

BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 9, 2008

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman D'Aprile, Commissioner Cummings, Commissioner Duffy, Commissioner Loftus, and Commissioner Moore. Also in attendance were County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, 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 G-3 - Requested by: Attorney's Office - Set a public hearing for September 23, 2008, at 10:00 a.m. or as soon thereafter as may be heard, to hear a request for a variance to the Transfer of Density Units Ordinance.

Deletion #2: 10:00 AM Presentation - Requested by: Administration - Presentation of Salt Water Catch Basin design by Wayne Konga of American Marine and Construction, postponed until September 23, 2008 Board of County Commissioners Meeting.

Deletion #3: Agenda Item Z-1 - Requested by: Commission Office - Approve a one year pilot program for Fire/EMS to conduct non-emergency transports under the Fire/EMS operations, postponed until September 23, 2008 Board of County Commissioners Meeting.

Addition #1: Proclamation - Requested by: Attorney's Office - National Alcohol and Drug Addiction Recovery Month Proclamation the month of September 2008.

Addition #2: Agenda Item Z-3 - Requested by Commission Office - Approve the First Amendment and Complete Reinstatement of Perpetual Non-Exclusive Drainage Easement Agreement between Florida Lakes, Inc., Southwest Land Developers, Inc., Airport Commerce Center Authority, Inc. and Charlotte County, and the First Amendment to Development Agreement between Southwest Land

Developers, Inc., Airport Commerce Center Authority, Inc. and Charlotte County.

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

Special Recognition

Proclamations - Commissioner Adam Cummings

Library Card Sign-Up Month Proclamation the month of September 2008.

COMMISSIONER LOFTUS MOVED TO APPROVE LIBRARY CARD SIGN-UP MONTH PROCLAMATION THE MONTH OF SEPTEMBER 2008, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

The Proclamation was accepted by Manager of Libraries Angie Patterson.

International Coastal Clean Up Day Proclamation September 20, 2008.

COMMISSIONER MOORE MOVED TO APPROVE INTERNATIONAL COASTAL CLEAN UP DAY PROCLAMATION SEPTEMBER 20, 2008, SECONDED BY COMMISSIONER LOFTUS.  
Motion Carried 5:0.

The Proclamation was accepted by Glenda Anderson, Keep Charlotte Beautiful Coordinator.

Constitution Week Proclamation the week of September 17 through September 23, 2008.

COMMISSIONER LOFTUS MOVED TO APPROVE CONSTITUTION WEEK PROCLAMATION THE WEEK OF SEPTEMBER 17 THROUGH SEPTEMBER 23, 2008, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

The Proclamation was accepted by Sidney Tatom, Representative of the Bay Chapter, Daughters of the American Revolution.

Alvin Truttling Arts and Humanities Council Artist of the Month Proclamation for the month of September 2008.

COMMISSIONER MOORE MOVED TO APPROVE ALVIN TRUTTILING ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH PROCLAMATION FOR THE MONTH OF SEPTEMBER 2008, SECONDED BY COMMISSIONER LOFTUS.  
Motion Carried 5:0.

The Proclamation was accepted by Alvin Truttling.

National Alcohol and Drug Addiction Recovery Month Proclamation the month of September 2008.

COMMISSIONER LOFTUS MOVED TO APPROVE NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH PROCLAMATION THE MONTH OF SEPTEMBER 2008, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

The Proclamation was accepted by Jay Lynn of Charlotte Behavioral HealthCare.

Employee Recognition - Commissioner Adam Cummings and County Administrator Roger Baltz

5 Years: William Anderson, Utilities; Alexander Cegerenko, Utilities; Barry Cohen, Public Works; Daniel De Valk, Building Construction Services; Dennis DiLiberto, Parks, Recreation & Cultural Resources; Robert Fair, Parks, Recreation & Cultural Resources; Hoyie Hague, Building Construction Services; Teresa Kesner, Utilities; Frances Marler, IT; Pham Dung, Facilities; Jeremy Walker, Fire/EMS; Wendy Wall, Fire/EMS; 10 Years: Julie Christy, Human Services; Wavell Williams, Human Services; 15 Years: Steven Anderson, Public Works; Linda Angelo, Budget; Jeffrey Bachrach, Fire/EMS; Kathleen Lindback, Purchasing; Anthony Thomann, Fire/EMS; 25 Years: Edward Eastman, Fire/EMS

I. CITIZEN INPUT AGENDA ITEMS ONLY

Bill Dryburgh commented on agenda item Z-2; stated that many local businesses are interested but the Request for Proposals (RFP) prevents Charlotte County catering businesses from bidding; and indicated he is very pro-Charlotte County businesses, has committed himself to not attend events that are catered by vendors outside Charlotte County, and asked that the

Commissioners commit to the same. Mr. Dryburgh disagreed that no one locally can handle the job; and requested that the Commission give him seven (7) days to come back with a realistic RFP that local businesses can bid on.

Bob Leonard, representative of Coastal Conservation Association, spoke on agenda item Z-2; stated that the citizens of Charlotte County own the building and should be accorded the use of the building; that local and outside caterers provided services for events at the old Auditorium and the Tentatorium, brought their own supplies, and used only the refrigerator and ice machine, and that everything can be provided by outside caterers; indicated that there should not be limitations and whichever caterer the organization selects should be allowed to service their event; and pointed out that all money raised at charitable events held at the building is spent in Charlotte County.

Nancy Prafke, C.E.O. of Team Punta Gorda, commented on agenda item Z-2; indicated that change is amongst us, rebirth of the community is beginning, and the potential for convention business is clear; that it is understandable organizations wanting convention services will want a single contractor for food and beverage services; and that based on their other Florida operations Boston Culinary Group appears to be prepared to handle this level of service. Ms. Prafke said the difficulty Team Punta Gorda has is that the contract calls for a 15% surcharge for using food and beverage contractors other than the single-source provider; and that Team Punta Gorda recommends specific language be adopted for Charlotte County non-profits only that allows them to consider both the single-source provider and local providers with either no, or greatly reduced, surcharge, which introduces Boston Culinary Group's capabilities without mandating it, supports our local providers, and continues to foster local relationships.

John Fersner, President of the Board of Directors for Main Street Punta Gorda spoke on agenda item Z-2; advised that the Main Street Punta Gorda Board of Directors are apprehensive to awarding an exclusive catering contract to a non-local business as proposed; requested that the item be tabled until a more community-friendly solution/compromise agreement can be implemented; and recommended that the solution provide for catering that allows local vendors the ability to participate and

freedom of choice for local charitable causes to profit from fund raising events that are anticipated for this new facility.

