

BOARD OF COUNTY COMMISSIONERS

OCTOBER 14, 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, and Deputy Clerk Lansing. The following members were absent: None. The meeting was called to order at 9:00 A.M.

The Invocation was given by Pastor Bill Wilson, Port Charlotte Seventh Day Adventist Church followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: Purchasing-Item L-6- Change: the recommended action verbiage to: Approval of Change Order #2 to Contract #08-008, Manchester Boat Lock Removal, with Stemic Enterprises, Inc., of Fort Myers, Florida, both increasing the amount of the contract by \$128,345.32, for a revised total cost of \$751,563.37, and also adding an additional 91 calendar days to the contract time.

Change #2: Purchasing-Item L-4- Add: "The completion time is 730 calendar days with a liquidated damage rate of \$3,730 per day" to the background information.

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

Proclamations - Commissioner Cummings

Martha "Midge" Curran Day

COMMISSIONER MOORE MOVED TO PROCLAIM OCTOBER 14, 2008 AS MARTHA "MIDGE" CURRAN DAY, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Ms. Curran accepted the proclamation, said she has enjoyed her many years with the County, talked about the shows they had over the years, and stated her hope the new Events Center will have the same success.

Commissioner Duffy said she remembers working with Midge on projects over the years and saluted her for her hard work and contribution to the community.

4-H Month in Charlotte County

COMMISSIONER LOFTUS MOVED TO PROCLAIM THE MONTH OF OCTOBER, 2008 AS 4-H MONTH IN CHARLOTTE COUNTY, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Commissioner Cummings said the 4-H members he has met are already productive citizens. Jackie, Outstanding 4-H-er of the Year accepted the proclamation on behalf of the 4-H organization. Commissioner Cummings said they held 4-H meeting from his home when he was a child, noted how their groups ranked high every year, and mentioned the great range of activities available through 4-H.

Arts and Humanities Council Artist of the Month

COMMISSIONER MOORE MOVED TO PROCLAIM BARBARA GAVEL AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF OCTOBER, 2008, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Ms. Gavel thanked the Board for the honor and accepted the proclamation.

Community Planning Month

COMMISSIONER LOFTUS MOVED TO PROCLAIM OCTOBER, 2008 AS COMMUNITY PLANNING MONTH, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Allison McGrath accepted the proclamation, discussed the planners and volunteers, and thanked the Board for the recognition.

World Habitat Day

COMMISSIONER MOORE MOVED TO PROCLAIM OCTOBER 6, 2008 AS WORLD HABITAT DAY, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Mike Mansfield accepted the proclamation, thanked the County for their support and partnership with Habitat for Humanity, noted their past and future accomplishments, and stated Charlotte County was nominated nationally for Affiliate of the Year.

Employee Recognition- Commissioner Cummings

5 YEAR: Thomas Brooks, Facilities; Larry Burn, Utilities; William Conran, Utilities; John Mulholland, Building Construction Services; Lyndon Reinwald, Building Construction Services; Margaret Russell, Parks, Recreation & Cultural Resources; Paul Sears, Utilities; Carl Stamps, Parks, Recreation & Cultural Resources; **10 YEAR:** Stacey Dolleman, Utilities; Robert Holbach, Public Work; Kelly Studenwalt, Human Services; **20 YEAR:** Donald Kleinhaus, Facilities; MaryAnne Sharkey, Parks, Recreation & Cultural Resources; Jeffrey Siebelt, Public Works; **NOT ATTENDING: 10 YEAR:** Larry Lippel, Jr., Fire/EMS; **20 YEAR:** Robert Lavelle, Fire/EMS; Gloyd Stadel, II, Fire/EMS; Paul Weinrich, Fire/EMS.

Award Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Jim Sanders, spoke on behalf of the Charlotte/DeSoto Building Industry Association (BIA) and the Building Industry Oversight Committee (BIOC), requested the Board table the draft green building ordinance, Item X-2 from the agenda, discussed his reasons in detail, and opined it is a costly mistake.

