twenty-foot (20') wide canal maintenance easement, all located in Port Charlotte Subdivision, Section Forty-Three, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portions of said easements. (Owner: Maria Skrbis)  
*BUDGETED ACTION*: None

**Resolution 2008-106**

(2) *RECOMMENDED ACTION*: Approve a resolution authorizing the acquisition of real property and easement interests by any legal means in and around the intersection of Toledo Blade Boulevard and Hillsborough Boulevard as part of the Toledo Blade Improvement Project. The improvement of Toledo Blade Boulevard will address safety and growth in the area and will serve as a hurricane evacuation route. *BUDGETED ACTION*: The FY09 Road Improvements budget has \$100,000 available for ROW purchases in CIP project C419905, Toledo Blade Corridor Phases 2 & 3. Project total in FY09 CIP is \$51,450,000. Funding is supplied from Gas Taxes, Impact Fees, and a Developer Contribution.

**Resolution 2008-107**

V. Tourism Development - No Items.

W. Utilities

(1) *RECOMMENDED ACTION*: Approve Chairman to sign a Resolution in support of the Southwest Florida Water Management District's West-Central Florida Water Restoration Action Plan (WRAP).  
*BUDGETED ACTION*: None

**Resolution 2008-108**

X. Building & Construction Services

(1) RECOMMENDED ACTION: Approve Final Plat for Moenning Subdivision, FP 04-03-05. BUDGETED ACTION: None

Y. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - RECOMMENDED ACTION: Select by ballot two (2) members to the Code Enforcement Board. Categories expiring August 26, 2008 are for Engineer and Member-at-Large.

Chairman D'Aprile requested submittal of ballots. Mr. Baltz advised that selection per ballot for the Engineer category is Richard Adomatis with five (5) votes and Suzy Hackett for the Member-at-large category with four (4) votes.

COMMISSIONER LOFTUS MOVED TO APPROVE RICHARD ADOMATIS FOR THE ENGINEER CATEGORY AND SUZY HACKETT FOR THE MEMBER-AT-LARGE CATEGORY TO THE CODE ENFORCEMENT BOARD, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

(2) Commission Office - RECOMMENDED ACTION: Select by ballot one (1) member to serve on the Marine Advisory Committee. This appointment will fill the seat vacated by Tom Knight in April, 2006.

Chairman D'Aprile requested submittal of ballots. Mr. Baltz advised that selection per ballot of one (1) member to serve on the Marine Advisory Committee is Scott Schermerhorn with four (4) votes.

COMMISSIONER MOORE MOVED TO APPROVE SCOTT SCHERMERHORN TO SERVE ON THE MARINE ADVISORY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

(3) County Attorney - RECOMMENDED ACTION: Appoint two Commissioners and one alternate to the Charlotte County Value Adjustment Board in accordance with the provisions of House Bill (HB) 909, to be effective September 1, 2008.

Chairman D'Aprile said he has been on the Charlotte County Value Adjustment Board since it was established and does not mind continuing to serve, but it would depend upon today's election results.

COMMISSIONER MOORE MOVED TO APPOINT COMMISSIONER CUMMINGS AND CHAIRMAN D'APRILE TO THE CHARLOTTE COUNTY VALUE ADJUSTMENT BOARD AND COMMISSIONER LOFTUS AS THE ALTERNATE, SECONDED BY COMMISSIONER LOFTUS.

RECESS: 9:55 AM - 10:07 AM

Chairman D'Aprile clarified that on Agenda item Z-3 the motion by Commissioner Moore and seconded by Commissioner Loftus was appointment of Commissioner Cummings and Chairman D'Aprile to the Charlotte County Value Adjustment Board and Commissioner Loftus as the alternate.

Motion Carried 5:0.

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

(1) Public Works - RECOMMENDED ACTION: Consider adopting an Ordinance creating an advisory board for the Pirate Harbor Waterway Unit.

Municipal Services District Representative Dawn Harrison explained this agenda item is a request for the Board to consider adopting an ordinance creating an advisory board for the Pirate Harbor Waterway Unit.

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

Motion  
Carried 5:0.

Commissioner Moore inquired if the residents of the Pirate Harbor Waterway Unit wanted an advisory board. Ms. Harrison replied affirmatively.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-060, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

VII. PRESENTATION AGENDA - 10:00 A.M.

(1) Utilities - RECOMMENDED ACTION: Provide the Commissioners with an update of the Utilities' 2006 Rate Study and current five year financial forecast.