Michelle Valencourt, Executive Director of the local non-profit organization, Visual Arts Center, and a member of the Tourism Development Council, commented on agenda item Z-2; and outlined her background experience, which includes thirteen (13) years as a convention director. Ms. Valencourt advised when the Auditorium was destroyed representatives of community needs met to design a new center; and that the general consensus was that it be designed to attract the small convention or large conference business as part of Economic Development, as well as offer appropriate space for community use such as non-profit fund raisers. Ms. Valencourt pointed out that with this location in downtown Punta Gorda, the upcoming package of hotel rooms within walking distance, and a first class flexible facility Charlotte County has a competitive edge in a competitive business; indicated that the RFP is complete, appropriate and professional; that the in-house caterer is one of the most important criteria; and that the Tourism Development Council recommends the catering contract be awarded to Boston Culinary Group.

Percy Angelo spoke on agenda item Z-2; stated she is disappointed in the problem that has arisen and lack of imagination of what to do about it; that it appears a RFP was issued that was so financially stringent that local companies could not compete for the business involved; that the requirements would unfairly insure that residents and non-profits pay a surcharge to use local companies in their own center; and that there is no time to fix the problem. Ms. Angelo said if the Board must forward with this she recommends the Board allow itself the ability to drop the surcharge as it sees fit, sign the shortest contract with no provision and allow a chance to re-visit, no extension or for someone else to be able to negotiate this, and no guarantees unless it is in the contract; and stated the RFP process is crucial to local businesses and the Board should pay attention earlier to be sure local businesses are protected.

Charlotte Bowman, local personal chef business owner, spoke on agenda item Z-2; indicated she was interested in being considered for the opportunity to apply but upon review of the application it appeared the County had no intention of having a local caterer or business; opined the County is not in favor of supporting small businesses in the community; pointed out that the local

caterers tailor their business to help the community; and stated this not only affects the local caterers but rental companies as well.

Rex Koch, spoke on agenda item Z-2; said that after all the meetings and discussions it clearly stood out that the new Event Center included in its mission to serve the citizens of Charlotte County for their local events; questioned the validity of the proposal as it stands; commented on difficulties facing small local businesses; and requested that the Board reconsider the terms and conditions.

Gary Cardillo spoke on agenda item Z-2; indicated he is a former special events person; and commented on concerns of our-sourcing and how it would affect local small businesses.

Chris Evans addressed agenda item Z-2; stated the way the County went about this by saying no one in the county can handle this is unfair to local businesses; indicated out-of-town or out-of-state groups do not know how Charlotte County operates; pointed out that the non-profits generate a lot of money and it is unfair for such restrictions to be placed on the Event Center; and opined the County has not gone about this in the proper manner.

Park Pilikian spoke on agenda Z-2; commented on possible solutions; and suggested perhaps the small businesses could borrow the money from the County for the kitchenware and if the business falters the kitchenware goes back to the County.

## **II. COMMITTEE VACANCIES**

Charlotte County is seeking volunteers to serve on the following Committees: Boca Grande Street and Drainage Unit Advisory Committee is 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. Meets are held as needed on the 1st and 3rd Monday of each month at 8:30 a.m. in Murdock.

Charlotte Harbor Community Redevelopment Agency Advisory Committee - is seeking one volunteer to serve as a Business Representative from within the unit.

Greater Port Charlotte Street and Drainage Unit - is seeking one member to serve as the alternate. Must reside within the unit. Term will expires in April 2009.

Harbour Heights Waterway Maintenance Advisory Board is seeking one volunteer to fulfill the term of the alternate which will expire in April 2009. Must be a resident of the unit.

Historical Advisory Committee is seeking three members to serve on the committee. One at-large member and two members who represent 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 Unit Advisory Committee - is seeking one volunteer to serve as the alternate for a two year term. Must be a land owner and reside within the boundaries of the unit.

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

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

Pirate Harbor Waterway Unit - is seeking five regular members and one alternate to serve on this newly formed committee. Must be residents of the unit. Terms will be determined at the first meeting.

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

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

South Gulf Cove Street and Drainage Unit Advisory Committee is seeking one member to serve as the alternate member. Must be a land owner and reside in the unit.

South Bridge Waterway MSBU - is seeking two regular members and one alternate member. Must live within the boundaries of the unit. Terms will be determined at the first meeting.

Suncoast Waterway Maintenance MSBU - is seeking three regular members and one alternate member to serve. Must reside within the unit. Terms will be determined at the first meeting.

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

**III. REPORTS RECEIVED AND FILED**

Minutes for the August 28, 2008 Charlotte Harbor Community Redevelopment Agency Advisory Committee.

**IV. CONSENT AGENDA**

**COMMISSIONER CUMMINGS MOVED TO APPROVE CONSENT AGENDA, EXCEPT Q-2, SECONDED BY COMMISSIONER LOFTUS.  
Motion Carried 5:0.**

**Clerk of the Circuit Court**

**A. Finance Division**

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

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

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

Memorandum #2 - Total Disbursements for the period August 19, 2008 through August 29, 2008, in the amount of \$36,885,952.19

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None - Approve Minutes for:

June 2, 2008 Strategic Financial Review 3:00 p.m.  
June 3, 2008 Strategic Financial Review 10.00 a.m.  
June 5, 2008 Strategic Financial Review 10.00 a.m.  
June 10, 2008 Board of County Commissioners Regular  
Meeting 9:00 a.m.

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Appoint Chuck Hackbarth to the Construction Industry Licensing Board representing the "mechanical contractor" category. Length of term - until May, 2009. BUDGETED ACTION: None

D. Administration - No items

E. County Attorney - No items

F. Budget Office - No items

G. Growth Management

(1) RECOMMENDED ACTION: Approve an amendment to Resolution 2004-062 which would allow the Board to appoint an at-large member to the Little Gasparilla Island Advisory Committee in case the absence of an appointed owners' association member creates a vacancy. BUDGETED ACTION: None

**Resolution 2008-109**

(2) RECOMMENDED ACTION: Set a public hearing for September 23, 2008 at 10:00 a.m. or as soon thereafter as may be heard, in regard to the annotation to the Future Land Use Map per the requirement of the Stipulated Settlement Agreement with the Department of Community Affairs for the J & J Homes site in West County. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Execute the updated interlocal agreement between the Board of County Commissioners, the School Board, and the City of Punta Gorda, for School Planning and Concurrency. BUDGETED ACTION: None

**Agreement 2008-037**

H. Economic Development - No Items

J. Environmental Services - No items

K. Facilities Construction and Maintenance - No items

L. General Services

(1) RECOMMENDED ACTION: Approve Amendment #19 to Contract # 01-125, Sarasota-Charlotte County Beach Restoration Study, with Coastal Technology Corp. in the amount of \$213,494. BUDGETED ACTION: The FY09 budget contains \$300,000 to be used for this contract in the Stump Pass Beach Renourishment MSBU/TU.

