

BOARD OF COUNTY COMMISSIONERS

JANUARY 27, 2009

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 Duffy, Commissioner Cummings, Commissioner Loftus, Commissioner Starr, and Commissioner Skidmore. Also in attendance were County Administrator Baltz, County Attorney Knowlton, Finance Director Larrivee, Executive Assistant Stoner, and Deputy Clerk Manley. The following members were absent: None. The meeting was called to order at 9:00 AM.

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

Changes to the Agenda:

Change #1: Requested by: Commission Office - Z-2: Add an additional person to the ballot to the Little Gasparilla Island Advisory Committee to serve as the Member at Large.

Change #2: Requested by: Budget Office - Z-6: RECOMMENDED ACTION: Reschedule Goal Setting and Budget Workshop to discuss the upcoming budget process to Friday, February 6, 2009 at 10:00 A.M., in Room #B-106.

Mr. Baltz explained that the date for Goal Setting and Budget Workshop has changed again but adding it to the regular agenda allows the Board to discuss it and set the desired date.

Change #3: Requested by Commission Office - Z-2: Remove the ballot for the Representative of the Gaspar's Hideaway Homeowner's Association on the Little Gasparilla Island Advisory Committee and appoint Donald Oleson as the representative; and remove Steve Farmer's name from the ballot to appoint a Member-at-Large on the Little Gasparilla Island Advisory Committee per his request.

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

Special Recognition

Proclamations - Chairman Duffy and Commissioner Cummings

Matt La Porta Day January 27, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE MATT LA PORTA DAY
PROCLAMATION JANUARY 27, 2009, SECONDED BY COMMISSIONER
SKIDMORE.

Motion Carried 5:0.

The Proclamation was accepted by Matt LaPorta.

Brenda Avazier Day Proclamation January 27, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE BRENDA AVAZIER DAY
PROCLAMATION JANUARY 27, 2009, SECONDED BY COMMISSIONER
SKIDMORE.

Motion Carried 5:0.

The Proclamation was accepted by Brenda Avazier.

Carl Steve Drawdy Day Proclamation January 30, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE CARL STEVE DRAWDY DAY
PROCLAMATION JANUARY 30, 2009, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

The Proclamation was accepted by Jim Thomson for Steve Drawdy.

Kids Weather Survival Week Proclamation the week of February 1,
2009 through February 7, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE KIDS WEATHER SURVIVAL WEEK
PROCLAMATION THE WEEK OF FEBRUARY 1, 2009 THROUGH FEBRUARY 7,
2009, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

The Proclamation was accepted by Wayne Salade, Director of
Emergency Management.

Laurence "Larry" Burlew, Jr. Day Proclamation January 30, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE LAURENCE "LARRY" BURLEW, JR. DAY PROCLAMATION JANUARY 30, 2009, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

The Proclamation was accepted by Larry Burlew.

Lemon Bay Fest: Englewood History with Zest! Proclamation the week of February 7, 2009 through February 14, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE LEMON BAY FEST: ENGLEWOOD HISTORY WITH ZEST! PROCLAMATION THE WEEK OF FEBRUARY 7, 2009 THROUGH FEBRUARY 14, 2009, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

The Proclamation was accepted by Linda Citro, Librarian Supervisor at the Englewood/Charlotte Library.

Mary Brumley Day Proclamation January 30, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE MARY BRUMLEY DAY PROCLAMATION JANUARY 30, 2009, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

The Proclamation was accepted by Mary Brumley.

Russell "Russ" Laughlin Day Proclamation January 30, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE RUSSELL "RUSS" LAUGHLIN DAY PROCLAMATION JANUARY 30, 2009, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

The Proclamation was accepted by Russ Laughlin.

St. Charles Borromeo Council 5399 Tootsie Roll Drive Days Proclamation January 29, 2009 through January 31, 2009.

The Proclamation was accepted by representatives of the Knights of Columbus/St. Charles Borromeo Council 5399. (Speaker was Bill Craig)

COMMISSIONER LOFTUS MOVED TO APPROVE ST. CHARLES BORROMELO COUNCIL 5399 TOOTSIE ROLL DRIVE DAYS PROCLAMATION JANUARY 29,

2009 THROUGH JANUARY 31, 2009, SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 5:0.

Employee Recognition - None

Award Presentations

Recognition of one First Place Award and six Special Judges Awards received by the Communications & Marketing Department at the Florida Government Communicators Association 2008 Annual Awards.