Charlotte County Utilities (CCU) Director reported that Charlotte County's Rate Consultant Henry Thomas would present the five (5) year financial forecast update for the current rate resolution, which was adopted by the Board of County Commissioners (BOCC) in 2006. Mr. Pearson stated that the rate resolution is still good; that we do not have to make any increases outside the rate study; and that the appropriate cuts to the budget have been made to continue with this five (5) year rate study, which runs through Fiscal Year (FY) 2011.

Henry Thomas, Vice President of Public Resources Group, Maitland, Florida, said he is here to present the financial forecast worked on with County staff; and stated they worked through this process concurrent with the development of the FY09 budget. Mr. Thomas reviewed Background information of the 2006 Rate Study as referenced on page two (2) of the handout material; and indicated that the rate study was being done at a time when Charlotte County was issuing its latest set of revenue bonds that it had to be prepared to pay for.

Mr. Thomas said there has been a change in outlook since 2006 as it relates to the growth of the system, our economy, and operating cost; and stated they undertook updating of the financial forecast concurrent with the FY09 budget process to be certain we could still live with the original rate plan. Mr. Thomas explained the updated budget is based upon actual results for FY08 to date; that we had nine (9) months of actual data in the process and took into account the FY09 budget; that in preparing the financial forecast we incorporate much lower revenue projections due to the lower sales being seen. Mr. Thomas stated the last time this study was done anticipation for growth was rather optimistic; and indicated we have something

that is sustainable but reflects anticipation of much lower growth in the future.

Mr. Thomas advised that to prepare the forecast they looked at customer and sales, operating expenses, capital improvement requirements and funding; indicated staff looked quite carefully at the operating expense side of the capital improvement program and made a number of budget cuts, deferrals, and cuts in the capital budget; and opined as a result of this the rates would be adequate through the rates adopted in the resolution. Mr. Thomas explained the decrease in revenues referred to on page four (4) of the handout material has been based on lower than projected actual growth that is occurring and in the collection of new capital improvement charges as no new growth is being seen. Mr. Thomas advised there has been about a 6.8% decrease in pumping compared to last year; that in our study for FY08 we project revenues of 5% lower than the original study; and that by FY09 with the very low growth rate we project revenues 10% lower than the original study.

Mr. Baltz referenced the bulleted item on page four (4) of the handout material of the 9.79 MGD FY08, and reminded the Board that Charlotte County has an allocation of water from the Water Authority (Authority) of over 12 million gallons per day (MGD) of water; stated that what stands out in this information is the allocation will go up to over 16 MGD from the Authority after the reservoir and plant expansion; that our use is less than 10 MGD for Charlotte County customers; and that Charlotte County will certainly have enough water to meet its customer needs.

**Commissioner Moore** inquired about when the forecast of water needs to the Authority could be changed; and indicated if we are only using 10 MGD we don't want 16 MGD. Mr. Baltz explained that our determination of water is based upon the Master Water Supply Contract and we are obligated to that allocation; that the Water Authority gets the water demand estimates from all of its members each January, with projections being given out for seven (7) years; and stated we are obligated to pay for the current allocation and our allocation of up to 16.1 MGD contemplated under the current Master Supply Contract; and that the Authority is obligated to furnish us those allocations of water.

**Commissioner Moore** requested clarification that the seventh or eighth year projections could be changed in January, but it could not be pulled in any closer, such as changing the fourth or fifth years out. Mr. Baltz explained that after the Master Water Supply Contract was negotiated in 2005 it was determined that many of the projections were very heavy; that a few months ago the Authority and its members approved a re-adjustment of projections; and advised the demand projections can be changed, but we are on a seven (7) year timeline and obligated for those seven (7) years. Mr. Baltz stated the Master Water Supply Contract signed in 2005 still obligates the County to receive and pay its current allocation of 12.7 MGD, which ratchets up over the next several years to a grand total of 16.1 MGD, and which Charlotte County is obligated to pay whether or not all of it is used. Mr. Baltz commented on the re-distribution pool inserted under the 2005 Contract for members not needing their full allocation of water; stated that other members or customers of the Authority could use and pay for that water; but pointed out that is strictly on an as-needed basis on the part of the other Authority members.