(2) RECOMMENDED ACTION: Approve the renewal of Agreement #02-184, Maintenance & Repair of 800 Mhz Communication Infrastructure, to Motorola, extending the contract from October 1, 2008 through and including September 30, 2009, for an annual cost of \$157,761.12. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: a) Approve Amendment #6 to Contract #07-008, Charlotte Sports Park Renovation/Expansion, with Hunt Mathews/Taylor not to exceed amount of \$500,000; b) Authorize the Chairman to sign the Amendment; and c) Approve Budget Amendment 08-A47 in the amount of \$500,000 and CIP amendment 08-C19 in the amount of \$500,000. BUDGETED ACTION: Approve Budget Amendment 08-A47 in the amount of \$500,000 to recognize earned interest. Approve CIP Amendment 08-C19 for \$500,000 for CIP Charlotte Sports Park Stadium.

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

(5) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Information #08-273, On-Site Medical Services; 1st, Care

Here; 2nd, Care ATC; and 3rd, WeCare TLC; b) Approve start of negotiations and discussions.

(6) RECOMMENDED ACTION: a) Approve Award of Bid #08-321, Storm Debris Clearing - Canals, at the unit prices bid to DRC Emergency Services, LLC. Term of contract is to be from date of award through and including December 31, 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. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: a) Approve award of Bid No. 08-333, Storm Debris Clearing - Drainage Ditches and Lakes, to DRC Emergency Services, LLC, of Mobile, AL at the unit prices indicated on the attached bid tabulation with an initial contract term beginning on date of award through and including December 31, 2009; and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: None

(8) RECOMMENDED ACTION: a) Award Bid #08-322, Water Quality Analysis, to Flowers Chemical Laboratories, Inc. and Benchmark Enviroanalytical, Inc. at the unit prices listed on the attached for the term October 1, 2008 up to and including September 30, 2009; and b) Authorize the County Administrator to approve two additional one-year renewals at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: CCU - FY 09 Budget Requested \$136,887 under various cost centers. MSWMD - Landfill Departmental budget has \$6,500 budgeted for FY09 for Water Quality Analysis. Stormwater - FY09 budget request is for \$44,000 in each of the 3 Stormwater MSBUs for a total of \$132,000.

(9) RECOMMENDED ACTION: a) Award Bid #08-325, Water/Wastewater Chemicals, to various firms and unit prices as listed below for the term October 1, 2008 up to and including September 30, 2009; and b) Authorize Administrator to approve two additional one-year renewals at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: FY 09 Budget Requested \$541,450 under various cost centers.

(10) RECOMMENDED ACTION: a) Award Bid #08-334, Fabricated Signs/Road Signs Annual Contract, to the overall lowest

responsive, responsible bidder, Osburn Associates Inc. of Logan, OH, at the unit prices submitted. Terms of the contract are from October 1, 2008, through and including September 30, 2009; and b) Authorize the County Administrator to approve renewal options for up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: FY08 year-to-date purchases are \$44,902.86.

(11) RECOMMENDED ACTION: Approve Award of Bid #08-340, West Port Deep Injection Well Pump Upgrade, for a total cost of \$239,079 to General Contracting Services, Inc. BUDGETED ACTION: Budgeted amount is \$260,000.

M. Human Resources - No items

N. Human Services - No items

P. Information Technology - No items

Q. Parks, Recreation & Cultural Resources

(1) RECOMMENDED ACTION: Approve a grant application from the Department of State for the County's participation in the State Aid to Libraries Program for the fiscal year 2008-2009. BUDGETED ACTION: Budgeted Amount in the Proposed FY 2009 Budget is \$99,573.

**Grant 2008-018**

(2) RECOMMENDED ACTION: a) Approve closure of the Wisteria Boat Ramp; and b) Approve Budget Amendment #08-A48 for \$1,000 to pay for the closure of the boat ramp. BUDGETED ACTION: Approve Budget Amendment #08-A48 in the amount of \$1,000.

**Commissioner Cummings** indicated there is a Homeowner Association that tends to be active when energized; and inquired if there had been communication with that group.

Parks, Recreation and Cultural Resources Director Laura Kleiss-Hoeft replied affirmatively; indicated that both sides of the equation were represented; and that only one citizen from the neighborhood spoke in favor of trying to keep the boat ramp open.

**Commissioner Cummings** said as the population grows access to the water does not grow in proportion with it and he is reluctant to give up any access points. **Commissioner Moore** said he respects **Commissioner Cummings'** opinion and agrees boat ramps are important; but indicated this particular one was processed through the system and had all the participation required.

**COMMISSIONER MOORE MOVED TO APPROVE AGENDA ITEM Q-2, SECONDED BY COMMISSIONER LOFTUS.**

**Commissioner Cummings** said he agrees it is the appropriate action if we are not prepared to fix it; but that he is more inclined to fix it rather than close it. **Chairman D'Aprile** stated he prefers not to close boat ramps and inquired why this boat ramp had to be closed rather than repaired.

Ms. Kleiss-Hoeft explained that staff presented to the Marine Advisory Committee during the budgetary process a recommendation to move forward on repair; that the repair cost estimates were approximately \$35,000; commented on the photographs and summary in the packet material; and indicated that the question presented during the Marine Advisory Committee meeting was why invest money into a boat ramp that has no parking, no infrastructure for turning boats around, is at the end of a road right-of-way and is not a park. Ms. Kleiss-Hoeft stated that closing water access to the public is a big issue; that at a joint meeting of the Parks, Recreation, and Cultural Resources Advisory Board, Marine Advisory Board, and Beaches and Shores Advisory Board a well advertised, well attended, public meeting was held; and at that time proposal for closing was brought to the Board based upon recommendation of the citizen advisory boards.