Percy Angelo also spoke against the green building draft ordinance, Item X-2, stated she supports green but agrees moving forward now is premature, and suggested more research be done prior to public hearing.

Suzanne Graham spoke on behalf of the BIA and the Florida Home Builders Association, recommended delaying the draft ordinance, and provided information related to future legislative incentives that may be passed.

II. COMMITTEE VACANCIES

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

Charlotte County is seeking one volunteer to be appointed to sit on the Board of Directors of Babcock Ranch, Inc. The appointment must be a resident, active in an organization concerned with the activities of the ranch and not an employee of any governmental entity. This is a four (4) year term, effective November 2008, expiring November 2012.

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. Meetings are held as needed on the 1st and 3rd Monday of each month at 8:30 a.m. in Murdock.

Deep Creek Non-Urban Street & Drainage Unit Advisory Committee is seeking one volunteer to fill the remainder of a vacated term. Term is effective immediately and expires January, 2011. Greater Port Charlotte Street and Drainage Unit is seeking one member to serve as the alternate. Must reside within the unit. Term will expire in April 2009.

Housing Finance Authority is seeking one citizen to serve. Must be a resident of Charlotte County and have knowledge in labor, finance or commerce. This committee meets quarterly and term is four years.

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.

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 & Drainage Unit Advisory Committee is seeking one member to serve as the alternate member. Must be a land owner & 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.

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.

III. REPORTS RECEIVED AND FILED

Minutes for the September 19, 2008 Murdock Village Community Redevelopment Agency Advisory Committee

Minutes for the September 25, 2008 Charlotte Harbor Community Redevelopment Agency Advisory Committee

IV. CONSENT AGENDA

COMMISSIONER MOORE MOVED TO APPROVE IV. CONSENT AGENDA EXCEPT ITEM X-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

B. Minutes Division

(1) RECOMMENDED ACTION: Approve minutes for:
June 13, 2008, 9:00 a.m. Jt. Meeting: BCC & City of Punta Gorda
June 13, 2008, 1:30 p.m. Strategic Financial Review
June 16, 2008, 9:00 a.m. Executive Sessions - Phosphate Issues
June 17, 2008, 9:00 a.m. Land Use Public Hearings
BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Appoint Nathaniel Cooley as the Business Representative on the Charlotte Harbor Community Redevelopment Agency Advisory Committee. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Mel Staudmyer to serve as the alternate on the Harbour Heights Waterway Maintenance District Advisory Board. This term is effective immediately and will expire on April 10, 2009. BUDGETED ACTION: None

D. Administration - No Items

E. County Attorney

(1) RECOMMENDED ACTION: Approve a settlement in the amount of \$32,500 concerning the claim of Christopher Walling. BUDGETED ACTION: The settlement amount will be funded by the Risk Management Department's Self Insurance Fund.

F. Budget Office

(1) RECOMMENDED ACTION: Approve budget transfer #S08-01 in the amount of \$866,516 to align budgeted funds for the Supervisor of Elections for year-end closeout. BUDGETED ACTION: Budget Transfer #S08-01 in the amount of \$866,516.

(2) RECOMMENDED ACTION: Approve Budget Transfer # 08-026 in the amount of \$150,000 to close out Sheriff's 07/08 Budget. BUDGETED ACTION: Transfer \$150,000 from the Sheriff's Reserve for Contingency into the Sheriff's Operating Budget.

(3) *RECOMMENDED ACTION*: Approve extension of the 2008 Tax Roll from the Property Appraiser to the Tax Collector in accordance with Section 197.323 F.S. prior to the Value Adjustment Board completion of its final meetings. *BUDGETED ACTION*: None

(4) *RECOMMENDED ACTION*: Approve and authorize the Chair to sign, FY 2008/2009 County/State Department of Health Contract for the operation of the Charlotte County Health Department. *BUDGETED ACTION*: FY 2008/2009 budget \$1,277,000.