Joyce Ross acknowledged awards received by the Charlotte County Communications and Marketing Department.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Chuck O'Hara spoke in support of the Board considering him as Member-At-Large of Little Gasparilla Island Advisory Board, Agenda Item Z-2.

Bob Hill spoke in support of the Board considering his continuance as Member-At-Large of Little Gasparilla Island Advisory Board, Agenda Item Z-2.

Raul Corona advised he is interested in volunteering as an alternate for the Grove City Street and Drainage Advisory Committee. Chairman Duffy explained the process for Mr. Corona to follow in submitting his request.

II. COMMITTEE VACANCIES

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

Ackerman Waterway Unit Advisory Committee - is seeking three members to serve on the committee. Must be land owners and reside within the Ackerman Waterway district. Terms are for three years.

Boca Grande Street and Drainage Advisory Committee - is seeking two members to serve on the committee. Must be land owners and reside within the unit. Terms are for three years.

Environmentally Sensitive Lands Oversight Committee - is seeking one volunteer who is a resident and elector of Charlotte County. A volunteer is needed to represent the "community representative" category. Length of term: three years.

Grove City 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. Term is for two years.

Gulf Cove Street and Drainage Advisory Committee - is seeking two members to serve. Must be residents and property owners of Gulf Cove. Appointees will fill unexpired terms.

Northwest Port Charlotte Waterway Advisory Committee - is seeking one member to serve on the committee. Term is for three years. Must be a resident and property owner within the Northwest Port Charlotte Waterway MSBU.

West Charlotte Stormwater Utility - is seeking one (1) volunteer to finish a vacated term; effective immediately and expiring July 25, 2009. Must be a land owner and reside within the unit.

III. REPORTS RECEIVED AND FILED

Minutes for the Special Meeting held by the Charlotte Harbor CRA Advisory Committee on January 6, 2009.

Minutes from the January 9, 2009 Murdock Village Advisory Committee meeting.

IV. CONSENT AGENDA

**COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEM W-3, SECONDED BY COMMISSIONER SKIDMORE.
Motion Carried 5:0.**

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Finance Memoranda

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

Memorandum #1A - Status of Contingency Reserves - FY 08/09

Memorandum #2 - Total Disbursements for the period January 6 through 16, 2009 in the amount of \$11,306,391.58

BUDGETED ACTION: None

B. Minutes Division

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

10/21/08 9:00 AM Land Use Hearings

10/28/08 9:00 AM BCC Regular

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Appoint Scott Schermerhorn to the West Charlotte Stormwater Utility Advisory Board. Mr. Schermerhorn meets qualifications to sit on this committee. This is a three year term that is effective immediately and expires July 25, 2011. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Scott Schermerhorn and re-appoint John Peszko to the Rotonda West Street and Drainage Advisory Board. Mr. Schermerhorn meets qualifications to sit on this committee as does Mr. Peszko who has been serving since 2007. These are both three year terms effective February 13, 2009, expiring February 13, 2012. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve reappointment of Shirlou Fisher to the Tropical Gulf Acres Street & Drainage Unit Advisory Board. Length of term is three years. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Approve the reappointments of Clarence Brosmer and Joe Giraldi to the South Gulf Cove Waterway Advisory Committee. Both members would like reappointment and terms are for three years. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Approve reappointment of Robert Shaffer, William Faris, and David Choken (alternate) to the Charlotte

Ranchettes Street & Drainage Unit Advisory Board. Length of terms is 3 years. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Approve the reappointment of Patrick Randall to the Manchester Waterway Advisory Committee. Mr. Randall would like to continue serving on this committee for a three year term. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: Approve the reappointments to the Construction Board of Adjustments and Appeals, Gregg Brown as Electrical Contractor and David Burnett as the Plumbing Contractor. Terms are for three years. BUDGETED ACTION: None

(8) RECOMMENDED ACTION: Appoint Keith Buechel to the Marine Advisory Committee as a representative from the Port Charlotte Yacht Club. Mr. Buechel will be assuming the term of David Rubin who resigned in December 2008. This term is effective immediately and shall expire December 31, 2009. BUDGETED ACTION: None

(9) RECOMMENDED ACTION: Approve a resolution permitting I.A.F.F. Local 2546 to conduct a Fill-the-Boot Drive to raise funds for the Muscular Dystrophy Association (MDA) along US Highway 41. BUDGETED ACTION: None

Resolution 2009-012

(10) RECOMMENDED ACTION: Approve appointment of Tony Janicki, Ph.D. to the Scientific Peer Review Panel and Board approval of Agreement for Participation on Scientific Review Panel. BUDGETED ACTION: None

Agreement 2009-006

D. Administration - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: Approve a Surety Bond for the Clerk of Court. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Motion to find all Bonds in compliance and in full effect at this time. BUDGETED ACTION: None

F. Budget Office

(1) *RECOMMENDED ACTION:* Approve the public assistance federally funded and state funded sub grant agreement for Tropical Storm Fay. *BUDGETED ACTION:* None, expenditures and matching revenues will be posted to various accounts. Expenditures and matching revenues will be posted to various accounts.