**Chairman D'Aprile** stated he had not been in favor of closing the boat ramp at the Tom Adams Bridge for lack of parking, etc. but that it has been easier to manipulate in that area since the boat ramp was closed.

**Commissioner Loftus** stated this is a boating community and we need as many boat ramps as possible, but when it is a danger for lack of parking or infrastructure we must consider the advisory board meetings and recommendation to close the ramp.

**Commissioner Cummings** agreed that lack of supporting infrastructure is a problem; that the difference between the boat

ramp at Beach Road near Tom Adams Bridge was clearly a hazard where this one has problems and is a nuisance; and indicated that if we were more successful in creating other access points to the water he would feel differently.

**Motion Carried 4:1. Commissioner Cummings opposing.**

R. Public Safety

(1) **RECOMMENDED ACTION:** Approve modification to the Emergency Management Preparedness Grant, Federal Grant agreement 09-BG-20-09-19-01 in the amount of \$9,284.00. **BUDGETED ACTION:** No Budget Action necessary at this time. The FY08/09 Emergency Management will be amended to include the grant funds.

**Grant 2008-019**

S. Public Works

(1) **RECOMMENDED ACTION:** Approve and authorize Board of County Commissioners Chairman to sign Amendment 1, Florida Department of Environmental Protection (FDEP) Grant Agreement for Knight Island monitoring for erosion control. **BUDGETED ACTION:** FY09 budget of \$300,000 is available in the Stump Pass Beach Renourishment MSBU/TU. CIP project c390901, Knight Island Monitoring. Project total is \$300,000. Funding is supplied from the Stump Pass Beach Renourishment MSBU/TU.

**Amendment #1 to Grant 2007-041**

(2) **RECOMMENDED ACTION:** Approve, and authorize the Chairman to sign, an Interlocal Agreement with the City of Punta Gorda for utility relocation work, road construction and drainage improvements to Aqui Esta Drive. **BUDGETED ACTION:** None for this agreement. The project is budgeted in the Road Improvements Fund. CIP project c419301 Aqui Esta/ US 41 to Bal Harbor. FY09 project total is \$9,930,000.

**Agreement 2008-038**

(3) **RECOMMENDED ACTION:** Set a public hearing for September 23, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to amend the purpose of the Burnt Store Village MSBU ordinance to include beautification projects.

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve a Resolution approving and authorizing the Chairman to execute a grant of utility easement to Florida Power & Light Company, to be located on a parcel of land lying in Section 26, Township 40 South, Range 22 East, for the development and management of the YMCA Building located at the corner of Edgewater Drive and Bayshore Road. BUDGETED ACTION: None

**Resolution 2008-110**

V. Tourism Development - No items

W. Utilities - No items

X. Building Construction Services

(1) RECOMMENDED ACTION: Request the Board of County Commissioners approve an interlocal agreement between Charlotte County, the City of North Port and the City of Venice, facilitating the disbursement of Building Department personnel throughout jurisdictions in both times of emergency, and times of greater than anticipated need. BUDGETED ACTION: None

**Agreement 2008-039**

(2) RECOMMENDED ACTION: Review and approve a resolution setting forth licensing, permitting and application fees related to Escort Services pursuant to Charlotte County Code of Laws and Ordinances sections 1-10-309 and 1-10-315. BUDGETED ACTION: None

**Resolution 2008-111**

Y. Other Agencies - No items.

**RECESS: 10:25 AM - 10:35 AM**

V. REGULAR AGENDA

Z. Regular Business

(2) *RECOMMENDED ACTION:* a) Approve start of negotiations with Boston Culinary Group for Request for Proposal #08-248, Food & Beverage Concession-Event Center; b) Authorize Chairman to sign a three-year Contract upon completion of negotiations; and c) Authorize Administrator to approve two additional annual renewals. *BUDGETED ACTION:* None

Purchasing Director Kim Corbett explained the purpose of the agenda item; commented on the professionals who sat on the committee; stated the RFP was a two-phase process; and outlined the process.

Ms. Kleiss-Hoeft explained that the Supervisor of the Event and Conference Center Jim Fench and Tourism Director Becky Bovell, would team up with the presentation; indicated that Calvin Sullivan, General Manager of Boston Culinary Group was in the audience, and thanked Jason Osborne, Chef instructor at the Vocational Technical School.

Ms. Kleiss-Hoeft explained that the Board of County Commissioners (BOCC), working with staff and community stakeholders, specifically made the decision to increase the square footage as the auditorium was replaced, with the intent to turn this from a one-event facility to a multi-use facility, which was difficult and expensive, but done with a great deal of work with the public and meetings with auditorium users. Ms. Kleiss-Hoeft advised a stakeholders group was established that worked with the BOCC; commented on those who made up the stakeholders group; and that Mr. Fench became involved at the detail design phase of the kitchen.

Mr. Fench commented on his point of involvement; indicated that he met with representatives of various local establishments to get their input and expertise on the kitchen layout and equipment needed, but also to keep the local restaurants and caterers involved in the process. Mr. Fench explained that during the meetings there was discussion about how the differences of operation between the Event Center with multi-events going on at the same time and the auditorium/tentatorium where only one event could be held at a given time; and all involved understood that it would be nearly impossible having multiple caterers working out of the same kitchen at the same time catering different events in the facility.

Ms. Kleiss-Hoeft advised the County has already invested a lot of money on behalf of the taxpayers for the kitchen equipment, the refrigerators, freezers, shelving, ovens, ice machines, dishwasher, garbage disposal, hot boxes, etc. to make the caterer successful in this facility. Ms. Kleiss-Hoeft commented on impact fees the County has incurred; explained the County would pay for ongoing utilities, maintenance of the facility and repair of equipment; that in return expects the smallwares to be paid for by the food and beverage provider; that the smallwares is very typical in the industry of Event and Conference Center operations; that the range of the purchasing of the smallwares is between \$100,000 and \$150,000; and the vendor that bid on the RFP is capable of meeting this demand.

Mr. Fench reported what smallwares consist of (table settings, linens, small carts, ice bins, cash registers, props for buffet stations, etc.); and advised it is not cost effective to rent versus purchasing.

Ms. Kleiss-Hoeft provided clarification on the issue of smallwares by pointing out that if the person who bid went out of business and the County had to step in and provide service for the contracted customers the smallwares would be available to do so; stated there were very few addendums on the project, but one particular addendum that is very important on the smallwares is at the end of the contract wherein the County may negotiate a price to purchase the smallwares; and stated that was publicly done within the Purchasing Department to communicate that clearly.