**Commissioner Moore** inquired if the re-adjustment "re-do" was within the seven (7) year span and if we lowered our projection at that time. Mr. Baltz replied affirmatively and advised we stretched out the time period for when we would need new allocations of water; pointed out that it only changes what we say Charlotte County will need above and beyond the 16.1 MGD, but does not change Charlotte County's obligation under the Master Water Supply Contract to pay for the allocations already committed to up to the 16.1 MGD. **Commissioner Loftus** commented further on the purpose of the seven (7) year plan and the Operating and Maintenance (O & M) costs. **Commissioner Moore** expressed concern with the changing times and there being a lot of extra water but no demand. **Commissioner Loftus** stated we are not paying for the water being metered through; that we are only paying for what is actually used, O & M costs to operate and maintain the plant, and the debt. Mr. Baltz advised that in our contract terms the payments we make are referred to the base rate and variable rate we pay, which is based on the actual use of the water; indicated there is debt rolled into that also; but agreed we have more water than we need at this point. Mr. Thomas opined the outlook has probably changed for all members of the Authority; and stated the only way the allocation could change is

if the project was not completed at the capacity intended; but indicated the project is already underway and that segment pretty much a done-deal.

Mr. Thomas stated that one of the advantages of being in the Authority is the ability to take on smaller increments of need and share them among entities; and agreed that Charlotte County's outlook has changed dramatically in terms of water needed.

Mr. Thomas stated that staff has made a great effort to stay within the original rate plan. **Commissioner Cummings** asked which is the most money between the base rate versus the variable rate and by how much. Mr. Pearson said the base rate. Mr. Thomas stated the base rate is a little more than half the total cost than the variable rate. **Commissioner Cummings** stated he understands that those who benefit from the capacity must pay for that cost, but questioned if the capacity exists. **Commissioner Cummings** inquired about our average and peak allocations and uses; opined we are easily 2 MGD away from both our average and peak; that we are being assessed close to a million dollars extra this year so we can receive 2 MGD less than what we own in that capacity; and that we are paying it to the other members that choose not to use that 2 MGD capacity. **Commissioner Cummings** said that half of the cost we pay is paid for capacity that does not exist; and why it is so important for us to develop sufficient local sources so we can use our same allocation as other members and when it becomes apparent there is not sufficient capacity to meet the water allocation that the Authority has sold, the burden of fixing the problem is shared equally among the members, not the vast majority paid by Charlotte County as it is now; why capacity discussion becomes so important; and why it is so important for us to have a local supply.

**Chairman D'Aprile** inquired if other counties require more water than they have allocated and the Authority furnishes it from our allocation, if we get reimbursed. Mr. Thomas replied affirmatively. Mr. Pearson explained that we receive reimbursement of approximately \$40,000 per year from the City of North Port for additional capacity they use under our allocation.

**Commissioner Cummings** clarified an earlier comment that when he said half of it was not there he was referring to the total base

rate, the actual capacity, the percentage of the total bill we pay to the Authority would not be half overpaying; that it would come out of the half of the bill that is the base rate; indicated that Charlotte County's percentage of the total bill to the Authority is more than it should be paying because we are paying for capacity that does not exist; and stated that that percentage translates into millions of dollars every year.

**Chairman D'Aprile** expressed concern that Charlotte County is paying for water it does not receive; stated that Charlotte County has been very conservative but has been penalized; and indicated that if we are allocated for 12 MGD and only use 9 MGD we should only pay for 9 MGD. Mr. Thomas explained when Charlotte County entered into the agreement it was looking at a plan to increase the physical capacity to treat water at the plant and some sources to supply that; that it is the demand projections presented by the members to the Water Authority that resulted in the expansion project they came up with; and indicated if it gets built at that capacity Charlotte County has no choice but to keep the obligation committed to. Mr. Thomas opined all members are equal in that they all probably forecasted more in 2006 than they will need; that there is probably excess in the plan that will not get used once it is built but there needs to be some reserve for future growth; and stated the question becomes how do we find someone else to pay for it.