Grant 2009-005

G. Growth Management

(1) *RECOMMENDED ACTION:* Approve a resolution and accompanying covenant adopting a Certification of a Sending Zone, petition # CSZ-08-12-02, for Joe and Marjorie Bixby. *BUDGETED ACTION:* None

Resolution 2009-013

H. Economic Development

(1) *RECOMMENDED ACTION:* Approve and execute the Economic Development Transportation Fund Application. *BUDGETED ACTION:* None

Grant 2009-006

J. Environmental Services - No Items.

K. Facilities Construction and Maintenance

(1) *RECOMMENDED ACTION:* Approve a two (2) year lease with elected Congressman Thomas Rooney for office space at 226 Taylor Street, Punta Gorda, also known as the Charlotte County Historic Courthouse. *BUDGETED ACTION:* None, the monthly payment of \$250 is budgeted into the revenues of Charlotte County Facilities.

Resolution 2009-014 and Agreement 2009-009

L. Purchasing

(1) *RECOMMENDED ACTION:* a) Approve award Bid #09-031, Auto Body Repairs, in ascending order, to J & B Collision Consultants and Don Gasgarth's Charlotte County Ford, both of Port Charlotte, Florida, at the unit prices list below for the term from date of award up to and including December 31, 2009, with option to renew

at the same prices, terms and conditions for two additional one-year terms, by mutual consent; and b) Authorize County Administrator to approve renewals. This is an annual contract for the services of multiple licensed and insured firms to provide repair services to miscellaneous damaged vehicles. BUDGETED ACTION: Purchases for FY08 were approximately \$60,000. Repairs will be charged to the appropriate department requiring repairs, upon completion of repairs.

(2) RECOMMENDED ACTION: a) Award Bid #09-114, Aerial Adulticide Services, (Primary Services) to the lowest responsive, responsible bidder, Vector Disease Control, Inc. (VDCI) of Dewitt, AR, at the cost of \$.82 and \$1.55/per acre respectively and (Back-up Services) to the second lowest responsive, responsible bidder, Clarke Environmental Mosquito Management, Inc. of Kissimmee, Florida, at the cost of \$.93 and \$1.63/per acre respectively, for the period from date of award through and including December 31, 2009; and b) Authorize the County Administrator to approve renewal options up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent. This contract is to obtain the services of qualified Contractors (Primary and Back-up services) furnishing a Federal Aviation Administration (FAA) approved aircraft, equipped to provide annual aerial spray services for the control of adult mosquitoes. BUDGETED ACTION: The expense for aerial adulticide for FY08 totals \$290,798. The amount in the local Mosquito budget is \$280,798 and the amount in the state Mosquito Budget is \$10,000.

M. Human Resources - No Items.

N. Human Services

(1) RECOMMENDED ACTION: Approve and Chair be granted the authority to sign the Medicaid Non-Emergency Transportation Contract (NEMT) with the Commission on the Transportation Disadvantaged. This action will continue Medicaid transportation funding at approximately the same rate that has been paid for the last two years. BUDGETED ACTION: None. The funding source for these revenues and expenditures is a grant through the Commission for the Transportation Disadvantaged and is budgeted for FY08/09 in the Transit Budget.

Grant 2009-007

P. Information Technology - No Items.

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

R. Public Safety - No Items.

S. Public Works

(1) **RECOMMENDED ACTION:** Approve and authorize the Chair to sign, a Resolution and Settlement Agreement with the State of Florida Department of Transportation (FDOT) for the US 41 Charlotte Harbor Gateway - Landscaping Project. The Settlement Agreement will allow FDOT to reimburse the County in the amount of \$257,862.59 for the design and construction of landscaping and irrigation projects located north of the Peace River Bridge to Melbourne Street on the west, median and east side of US 41. **BUDGETED ACTION:** None, funding for this project was supplied from the Charlotte Harbor CRA. CIP project c190802, Charlotte Harbor Gateway. Project total is \$13,358,000. Revenues to be reimbursed to the Charlotte Harbor CRA. The Settlement Agreement will allow FDOT to reimburse the County in the amount of \$257,862.59 and revenue to be reimbursed to the Charlotte Harbor CRA.