Ms. Kleiss-Hoeft stated that the concerns in regards to charitable functions are very important; indicated that in the BOCC action on January 8, 2008 the Board approved the fees for the new Event and Conference Center; and additionally laid out rental policies. Ms. Kleiss-Hoeft pointed out that the County has two hats to wear by taking care of our local community and being an economic engine by bringing small conferences to the County. Ms. Kleiss-Hoeft commented on directions to staff, what Tourism is working on for the future, and the eighty one (81) events, with a wide variety of uses, that have been scheduled thus far beginning November 2008.

Mr. Fench reviewed the fee schedule and what was involved in the rates approved by the BOCC on January 8, 2008, and provided

examples. Mr. Fench advised after rental rates for the facility are determined a group would then be turned over to the in-house caterer for negotiations; that if the group does not want to go with the in-house caterer there is the option to bring in an outside caterer and utilize the kitchen, but not the smallwares because the smallwares are owned by the in-house caterer; that a group doing that must rent the entire hall because they would utilize the entire kitchen and prevent the building from renting other space; and indicated that a fee has not yet been determined for bringing in an outside caterer.

**Chairman D'Aprile** asked if that is a modification because his understanding is that local caterers that come in would not be able to use the kitchen.

Ms. Kleiss-Hoeft explained there is a provision in the RFP for small matters under \$250; but pointed out if someone comes in with a large event such a wedding and does not want to use the in-house caterer, that prohibits the use of any of the other rooms, the kitchen, or the in-house caterer; and stated there is the ability to buy someone off the floor but there would be a fee because this business is being asked to shut down. Ms. Kleiss-Hoeft advised this is an option that would be explored in negotiations; that if Boston Culinary Group is able to reach negotiations they would have to come to terms on how that would be handled; and opined that there are some that will be adamant on using their own caterer but as things evolve and people become more comfortable with the in-house caterer there would be more of a tendency to go with the exclusive caterer.

**Chairman D'Aprile** asked if someone is paying the fee do they have the option to use the kitchen. Ms. Kleiss-Hoeft replied affirmatively; and explained they would have to buy the caterer off the floor.

Ms. Kleiss-Hoeft requested that Mr. Fench explain "corkage fee" and who receives the fee. Mr. Fench stated that "corkage fee" is the fee paid to the County for the right to bring in an outside caterer. **Commissioner Duffy** asked why that is. Ms. Kleiss-Hoeft said it is to help cover County costs for maintaining fire suppression systems, doing cleanup, paying electric, water, sewer, etc. **Commissioner Duffy** inquired what the minimum guaranteed percentage is. Ms. Kleiss-Hoeft said there is none; that it must be negotiated yet. **Commissioner**

**Duffy** said it was reference on the front page of the packet material. Mr. Fench explained what **Commissioner Duffy** referred to is the fee that Boston Culinary Group would pay the County, is a different issue, and has nothing to do with the corkage fee.

Ms. Kleiss-Hoeft stated there were concerns of why there was only one bid; indicated that the RFP was written to develop a high quality professional caterer; that from the beginning Charlotte County worked with the local vendors and businesses to be certain they understood what the kitchen would be; and that forty five (45) total vendors received the package, forty (40) local vendors, and five (5) national vendors. Ms. Kleiss-Hoeft stated that the facility was designed for large events and small conferences; that on the one hand it is too big to be accessible to many of the local vendors and too small to be attractive to many of the large vendors; and what we have is a company where this is their market, they are in Southwest Florida, this fits into their business plan, and they expressed they can meet this RFP. Ms. Kleiss-Hoeft commented on timelines.

Director of Visitor and Conference Bureau Becky Bovell commented on the responsibilities of the bureau; indicated that conferences spend over \$700 per day but have high expectations for the centers they book; and that hospitality and quality food service management would make or break a conference center. Ms. Bovell stated that Boston Culinary Group has a well known professional reputation and knows what it will take to make our Event and Conference Center successful; that the RFP requires a permanent on-site company and as such will provide jobs for local residents in fulfilling their staffing requirements, and assist with marketing the Event Center. Ms. Bovell explained several high visibility events are already scheduled and we want to ensure that these events and future events can be serviced to the best of our ability.

**Commissioner Duffy** opined the Event Center and smallwares would not be used on a daily basis immediately; that when she was first made aware of this and in the original RFP the smallwares were to revert back to the County for a small fee; and asked if that was correct.

Purchasing Director Kim Corbett said there was language in the original RFP that the smallwares would revert back to the County at a fee of one dollar (\$1.00); that there was addenda issued

clarifying that the equipment would revert back to the County but the fee for that would be negotiated at time of contract. **Commissioner Duffy** inquired if the addendum was issued after the RFP was sent out. Ms. Corbett explained that a Request for Bid and Request for Proposal is issued and that as questions are received from proposers clarifications are made in the form of addenda. **Commissioner Duffy** expressed concern of addenda being issued after the opening of the RFP, which may have changed a local person being able to submit a proposal. Ms. Corbett reported on the process; that addenda is posted on the website with the package; and there is a notification form for a fax number to be furnish so that addenda is sent during the process; and stated that everyone has an opportunity to submit their proposal with the changes to the RFP. **Commissioner Duffy** asked how many addenda there were. Ms. Corbett advised there were three (3).

**Commissioner Duffy** inquired who would handle the alcohol, serve it, and make the profit; and indicated she was mainly concerned if a local caterer was doing an event who would be responsible for the alcohol. Mr. Fench stated the in-house caterer would have the responsibility of carrying the alcohol license and handling the alcohol service. **Commissioner Duffy** opined this is a big issue; that sometimes the food is donated to non-profit organizations but the caterer makes a profit on the alcohol; and if they cannot do that they will not be able to help the non-profit organizations.

**Commissioner Duffy** requested clarification that the corkage fee does not go the concessionaire but to the Parks, Recreation and Cultural Resources. Ms. Kleiss-Hoeft stated it goes to Charlotte County's budget; explained that the corkage fee goes to offset expenditures; but if we are going to ask Boston Culinary Group or whomever to be an exclusive caterer, they invest funds to make their business happen, and we ask them to move aside because that is the will of the customer, there should be some reason for them to leave; and pointed out that has not been negotiated and there needs to be discussion in that area.

**Commissioner Duffy** said she did not receive the list of companies on the original RFP contact list; and asked which nine (9) companies were from Charlotte County. Ms. Corbett reviewed the list.