(5) *RECOMMENDED ACTION*: Approve the grant contracts between Charlotte County and the Arts and Humanities Council of Charlotte County Inc. in the amount of \$35,000; the Charlotte Community Foundation Inc. in the amount of \$16,923; the Charlotte Harbor Environmental Center in the amount of \$35,000; and the Military Heritage and Aviation Museum in the amount of \$21,000. *BUDGETED ACTION*: None

(6) *RECOMMENDED ACTION*: Approve 2008 price index for regulated water and wastewater utilities. *BUDGETED ACTION*: None

(7) *RECOMMENDED ACTION*: Set a Public Hearing for October 28, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to adopt an ordinance to update the Five Year Capital Improvements Program (CIP) for FY 2008/2009 through FY 2012/2013. *BUDGETED ACTION*: None

G. Growth Management

(1) *RECOMMENDED ACTION*: Set a joint meeting with the Planning and Zoning Board for December 16, 2008 at 2 p.m. *BUDGETED ACTION*: None

(2) *RECOMMENDED ACTION*: Set a Public Hearing for October 21, 2008, at 10:00 AM, or as soon thereafter as may be heard, to consider revisions to the temporary use ordinance. *BUDGETED ACTION*: None

H. Economic Development - No Items

J. Environmental Services

(1) *RECOMMENDED ACTION*: Approve and authorize the Chair to sign the Contract between Florida Department of Agriculture and Consumer Services and Charlotte County Board of County Commissioners to provide for Charlotte County's Mosquito Control Program. *BUDGETED ACTION*: None (**AGR 2008-044**)

(2) **RECOMMENDED ACTION:** Approve a Resolution adopting official names of recently acquired Conservation Charlotte Environmentally Sensitive Lands. **BUDGETED ACTION:** None (**RES 2008-129**) (**XREF: ORD 2006-007**)

(3) **RECOMMENDED ACTION:** a) Authorize Change Order #1 to File #08-335, Refuse Carts - Direct Purchased with Rehrig Pacific Company for the purchase of additional automated carts for automated sanitation collection service and b) Approve the CIP Budget Amendment #08-C20 and Budget Transfer #08-027 in the amount of \$171,966. **BUDGETED ACTION:** Approve CIP Amendment #08-C20 and Budget Transfer # 08-027 in the amount of \$171,966.

K. Facilities Construction and Maintenance - No Items

L. General Services

(1) **RECOMMENDED ACTION:** Award Bid #08-367, Gulf Cove Waterway Maintenance Dredging to Marine Contracting Group, Inc. of Punta Gorda, FL, in the amount of \$714,682.50. **BUDGETED ACTION:** The FY09 budget has \$1,000,000 available for this project in the Gulf Cove Waterway MSBU fund. CIP project C390704, Gulf Cove Waterway Dredging.

(2) **RECOMMENDED ACTION:** a) Award Bid #08-391, Asphalt Repairs for CCU - Annual Contract to Sunland Paving Company Inc. of Port Charlotte, FL at the unit prices submitted. Terms of the contract are from date of award through and including September 30, 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:** FY2009 Budget Contractual Services for Asphalt Services is \$65,000.

(3) **RECOMMENDED ACTION:** a) Approve Amendment #1 to Contract #07-363, Comprehensive Enterprise Land Records Management System, with Accela, Inc., to reflect the revised payment milestones and b) Authorize the Chairman to sign Amendment #1 to the Contract. **BUDGETED ACTION:** None

(4) **RECOMMENDED ACTION:** a) Award Bid # 08-222 Aqui Esta Drive Improvements, to the lowest responsive, responsible bidder: Quality Enterprises USA, Inc., of Naples, FL, at the project cost of \$6,879,523.39 and b) Authorize the Chairman to sign the contract. **BUDGETED ACTION:** The FY09 budget contains \$7,672,000 for Aqui Esta construction in the Road Improvements

budget. Project C419301, Aqui Esta/US 41 to Bal Harbor. Project total is \$11,666,000.