**Commissioner Moore** stated he understood **Commissioner Cummings'** comments to be that we are paying for (example numbers) 12 MGD and asking for it, but can only get 10 MGD because the Authority does not have the ability to supply 12 MGD; and asked **Commissioner Cummings** if that was correct. **Commissioner Cummings** explained the fact we must pay Sarasota County to augment the system is evidence that the Authority cannot meet the 12.75 MGD under current conditions; otherwise we would not have to pay Sarasota to get our 10 MGD. **Commissioner Moore** opined it is wrong if we are paying for something that cannot be provided.

Mr. Pearson stated that part of the situation we are currently in relates to the drought, which has been ongoing since 2006 and has had an effect in the Authority's ability to replenish the underground Aquifer Storage and Recovery (ASR) wells to a sufficient amount so there is sufficient water stored to cover demands if the Peace River flows are too low in the dry season.

Mr. Pearson indicated it is hoped the new reservoir and plant will help the Authority meet demands in the dry season; stated that the combination of many factors contributed to the very low numbers; applauded the customers for being very conservation-minded; and opined the recovery process will be slow.

**Commissioner Moore** said if the County must do its part then the Authority should do its part as well; and commented on water being sent to Charlotte County Utilities (CCU) that is below State standards. **Commissioner Cummings** stated Charlotte County signed a contract and it is not an issue if we will or will not participate in the expansion or what level; that he is saying there is a long-term inequity that needs to be addressed; that when the reservoir is first brought online it will appear capacity is available and the inequities will be addressed; but opined from past experience it would not.

**Commissioner Cummings** opined the solution is insuring we have enough local capacity that from the very first day we can use our entire allocation so when it turns out that the capacity does not exist it is everyone's problem, not just ours; and stated that increasing our local capacity is the only way to address the long-term inequity. **Commissioner Cummings** stated the direction the Authority and region is going right now toward the Authority having to own everything and going to a common rate will prohibit us from ever achieving that parody or ever having true voluntary cooperation. **Commissioner Cummings** indicated the older equity-based voluntary model used that we are in the process of moving away from works, is the system we need, and the method that the Water Management needs to go back to.

**Chairman D'Aprile** stated we do not like paying for someone else's problem; that there needs to be something done in the future; and that hopefully there will be a solution after the reservoir is built where everyone pays their fair share.

Mr. Thomas reviewed the five year Customer Growth Projections; commented on the Water System and indicated that FY08 year-to-date is running at a rate of about 300 customers per year; that based on history growth rate is anticipated to go back up a little higher but not in the next several years. Mr. Thomas said there is a slightly higher growth projected for the Wastewater System but pointed out the wastewater system is

smaller, which tends to show a higher percentage even though there are about the same number water and wastewater customers coming online each year. Mr. Thomas reviewed the water history and wastewater history reflected on pages 6 and 7 of the handout material, and commented on the decrease in projected gallons sold from what was projected on the 2006 Rate Study.

Mr. Thomas reviewed the Residential Customer Average Bill beginning October 1, 2007; indicated that the last time the study was done 5,000 gallons was used; that the view of the average bill has changed; and it is more appropriate to use 4,000 gallons. Mr. Thomas explained the bill for 4,000 gallons water/wastewater service is \$77.30 per month and is based upon customer charge and a base and usage charge for the water and wastewater systems; and reviewed how an average payment of \$77.30 is used by the Utility. **Commissioner Moore** asked how the rates compare to Florida Utilities in general. Mr. Thomas stated overall our cost is high compared to most of Florida because many are lower water supplies to treat and some have had grants, but on the average the \$77.30 is high.

**Commissioner Loftus** opined one of the factors is that we paid double what we should have for the Peace River plant. Mr. Thomas agreed; and indicated comparables could be done but it would be a lot of work to check out the comparable costs because of the many factors and that it was not in the scope of work to be done. **Commissioner Moore** indicated the percentage of debt service was less than he anticipated. Mr. Thomas explained components that factor in to the debt service percentage.