Resolution 2009-015 and Agreement 2009-007

(2) **RECOMMENDED ACTION:** Request the Board set a public hearing for February 10, 2009, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance amending the provisions of the Gulf Cove Street and Drainage MSBU. **BUDGETED ACTION:** None

T. Real Estate Services

(1) **RECOMMENDED ACTION:** Approve the attached Resolution approving the release of a portion of a twenty-foot (20') wide canal maintenance easement, located in Port Charlotte Subdivision, Section Seventy-Eight, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easement. (Owners: Larry G. and Judith A. McDonald) **BUDGETED ACTION:** None

Resolution 2009-016

(2) *RECOMMENDED ACTION:* Approve the attached Resolution authorizing the Chair of the Charlotte County Board of County Commissioners to approve the agreement for exchange of the County's interest in two platted lots for the interest in two privately owned platted lots owned by Charlotte County Habitat for Humanity Inc., located in Charlotte County, Florida. *BUDGETED ACTION:* None (*Proof of Publication was in order.*)

Resolution 2009-017

(3) *RECOMMENDED ACTION:* Approve the Resolution authorizing the Chair to approve the proposed non-exclusive, ingress and egress access easement to Suncoast Humane Society over portions of the County's Oyster Creek Regional Park. *BUDGETED ACTION:* None

Resolution 2009-018

(4) *RECOMMENDED ACTION:* Approve the grant of two (2) temporary construction easements and one (1) permanent utility easement to the Peace River Manasota Regional Water Supply Authority on a County-owned parcel occupied by the Deep Creek Fire Station #12, bounded by Rampart Blvd., I-75 and Luther Road in Section 17, Township 40 South, Range 23 East. *BUDGETED ACTION:* None

Resolution 2009-019

V. Tourism Development - No Items.

W. Utilities

(1) *RECOMMENDED ACTION:* Approve a Resolution to borrow an amount not to exceed \$8,000,000 from Bank of America to accomplish the expansion of the Burnt Store Reverse Osmosis Water Treatment Plant and Wells and the Reclaimed Water Expansion Project. *BUDGETED ACTION:* None

Resolution 2009-020

(2) *RECOMMENDED ACTION:* Approve Agreement for Emergency Sale and Purchase of Water between Charlotte County and Gasparilla Island Water Association, Inc. (GIWA). This agreement will establish a mechanism for the transfer of water from one system to the other on an emergency basis for a twenty (20) year term. *BUDGETED ACTION:* None, emergency sale or purchase of water revenue/expense are provided through the utilities O&M Fund.

Agreement 2009-008

(3) *RECOMMENDED ACTION*: Approve the use of the Englewood Water District (EWD) water interconnection to supply a portion of Charlotte County's water demand. Approximately 1.0 million gallons per day to be delivered to the County from EWD is being requested by the Peace River/Manasota Regional Water Supply Authority (Authority) facility on Kings Highway tentatively to begin on or about January 28, 2009 ending July 1, 2009. *BUDGETED ACTION*: Water delivered to CCU through the interconnection will be metered and billed by the EWD directly to the Authority under the government wholesale rate of \$1.93/1,000 gallons. The Authority will in turn pay the EWD for all water used through the interconnection. The Authority will invoice CCU monthly, the current Base Rate Charge of \$1.78/1,000 gallons and a variable water rate of \$0.67/1,000 gallons for a total of \$2.45/1,000 gallons.

Commissioner Starr expressed concern with expense involved and opined that this has possibly for many years resulted in higher rates for the water customers.

COMMISSIONER STARR MOVED TO DENY USE OF THE ENGLEWOOD WATER DISTRICT (EWD) WATER INTERCONNECTION TO SUPPLY A PORTION OF CHARLOTTE COUNTY'S WATER DEMAND, SECONDED BY COMMISSIONER SKIDMORE.

Commissioner Cummings indicated the core issue that needs to be addressed is that for the last couple years the Board has had an unwritten goal of being perceived as a cooperative regional partner; that the goal of being perceived as a cooperative regional partner is costing Charlotte County millions of dollars each year and the Board needs to take a more effective negotiating stance; *Commissioner Cummings* stated that we are in a bad situation, he understands the need to have a higher quality of water, and that we would find ourselves approving this in the end either way; and indicated although he does not support the motion we need to have conversation as to how we go about negotiating as a county and member of the region.