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

(6) RECOMMENDED ACTION: Approval of Change Order #2 to Contract #08-008, Manchester Boat Lock Removal, with Stemic Enterprises, Inc., of Fort Myers, Florida, in the amount of \$128,345.32, for a revised total cost of \$751,563.37. BUDGETED ACTION: FY09 funds for the dredging are available in the Manchester Waterway MSBU(95%) and the Ackerman Waterway MSBU (5%).

M. Human Resources

(1) RECOMMENDED ACTION: Approve an Early Separation Incentive Program for Board of County Commissioners employees. BUDGETED ACTION: If approved, funds will be paid from employee's home department budget.

N. Human Services - No Items

P. Information Technology - No Items

Q. Parks, Recreation and Cultural Resources

(1) RECOMMENDED ACTION: a) Approve and authorize the Chairman to sign a Public Waterways Designation Agreement which will incorporate the Charlotte County Blueways Trail System into the Statewide Florida Greenways and Trails System. b) Assign Director of Parks Recreation & Cultural Resources as designee to change state map when changes occur locally. BUDGETED ACTION: These are existing County sites. There is no additional cost and no additional funds are requested. (AGR 2008-045)

(2) RECOMMENDED ACTION: Accept and adopt the South Gulf Cove Park Master Plan which establishes a strategic development program of interconnected park and recreational opportunities appropriate to the South Gulf Cove community. BUDGETED ACTION: While this plan contains budget estimates for implementation and phasing recommendations, it is not the purpose of this plan to address funding sources or obligate the County to a future park construction schedule. Funding for parks in the South Gulf Cove community is available through the MSBU system.

R. Public Safety

(1) RECOMMENDED ACTION: Approve the Division of Forestry Agreement, Amendment of Contract #1903, dated July 1, 2008 which revises two (2) items within the contract. The total acreage is changed from 265,751 acres, to 216,996 acres of forest and wild lands to be protected within the County. The cost is changed from three cents (\$0.03) per acre, to seven cents (\$0.07) per acre of total forest and wild land acreage within the County. BUDGETED ACTION: None (AGR 2008-047) (XREF AGR 88-65A)

(2) RECOMMENDED ACTION: a) Approve Contract 09-BG-03-09-18-01 between the State of Florida and Charlotte County in the amount of \$98,726. The funds are to be used for the enhancement of emergency management. The grant will reimburse costs incurred in completing the work outlined by the FDEM in the 2008-09 Scope of Work that is included in the contract. b) Approve Budget Amendment #09-A01, adjusting grant amount to the actual awarded amount. BUDGETED ACTION: Amendment #09-A01 restricts grant reimbursement to the awarded amount. (GRT 2008-032)

S. Public Works - No Items

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve a Resolution and authorize the Chairman to execute a Declaration of Restrictive Covenant, to be located in a parcel of land lying in Section 7, Township 40 South, Range 23 East (also known as Parcel P1-1-7, Property Appraiser's Identification No. 402307151002) for the preservation of a wetland area (Charlotte County Public Health Building Site) BUDGETED ACTION: None (RES 2008-130)

V. Tourism Development - No Items

W. Utilities - No Items

X. Building & Construction Services

(1) RECOMMENDED ACTION: Approve six (6) Amended Developer's Agreements from Centex Homes to extend the following Developer's Agreements and attached surety for Final Plats as follows:

FP 03-08-04-Sawgrass Unit 1 from February 2008 to August 2010
(AGR 2006-004)

FP 04-05-08-Sawgrass Pointe Unit 2 from May 2008 to August 2010
(AGR 2006-017)

FP 04-09-19-Sawgrass Pointe Unit 3 from June 2008 to October 2010
(AGR 2006-028)

FP 04-09-20-Sawgrass Pointe @ Riverwood Unit 4 from Sept. 2008 to
August 2010 (AGR 2006-047)