**Commissioner Cummings** clarified that the yet to be negotiated corkage fee would go to the County General Fund; and opined it was put in with anticipation that whomever was contracted with would insist upon some type disincentive for other competitors coming in to use the facility. Ms. Corbett replied affirmatively.

**Commissioner Cummings** clarified the bid process, compensation for smallwares and negotiated fee, and who received the addenda prior to a final opportunity to submit a bid. Ms. Corbett explained the bid process; advised there is an Addenda Notification Form in the package for businesses interested in the proposal to submit so that addenda can be sent to the business via fax; and pointed out that addenda is posted on the website with the package. **Commissioner Cummings** requested further clarification that addenda would have been faxed to only those who expressed an interest in the proposal. Ms. Corbett replied affirmatively. **Commissioner Cummings** asked how many expressed interest. Ms. Corbett did not have that detail with her. **Commissioner Cummings** inquired if forty five (45) was a typical library for a given category; and asked if it would be simpler to automatically send addenda to all businesses. Ms. Corbett said this is a smaller number than normal; that on some construction projects there may be a few hundred; stated it is very costly to send that notification out to everyone; commented further on why it is done this way; and advised again that the package and all addenda is posted on the website with full explanation to check carefully for addenda. **Commissioner Cummings** clarified that everyone who expressed interest in the contract had the opportunity to receive the addenda, which included the fact that there would be some negotiation over what compensation would be at the time the smallwares revert to the County, and it was posted on the website. Ms. Corbett replied affirmatively, read the exact language for that addenda, and commented on portions removed by addenda.

**Commissioner Loftus** stated it is the responsibility of the bidder to find out about all addenda and be certain it is included; that although he wants to be certain to utilize and support local businesses this circumstance is unique; that he was part of the stakeholder group and in discussing expansion of the building it was recognized we wanted this as a conference site and in doing so would be providing a different service. **Commissioner Loftus** advised he supports the organizations that

have charitable balls and is in favor of providing relief for the non-profit organizations, but believes in having a conference center with good food service. **Commissioner Loftus** stated he is disappointed that several businesses in Charlotte County did not do a joint bid; opined there was opportunity for local businesses to bid; and opined we need to move on a quality good service at the Event Center but address the issue of the charitable balls and events that provide funds to the charitable organizations.

**Chairman D'Aprile** said he believes there are those in our community who are professional and can handle this, but could not afford the cost required for the smallwares or would lose the money paid for the smallwares by not being aware of the addenda; and indicated the BOCC is not ready to make a decision at this time. **Chairman D'Aprile** opined partnerships do not work well in this type situation and the contractor should be independent; that he is for professionalism, wants the Event Center to do well, and wants to be certain before a vote is taken that the best group available is being chosen; and indicated he understands what the locals are saying and that no local bid was made because of the extreme requirements.

Ms. Corbett stated in response to an earlier inquiry addenda were given to those who attended the pre-submittal meeting, those who called and asked questions, and those that filled out the form; and reviewed the list of fourteen (14) notified in the addenda.

**Chairman D'Aprile** said if the locals were not given the necessary tools to put in a professional bid he wants to give them that opportunity; indicated that Mr. Dryburgh requested a week to come up with a solution and he is willing to give him that week before making concessions; but otherwise the Board would have no choice but to go with Boston Culinary Group because the Event Center must be operated professionally. **Commissioner Cummings** inquired if other bidders could be considered at this stage of the game under State law or if it would have to begin again.

Ms. Corbett advised that the RFP due date has passed and it is not open to bidders; that if the Board wishes to consider other bidders the process would have to begin over again. **Commissioner Cummings** asked what the timeframe is for the process. Ms. Corbett advised the average is about 120 days minimum. **Commissioner Cummings** inquired if the process was set by our

local policies or by State law. Ms. Corbett explained it would be through both and commented further on the RFP process. **Commissioner Cummings** pointed out that the idea of making a change, bringing in a new bidder, and reconsidering a week from now is not allowed under the bid process, and that at least a portion of it is governed by State law. Ms. Corbett agreed.

**Commissioner Moore** clarified that if the Board wished to bring in a new bidder it could reject all bids and start over. Ms. Corbett replied affirmatively.

**Commissioner Duffy** stated she agrees with **Chairman D'Aprile's** suggestion with an addendum; indicated that we do not have the time to start the bid process over; and that she would like to know how the non-profits would be taken care of. **Commissioner Duffy** expressed concern this is coming to the Board so late and that local businesses were not treated well; and opined if local businesses are feeling poorly there should be more input and misinformation clarified. **Commissioner Duffy** stated she supports giving Mr. Dryburgh and others in the community time to clear up the miscommunication and misinformation and recommended a one-time meeting be held with all involved and come back to the Board with recommendations.

**Commissioner Moore** opined the County did not mistreat its neighbors, population, or businesses; that the County put out a very well known prescribed procedure; and has not started any problem of communication. **Commissioner Moore** stated he understands there are those who are unhappy, but cannot have that hit put upon the County; agreed the County has a problem; but indicated the County did not create the problem.

**Commissioner Loftus** expressed concern of how the non-profits, etc. would be handled; indicated his only suggestion was that several businesses could have formed a partnership if individually they thought it was too expensive to handle separately; and that he believes the bid process was proper and has no problem with that.

Ms. Kleiss-Hoeft explained that staff cannot address how Boston Culinary would handle corkage fees and charitable contributions because staff cannot yet talk with Boston Culinary and must enter into negotiations to form a contract. Ms. Kleiss-Hoeft stated that all staff can do is look at what Boston Culinary has done at

Harborside where they have had a defined contract and worked with charitable functions; indicated that it is important to our business and is being expressed to Boston Culinary here today that it needs to take care of our charities; and advised that staff is requesting they be allowed to negotiate those fees.

**COMMISSIONER CUMMINGS MOVED TO APPROVE (A) STAFF RECOMMENDATION TO APPROVE START OF NEGOTIATIONS WITH BOSTON CULINARY GROUP; (B) AUTHORIZE CHAIRMAN TO SIGN A THREE-YEAR CONTRACT UPON COMPLETION OF NEGOTIATIONS; AND (C) AUTHORIZE ADMINISTRATOR TO APPROVE TWO ADDITIONAL ANNUAL RENEWALS AS WRITTEN IN THE AGENDA PACKET (AGENDA ITEM Z-2), SECONDED BY COMMISSIONER MOORE.**

**Commissioner Moore** stated he has no problem starting negotiations and inquired if he was correct in his understanding it would not come back to the Board for approval after negotiations. **Commissioner Cummings** explained that is usually the case in this type contract.