**Commissioner Cummings** agreed on the extra cost as a result of paying double what the Peace River plant was worth; and clarified that the older systems are still cheaper than the newer systems. Mr. Thomas replied affirmatively, and commented on increase in rates on the East Coast where water capacity is being added. **Commissioner Cummings** indicated that the older capacity is the cheapest even in the instance where we double-paid for it; that the way it is presently structured at the Authority each expansion is its own separate billing structure so we get cheaper water under the existing contracts than we would if we go to the common rate proposed by the Authority; that our cheaper water would be thrown into a pool with the newer, ore expensive, water; that the older, cheaper water available to Sarasota and

Manatee County will not be thrown into that pool; that we are the only member in the region that would be donating the older, cheaper system under that common rate; that it is a risk to Charlotte County because it will drive our rates up to a greater extent, the other members will receive the benefit, and we will again be subsidizing them another way. Mr. Thomas agreed.

**Commissioner Cummings** pointed out that the strategic plan has us going to a common rate with a goal of bringing all of the Authority assets in, which would include our older, less expensive water; and opined that course needs to be changed.

Mr. Thomas stated that given the lower growth staff faced many challenges in order to maintain the adopted rates; and indicated that a significant number of expansion projects were eliminated or deferred. Mr. Thomas pointed out the impact of the economy on CCU is reflected in the cumulative amount of accounts receivable that are over ninety (90) days as reflected on page ten (10) of the handout material. Mr. Thomas advised that CCU staff will address some things that need to be done to discourage this in the future and would bring it back with recommendations to the Board.

Mr. Thomas continued his review of staff challenges to maintain adopted rates from the 2006 Rate Study with comments on increases in fixed uncontrollable expenses shown on page eleven (11) of the handout material.

Mr. Thomas said in order to deal with the challenges staff came up with a number of cost saving efficiencies, and reviewed those items shown on page twelve (12) of the handout material.

Mr. Thomas showed slides of the Bio-Solid/Composting Solution project at the Landfill and Chlorine Contact Chamber project being constructed at Rotonda Waste Reclamation Facility. **Commissioner Loftus** requested clarification that the Rotonda project was an expansion from 1 MGD to 2 MGD. Mr. Pearson explained that currently the Rotonda Waste Reclamation Facility is rated at 625,000 gallons per day; that Phase I would expand to 1 MGD, Phase II to 2 MGD, and that the plant was being designed to re-rate and upgrade to 3 MGD. **Commissioner Loftus** requested confirmation that expansion costs would be taken care of by connection fees, not O & M costs. Mr. Pearson advised that

connection fees fund our Capital Improvement Projects (CIPs), including this wastewater plant expansion; indicated that it was currently in our budget and factored into the current rates even before they were adopted back in 2006. **Commissioner Loftus** opined that current customers should not pay for the expansion. Mr. Pearson explained that the Accrued Guarantee Revenue Fees (AGRF), which is part of our connection fees, keeps our current customers from paying the carrying costs of future capacity needed for new customers brought online; and that the AGRF contributes to the carrying costs for the new facilities and keeps existing customers from bearing that additional cost. **Commissioner Loftus** stated he just wants to be certain that existing customers are not paying for expansion.

Mr. Thomas reported that we have quite a bit of impact fees in hand which are being targeted largely to that particular expansion; stated that all utilities try to have growth pay its own way; and commented on difficulties that can occur. Mr. Thomas stated that an effort is made to get developers to contribute up front; and stated that impact fees and growth are paying for this particular expansion.

Mr. Thomas commented on reductions of controllable costs shown on page fourteen (14) of the handout material; indicated about twenty six (26) full time personnel were removed from the budget with a re-allocation of the work force, which was significant in the FY09 budget efforts; that vehicle and computer replacement programs were deferred because with less staffing existing assets were used; that there was a deferment of Capital Expansion Projects and Other Capital Purchases; that travel, education and memberships were limited to the minimum level only as mandated for certifications and licenses; and that staff worked closely with Peace River/Manasota Regional Water Supply Authority (PRMWSA) staff during their budget process to minimize the cost of water purchases from Peace River to benefit CCU customers.

Mr. Thomas said there are some cash reserves available in the first couple years of the plan that are being used to the extent possible to defer any unnecessary rate increases; and advised that based on staff's efforts to reduce budget, defer capital, and the growth and demands from the customers, which is the biggest driver in changing the outlook, we are able to maintain the current rate resolution based on all this information.

Mr. Thomas said the targeted cash balance stays between the 60 and 90 days of annual O & M; that we would like it to reach 90, and although it is not quite there it is above 60 and we are satisfied with that; that it will meet the bond resolution requirement of maintaining the lesser of 5% of prior year gross revenues or \$2,000,000 annual balance in the renewal and replacement fund; that beyond the currently adopted rates no additional adjustments are necessary; and we believe that you will meet your debt service coverage based on this plan.