FP 04-12-23-Myakka Pointe @ Riverwood Unit 2 from Oct. 2007 to
August 2010 (AGR 2008-048) (10/25/05, Item G-2)

FP 05-03-03-Sawgrass Unit 5 from January 2008 to October 2010
(AGR 2007-005)

(2) RECOMMENDED ACTION: Set a public hearing for October 28,
2008, at 10:00 a.m., or as soon thereafter as may be heard, to
consider approving an ordinance to help encourage the use of
sustainable construction in Charlotte County through green
building. BUDGETED ACTION: None

Commissioner Duffy explained the reasons why she thinks this
should wait and opined a workshop is needed prior to developing
this ordinance. **Commissioner Moore** said he is not against a
green ordinance, but stated it should be tabled until after more
information is received. **Commissioner Loftus** said we need to
move as quickly as possible, agreed a workshop is needed, opined
incentives should be given to the building industry, noted this
and many other governmental buildings are not energy efficient,
commented that the United States uses 25% of the world's energy,
and stressed the importance of conservation. **Commissioner
Cummings** said he does not object to delaying since this is
important, but not urgent. **Chairman D'Aprile** noted
he reconstructed his home green, mentioned it was more expensive,
but will pay off in the long run, and agreed for the need for a
workshop prior to the Public Hearing.

Attorney Knowlton asked for clarification on whether the Board
wants a workshop prior to a Public Hearing or if their intention
is to wait until the State provides their information. **Chairman
D'Aprile** stated consensus is to hold a workshop and deny X-2
today.

COMMISSIONER CUMMINGS MOVED TO DENY AND PULL ITEM X-2 FROM THE
CONSENT AGENDA AND SET A WORKSHOP TO DISCUSS THE ISSUE PRIOR TO
LEGISLATIVE UPDATES, SECONDED BY COMMISSIONER DUFFY.

Commissioner Cummings commented in regard to the Attorney's
question and opined the County should establish their goals prior
to the State legislative session and adjust afterward to
comply. **Commissioner Loftus** agreed, said we need to educate
the community as a whole, and repeated 25% of the world's energy
is being consumed in this country. **Commissioner Cummings** said

he will make arrangements for material and another presentation. **Commissioner Duffy** said Robert Humpel from Mathews Taylor is local and willing to meet with the Commissioners separately or as a group, noted she is in favor of conservation, opined we need to encourage green construction in our community, and asked for clarification related to a grassroots organization that may provide funding. **Commissioner Loftus** explained it is through the Ferguson Group. Noted we are a Charter Member, said he is opposed to further delay, and talked about energy and cost savings related to building design.

Assistant County Attorney Kira Honse recommended a website resource offered by the National Association of Counties (NAOC) (www.greencounties.org) and commented that Charlotte County was included in a presentation she attended related to the Energy Star Program. **Commissioner Cummings** noted they could participate on the NAOC committee, opined the single most important thing we could do in terms of energy savings is create good growth management, provided detailed suggestions, and discussed impacts. **Commissioner Moore** mentioned the landscaping ordinance and its relationship to the green ordinance. **Commissioner Loftus** agreed they need to move forward with the landscaping ordinance. **Commissioner Duffy** asked if the landscaping ordinance could be addressed during the green ordinance workshop. **Chairman D'Aprile** said they can incorporate the issues since they are related.

Motion Carried 5:0.

Chairman D'Aprile asked the County Attorney and County Administrator to consider what was said and schedule a workshop. **Commissioner Duffy** indicated the Board is asking for the Florida Building Codes, information related to the Federal Program, our Land Development Regulations, the requirements for landscaping as they are related to green construction, and are requesting a workshop as soon as possible.

Y. Other Agencies - No Items

V. REGULAR AGENDA

Z. Regular Agenda

RECESS 9:55 - 10:05 AM

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

(1) Public Works - RECOMMENDED ACTION: Conduct a public hearing to consider approving an ordinance amending the provisions of the Gulf Cove Waterway MSBU to provide for the removal of advisory board members of the Unit by the BCC. (ORD 2008-086)

Tara Musselman stated this is to amend the Gulf Cove Waterway ordinance to conform with all other MSBU language throughout the County.