**Commissioner Duffy** requested clarification of the rental for non-profits for the main room if they brought in their own caterer and had to use the kitchen. Ms. Kleiss-Hoeft said staff will need to figure that out; and asked if Mr. Fench knew the cost of renting the entire Hibiscus Hall. Mr. Fench advised the non-profit rental rate for the entire Hibiscus Hall is \$1,500. **Commissioner Duffy** asked if a non-profit has their own caterer would they have to rent the entire building. Mr. Fench said they would have to rent just the Hibiscus Hall. **Commissioner Duffy** stated she knows there is a motion on the floor but stated that she and **Chairman D'Aprile's** suggestion of delay is being ignored.

**Chairman D'Aprile** inquired if it is possible before stepping into negotiations for staff to determine what the needs of the community are and assure the Board that the needs of the community would be brought to the negotiating table. Ms. Kleiss-Hoeft replied affirmatively but pointed out that the most serious concern for staff is the ability to make our community events happy.

**Commissioner Loftus** said he appreciates the approach of involving local community before going to final negotiations.

**Commissioner Duffy** expressed concern with the motion including items a, b and c. **Commissioner Cummings** stated that the motion is to do negotiations and upon completion, as is typical with other bids, the Chair is authorized to sign the contract; but he understands the consensus of the discussion today is that input will be gathered from concerned parties and taken into consideration in the course of negotiations between staff and the vendor.

**Motion Carried 4:1. Commissioner Duffy opposing.**

**RECESS: 12:00 PM - 12:08 PM**

(3) **RECOMMENDED ACTION:** Approve the First Amendment and Complete Reinstatement of Perpetual Non-Exclusive Drainage Easement Agreement between Florida Lakes, Inc., Southwest Land Developers, Inc., Airport Commerce Center Authority, Inc. and Charlotte County, and the First Amendment to Development Agreement between Southwest Land Developers, Inc., Airport Commerce Center Authority, Inc. and Charlotte County. **BUDGETED ACTION:** None

Attorney Knowlton explained this item was originally approved by the BOCC July 22, 2008; that there was an error in the legal description along with the survey; that there was a typographical error and a naming error; and it is being brought back to make those corrections.

**COMMISSIONER LOFTUS MOVED TO APPROVE CORRECTIONS MADE BY THE LEGAL DEPARTMENT AND AGREEMENT 2008-027 AND AGREEMENT 2008-028, SECONDED BY COMMISSIONER DUFFY.**

**Motion Carried 5:0.**

**VI. PUBLIC HEARING AGENDA - 10:00 AM**

(1) **RECOMMENDED ACTION:** Conduct a public hearing to consider approving an Ordinance to lower the speed limit from 55 mph to 45 mph on Taylor Road from US 41 north to Jones Loop Road continuing northwest to Airport Road. **BUDGETED ACTION:** Budget of approximately \$750 for new speed limit signs is available in the Transportation Trust Fund.

Public Works Director Dan Quick explained the purpose of the agenda item is to approve an Ordinance to lower the speed limit

on Taylor Road from the existing speed limit of 55 mph to 45 mph from the roadway segment along Taylor Road from US 41 north to Airport Road.

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

**Motion Carried 5:0.**

**Commissioner Cummings** said he can see the southern half segment from Jones Loop to US 41 but not the segment from Jones Loop to Airport Road; stated he has no doubt that speed limit tests were done; opined speed limits have been dropped too low in many areas of the County; and indicated is not in favor of dropping the speed limit for this section.

Mr. Quick advised he has had additional discussions with the County Transportation Engineer, who indicated that based upon the data it would be appropriate to lower the speed limit from 55 mph to 50 mph from Jones Loop Road north to Airport Road, but not necessarily down to 45 mph, and is something the Board could consider.

**Commissioner Loftus** stated we need to be moving transportation rather than holding it back and is not in favor of lowering the speed limit. **Commissioner Duffy** indicated she agrees with the lower speed limit on the southern part from Jones Loop Road to US 41, but does not support lowering the speed limit from Jones Loop Road to Airport Road.

**Commissioner Cummings** inquired if the Board should consider approving a modification of the ordinance for dropping the speed limit for the southern segment of Taylor Road from Jones Loop Road to US 41; and inquired from Legal if reducing the segment creates advertisement problems.

Deputy County Attorney Daniel Gallagher advised that the territory where the speed limit would cover from the area initially submitted to the Board for consideration could be amended today. Attorney Knowlton inquired if the Board was prepared to make the changes here and read the changes into the record. Attorney Gallagher stated he believes so; that from Jones Loop Road to US 41 would be reduced from 55 mph to 45 mph; and that the remaining speed limit would be left intact.

**Commissioner Duffy** inquired if there were crash statistics. Mr. Quick advised there was some analysis made on the number of accidents; that the number of accidents, including the intersection at US 41, were minimally above what would normally be expected; that if the accidents that occurred at Taylor Road and US 41 were not considered the accident rate would fall below what would be considered the norm; that accidents do not appear to be a driving component in the reduction recommendation; and that the speed study was primarily the guiding criteria in making the recommendations. **Commissioner Duffy** asked how many neighbors had requested the speed reduction. Mr. Quick said he did not have an exact number but that Public Works has been receiving various requests over time from residents in the area to take a look at reducing the speed limit on Taylor Road, which we have done; and that based upon the analysis there is justification to make the recommendation to the Board to reduce the speed limit. **Commissioner Duffy** opined there was not enough justification and it was not necessary. Mr. Quick explained the analysis was done based upon Department of Transportation (DOT) standards and met the criteria to lower the speed limit.

**Commissioner Duffy** asked if The Loop going in so close has anything to do with this. Mr. Quick replied it did not. **Commissioner Loftus** opined there was not sufficient justification to change the speed limit at this time. **Commissioner Cummings** explained that normally he thinks these type things should be done by-the-book and if the speed study shows justification then it should be done; but indicated that it is in direct conflict with his experience in driving through the area frequently. Mr. Quick explained that in further discussions the County Transportation Engineer believes fairly strongly that 45 mph speed limit would be appropriate for the area from US 41 north to Jones Loop Road based not only from the data gathered, but considering the existing characteristics of the corridor with the ongoing commercial development. **Commissioner Cummings** agreed there will come a point in time where the speed limit on that road will need to come down because of activity as development occurs.