**Commissioner Moore** indicated CCU owns about 400,000 gallons of waste treatment at Englewood Water District and that in the second bullet on page twelve (12) of the handout it would be cut down and switched over to Rotonda, and inquired if it would still cost us. Mr. Thomas explained the ownership of capacity was from prior arrangements with West Charlotte Utilities; that it will cost about \$7.24 per thousand gallons of wastewater when we send flows to East Englewood and we own the capacity; and stated that we can treat it at the Rotonda facility cheaper.

**VIII. PUBLIC WORKSHOP AGENDA** - Public input permitted. - No Items.

**IX. BOARD WORKSHOP AGENDA** - No Public Input - No Items.

**X. CITIZEN INPUT - ANY SUBJECT**

Mr. Pilikian commented on boating issues and hazards concerning the Northwest Port Charlotte Waterway area; and stated that he spoke to Dan Quick of Public Works who understands the difficulties residents of Northwest Port Charlotte are faced with, and who stated he would dredge where the Commissioners ask him to. Mr. Pilikian asked that the Board of County Commissioners support allowing the residents and property owners to work with Public Works to re-apply to the Department of Environmental Protection (DEP) requesting modifications to existing permits and an additional permit to help ensure safe passage between the canals and the channel in the Myakka River; and stated he would like to meet with **Commissioner Loftus** or with each Commissioner independently in order to add the matter to the next agenda.

AA. County Administrator:

Mr. Baltz reported that questions have arisen of the County becoming involved with traffic concerns of High School students going from Port Charlotte High School to the Port Charlotte Town Center Mall where they may be parking; indicated he spoke with Superintendent of Schools Dr. David Gaylor and advised him the Commission is always open to working with the School Board on any request; that Dr. Gaylor advised they discourage students parking at the Mall and walking across Murdock Circle; indicated that there are no plans presently to build a cross walk or put in a light; and stated that Dr. Gaylor advised if the School Board wants to go forward with something like that they would let us know, but presently the School Board is attempting to discourage this from happening.

BB. County Attorney:

Attorney Knowlton advised a Judgment was obtained in Charlotte County's favor in the law suit of Charlotte County vs. Robert Chancey Sumner; and advised the Court entered a permanent injunction preventing Mr. Sumner from filing any more liens against the County, Code Enforcement, or the Attorneys in the County Attorney's office.

Attorney Knowlton requested that the Board confirm or re-affirm the appointment of a Board of County Commissioner member to act as a fact-finder and sit in as an observer in any future negotiations the County has with Mosaic.

**COMMISSIONER MOORE MOVED TO APPOINT COMMISSIONER LOFTUS AS THE BOARD OF COUNTY COMMISSION MEMBER TO ACT AS A FACT-FINDER AND SIT IN AS AN OBSERVER IN ANY FUTURE NEGOTIATIONS THE COUNTY HAS WITH MOSAIC, SECONDED BY COMMISSIONER DUFFY.**

**Motion Carried 5:0.**

CC. Commissioner Comments:

**Commissioner Cummings** opined a crossing guard could be posted at the back gate of Port Charlotte High School and issue detentions to students who do not cross at the traffic light.

Chairman D'Aprile indicated that current Ordinances for those who serve on MSBU boards read "must live within the boundaries of the unit"; and inquired if wording could be changed to "must be a property owner within the boundaries of the unit, or something else"; and opined there may be more volunteers by doing so. Commissioner Moore stated he has no problem making the change. Commissioner Loftus stated he does have a problem with the change and opined it is important that those who live within the MSBU be part of it. Chairman D'Aprile pointed out the problem is there are no volunteers and he would like to give an option. Commissioner Cummings stated the idea is well-intentioned but he would be concerned shifting responsibilities to residents who are not as familiar or concerned with the area; and exemplified speculative purchasers. Commissioner Duffy suggested having better communication. Commissioner Loftus indicated Charlotte County Utility bills could be used to get the message out. Chairman D'Aprile asked Mr. Baltz to try advertising on the utility bills.

Chairman D'Aprile wished Commissioner Moore a Happy Birthday.

ADJOURNED: 11:23 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

gm