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

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO CONDUCT A PUBLIC HEARING TO CONSIDER APPROVING AN ORDINANCE AMENDING THE PROVISIONS OF THE GULF COVE WATERWAY MSBU TO PROVIDE FOR THE REMOVAL OF ADVISORY BOARD MEMBERS OF THE UNIT BY THE BCC. (ORD 2008-086), SECONDED BY COMMISSIONER LOFTUS.

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

Katherine "Kitty" Blanco spoke on behalf of Mr. Richard Orris, discussed his background, provided a handout to the Board, explained Mr. Orris received a water bill in the amount of \$1,540.28 for the month of July, 2008, mentioned a timeline of meetings and discussions with Charlotte County Utilities (CCU), said they contacted WINK TV, continued to discuss the situation in detail, and requested the Board contact CCU to resolve this situation.

Chairman D'Aprile was appalled at what he heard and opined CCU will do what is necessary to correct the bill. Commissioner Loftus said he is checking into it, claims a hose can sometimes accidentally be left on and uses 10 gallons of water a minute. Chairman D'Aprile reiterated they did find a problem with the meter and found no indication of yard flooding or water robbery. Mr. Baltz said they will work hard on this, mentioned payment plan assistance is available to address the \$500 issue,

indicated he directed CCU not to turn off the water during this process, and suggested they allow him to gather the facts and work to resolve this issue. **Commissioner Moore** asked if they will find a solution by next Tuesday. Mr. Baltz advised he was meeting with CCU today. **Chairman D'Aprile** thanked Mr. Orris for his service to the Country and advised Administration will work to resolve this.

Suzy Hackett said she would be available after Attorney Knowlton makes her comments.

AA. County Administrator:

Mr. Baltz provided detail and visual slides related to the Water Authority Pipeline Project for informational purposes only. **Commissioner Loftus** appreciated the hard work and efforts being made. **Commissioner Cummings** recalled the limitations under the contract and suggested offering enhancements to the Cemetery in exchange for the use of the property. Mr. Baltz explained the contract, gave grant and funding details, and thanked **Commissioner Cummings** for his comments.

Mr. Baltz mentioned a memo and handout he provided to the Board related to Neighborhood Stabilization Act funds for Charlotte County and asked Mr. Hebert, the new Housing Manager, to discuss the new Act in detail. Mr. Hebert provided a timeline of events to date, mentioned \$541 Million was allocated for the State of Florida, mentioned funds already distributed to other counties, discussed deadlines, qualifications for entitlement, and stated he may call upon the Board for support. Mr. Baltz provided an additional summary, noted of the \$541 Million allocated, 48 specific counties received approximately \$450 Million which left \$91 Million to be divided among the remaining counties, and explained what the money can be used for. Mr. Hebert closed by explaining there could be as many as 200 entities applying for the funds which will cause delays and a competitive grant process. **Commissioner Cummings** asked for detail related to time frames and long term impacts. Mr. Hebert responded and discussed the subject further.

Mr. Baltz talked about sales tax revenue tracking and noted there will be a detailed presentation on the subject at the new Board Meeting. Mr. Baltz mentioned the new Events Center, indicated there may be some events held as early as November, and projected the Grand Opening may be January 9, 2009.

Mr. Baltz discussed impact fees related to **Commissioner Duffy's** recent inquiry, mentioned discussions with Suzanne Graham, and asked the Board if they were considering extending the current roll back for an additional three (3) months. **Commissioner Moore** asked how an extension would impact the present ordinance. Attorney Knowlton mentioned two legal issues related to a possible roll back. Deputy County Attorney Daniel Gallagher explained waiting periods, extensions, and advised this was for residential only. **Commissioner Moore** expressed his concern with making a decision since there is too much they do not know. **Commissioner Loftus** agreed with **Commissioner Moore**, said there is not enough information, and discussed concurrency. **Commissioner Duffy** agreed we need more information, must be advised of the benefits before making a decision, and opined moving quickly so not to lose the opportunity to help our citizens who are struggling with housing. **Chairman D'Aprile** wants to move as quickly as possible to take advantage of the project.