**COMMISSIONER LOFTUS MOVED TO DENY ORDINANCE TO LOWER THE SPEED LIMIT FROM 55 MPH TO 45 MPH ON TAYLOR ROAD FROM US 41 NORTH TO JONES LOOP ROAD CONTINUING NORTHWEST TO AIRPORT ROAD, SECONDED BY COMMISSIONER DUFFY.**

**Motion Carried 4:1. Commissioner Moore opposing.**

(2) *RECOMMENDED ACTION*: Conduct a Public Hearing to consider an ordinance revising Article II, Chapter 4-4, of the County Code relating to the Charlotte County Sanitation Unit, providing for once a week automated service. *BUDGETED ACTION*: None

Environmental and Extension Services Director Jim Thomson explained this public hearing is to consider an ordinance revising Article II, Chapter 4-4, of the County Code to address a change in sanitation collection services from twice a week to once a week.

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

Motion Carried 5:0.

**COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-061, SECONDED BY COMMISSIONER MOORE.**

*Commissioner Cummings* stated there are reasonable arguments for once or twice a week pickup; and inquired if the prices offered for twice a week automated pickup would still be considered a reasonable approximation if the Board renegotiated. Mr. Thomson replied affirmatively. *Commissioner Cummings* opined there would be some objections; and confirmed it would be as simple as negotiating a change to the contract, re-advertising and negotiating a change to the ordinance. Mr. Thomson replied affirmatively.

*Commissioner Duffy* inquired if citizens have the right to have twice a week pickup for a fee, and asked what the amount was.

Mr. Thomson explained we are trying to provide once a week automated basic level of service; that if a resident has unique circumstances that they need twice a week pickup they can contract with Waste Management for that additional collection; and indicated that it would be \$7.50 per month for the additional collection.

Motion Carried 5:0.

**VII. PRESENTATION AGENDA** - No items

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

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

X. CITIZEN INPUT - ANY SUBJECT

Park Pilikian commented on communication; requested that the BOCC consider adopting changes that future advisory committee meeting minutes be printed verbatim; commented on DeSoto County having non-agenda items earlier in the meeting to allow the public to give response and the BOCC to respond to the public; and requested that the Commissioners respond to his emails.

AA. County Administrator:

Mr. Baltz requested agreement from the Commissioners to set a workshop on September 23, 2008 at 2:30 PM for the purpose of providing a status update, what is being done at the staff level, what is intended, and what the strategies are on Murdock Village. **Chairman D'Aprile** asked if there was any dissent on doing that. **Commissioner Moore** agreed with the concept, but requested clarification from Legal that this could be scheduled for 1:00 PM or as soon thereafter as may be heard. Attorney Knowlton replied affirmatively; but reminded the Board that normally the Commissioners want a lunch break. **Commissioner Duffy** clarified the matter could be heard later than 1:00 PM, but not earlier. Attorney Knowlton replied affirmatively, but suggested that the meeting begin at 1:00 PM and then take a half hour lunch break if necessary. Mr. Baltz stated that is how the Workshop would be advertised. **(Consensus given)**

Mr. Baltz advised that at a recent meeting the Board requested staff to look into the County's Occupation of Easement and Fencing Permit Process; indicated that adjustments have been made at the staff level; that the fees would be reduced down substantially; and that the County would go to a process that essentially requests applicants to go through an Affidavit process that puts some responsibility on the applicant.

Mr. Baltz advised there is a Land Use Meeting scheduled November 18, 2008, which coincides with the seating of whoever the new Commissioners are; and requested approval to cancel that meeting if necessary. Attorney Knowlton explained she would double-check the dates and get back to Mr. Baltz on a final. **(Consensus given)**

BB. County Attorney: - None

CC. Commissioner Comments:

**Commissioner Cummings** advised that the website link for agenda item 2 regarding the excavation and mining for the afternoon's Land Use Hearing is not working and requested that someone fix it, and check on the others to be sure they are working correctly, during the lunch break so he can review the packet during the meeting.

**Commissioner Duffy** advised she is having a Town Hall Meeting Wednesday, September 17, 2008 in Room 119 of the Murdock Administration Building, from 6:00 PM to 8:00 PM; commented on the speakers and topics and invited Commissioners to attend; and advised someone would be available to take minutes in compliance with the Sunshine Law.

**Commissioner Loftus** stated that the bond on the Stadium renovations is to be paid through the bed tax; and that he believes there is a shortfall on the additional one cent for this year for paying the debt on the bond. Mr. Baltz agreed revenues this year have not been as robust as hoped; stated that he believes Telecommunication fees are pledged as a backup to cover the obligations of the project; and indicated he would look into it and brief the BOCC on options. **Commissioner Loftus** opined some of the revenue from the rest of the penny taxes could be utilized rather than go into Telecommunications. Mr. Baltz agreed that is one of several options but would like the opportunity to review and get back to the Commissioners.

Chief Board Services White agreed that is the pledge to secure the bonds, but does not believe it was the intent of the coverage; and pointed out that that money supplants the rest of the budget. **Commissioner Loftus** explained that is why he thought money from the remaining bed tax would be utilized to pay down the bond and not utilize other funding. Mr. White opined that was the intent.

**Commissioner Duffy** requested clarification that **Commissioner Loftus** recommended using this year's, or next year's, one cent sales tax. **Commissioner Loftus** clarified his reference was for bed tax, not sales tax; advised that the additional bed tax was to pay for the portion of the bonds but there is a shortfall and

opined payment should come from that area of the Tourism Development Tax, rather than from the Communications Tax.

Chairman D'Aprile advised that the Military Heritage Museum is desperate for funds; indicated he would speak further with the Administrator and the City of Punta Gorda Councilmember Smith-Mooney on where assistance could be given; and that he would then provide additional information to the Board. Chairman D'Aprile reminded the Commission that the Land Use Hearing postponed from August 19, 2008 would be conducted at 2:00 PM today.

ADJOURNED: 12:25 PM

Signature on file in Commission Minutes  
Chairman

ATTEST:

BARBARA T. SCOTT, CLERK  
OF THE CIRCUIT COURT AND  
EX-OFFICIO TO THE BOARD  
OF COUNTY COMMISSIONERS

By: Signature on file in Commission Minutes  
Deputy Clerk

gm