Attorney Knowlton said if her understanding of the waiting period is correct, the 90 day waiting period would not apply, and explained a decision was not needed until late December or early January, 2009. Mr. Hebert agreed with Ms. Knowlton, said \$21 Million is available statewide, indicated they still have not finalized the rules, and said upon receipt, he will forward the information to the Board to help them make their decision.

BB. County Attorney:

Attorney Knowlton said she forwarded Code Enforcement Board memos to the Commissioners and to the Florida Association of Counties (FAC) a few weeks ago related to who can make the determination that manufactured homes are safe, discussed the issue in detail, indicated the need for further confirmation from the legislative body, noted the upcoming FAC conference, urged anyone attended to bring the memo with them, and gave Ms. Hackett the opportunity to discuss responses she has received.

Ms. Hackett read several responses into the record, discussed the issue in detail, explained what has been done to date, and said they need more support from the County Commissioners. **Chairman D'Aprile** discussed his understanding and asked for clarification. Ms. Hackett responded and introduced Jim Evetts. Mr. Evetts provided detail related to the subject, mentioned licenses, standards, DMV regulations, codes, hurricane standards, indicated the obstacles to date, and the steps he has taken over the last several years.

Chairman D'Aprile asked about lobbyist support, talked about safety issues related to mobile home developments, and asked what the Board can do to help. Mr. Evetts continued to discuss the subject and opined lobbying is the only solution. **Commissioner Moore** asked for clarification related to the response from Representative Kreegel. Ms. Hackett explained the response was from Mr. Kreegel's assistant, stated the reply indicated they would look further into it, noted she is still waiting for their response, and advised they indicated this is a County problem. Ms. Hackett opined this is a statewide problem since mobile homes are in all counties throughout the State of Florida. **Commissioner Cummings** gave his impression, opined they need to direct this issue to the Federal Government, not the State, and suggested our Congressman's Aides review a video of this conversation to assure our lobbyists can be focused on this situation. Mr. Evetts continued to comment.

Commissioner Duffy asked how other counties are handling this. Mr. Evetts said they are also frustrated, are do what is required by State Law, and mentioned the certification problem begins with updating. **Commissioner Cummings** asked how things could be handled if we had someone with a recertification license. Attorney Honse described the laws and regulations. **Commissioner Cummings** and Mr. Evetts continued to discuss standards and the difference between Department of Community Affairs (DCA) certification stickers. **Commissioner Loftus** expressed this does need to be addressed at the Federal level and the importance of getting the information to the lobbyists. Ms. Hackett again advised she is asking for Board support and asked that they make contact at the congressional level. **Commissioner Duffy** mentioned this subject should be included on their list of legislative priorities. **Commissioner Cummings** suggested the situation could meet less opposition if we made the point that we are strictly looking for a repair standard.

Attorney Knowlton mentioned a memo she provided to the Board related to door to door solicitation, explained our County Code has fallen behind the State Statutes, recommended the Board approve a repeal, and provided detail. The Board gave their consensus to the update and Attorney Rooney explained the steps involved.

Attorney Knowlton provided an update on Pirate Harbor and advised the Clerk is already conducting the financial audit. Commissioner Loftus asked about the performance audit. Chief Deputy White informed the Board that a Performance audit would need to be outsourced.

CC. Commissioner Comments:

Commissioner Duffy said she attended a Metropolitan Planning organization meeting, noted discussions related to reduced gas tax revenues statewide which resulted in less funding for roads, and recommended the need to add this to the legislative list of priorities.

ADJOURNED: 11:37 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

j1