Commission Starr concurred with *Commissioner Cummings*; opined this is a costly venture but probably necessary; that his reason for pulling the item is that we need to be on record that we are

not interested in just signing a blank check to spend the water customer's money; and that he wanted to have a vote to express his disapproval of the water connect.

Commissioner Loftus explained that the County and our Utilities worked with the Englewood Water District and provided the interconnect for the sole purpose of transferring water when needed; indicated when drought conditions such as we have had for about 3 years depredates water quality to a point where it is better to purchase water from the Englewood Water District, it is most important for the utility customers; that the Peace River/Manasota Regional Water Supply Authority (Water Authority) is willing to pay for it and it would not cost us more than is necessary; and requested that Water Authority Executive Director Pat Lehman speak on the issue.

Mr. Lehman explained the use of the Englewood interconnect would provide a better way to optimize management of the resources on a regional basis rather than individually and is another tool to assure the best water quality possible by mixing and matching appropriate water resources; explained that billing is done according to the annual budget rate resolution, which is approved by the Water Authority Board after having been presented to its member boards; advised there is a base charge that covers all the fixed costs, debt service, and fixed operating and maintenance (O & M) costs, which stays the same whether the interconnect is used or not; that the Authority provides the water needed and what is metered is given a monthly usage charge; and agreed the interconnect works with regional cooperation. Mr. Lehman stated we have been in a tough situation with the drought; that the Authority has worked with the Englewood Water District in past years, has an agreement with the City of Punta Gorda and is building an interconnect with them for the future; reported that the regional expansion program is on schedule and eventually will help the drought problem; that the reservoir is on target to be finished by June 2009; and that next year there will be a completely different picture than there is now. Mr. Lehman said the Water Authority wants to be fair and equitable and is open for discussion to Charlotte County concerns and possible resolutions over costs.

Commissioner Loftus said he would like to see a one-on-one meeting as soon as possible so the new Commissioners can be updated. **Chairman Duffy** recommended the new

Commissioners visit the Water Authority; indicated it is anticipated the new reservoir coming on line will help with future drought situations; pointed out the Englewood interconnect was done specifically for this type situation; and that she has been informed there is adequate supply at this facility.

Commissioner Skidmore advised he visited the new facility and that it is very impressive; indicated the rate we are paying through this action is more cost effective for the rate payers than going directly to Englewood Water District and the action should be approved; and stated that there was a lack of information from the 5th floor before this came on the agenda and that communication needs to tighten up. Chairman Duffy clarified the motion on the floor is to deny.

Motion Failed 1:4. Chairman Duffy, Commissioner Cummings, Commissioner Loftus, and Commissioner Skidmore opposing.

COMMISSIONER LOFTUS MOVED TO APPROVE USE OF THE ENGLEWOOD WATER DISTRICT (EWD) WATER INTERCONNECTION TO SUPPLY A PORTION OF CHARLOTTE COUNTY'S WATER DEMAND, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner Cummings thanked Commissioner Starr for his motion; stated this is an example of the ability to exercise our right to enhance our negotiating position; that now may not be the best time to exercise that right, but is an important message to send to the Water Authority that we are taking a closer look at things.

Motion Carried 4:1. Commissioner Starr opposing.

X. Building & Construction Services

(1) RECOMMENDED ACTION: Approve Amended Developer's Agreement for FP 04-05-10 - River Club Subdivision, transferring to Brookwood River Club II, LLC, extending agreement for two (2) years, and accepting reduced surety Letter of Credit #SLC500512 drawn on Northern Trust on behalf of Brookwood River Club II, LLC in the amount of \$423,996.27. Approve release of original surety Bond No. 20BSDN3672 in the amount of \$6,231,267.58 to D. R. Horton, Inc. (original developer). BUDGETED ACTION: None

Amendment Number 1 to Agreement 2006-006

Y. Other Agencies - No Items.

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

(1) *Public Works - RECOMMENDED ACTION:* Request the Board conduct a public hearing, at 10:00 a.m. or as soon thereafter as may be heard, to consider approving an ordinance prohibiting no vehicles over six wheels on sections of Harness Road, Master Drive, Brig Circle North and Brig Street in Charlotte County. (**Proof of Publication was in order**)

Tara Musselman explained the request for this item originally came from Rotonda Sands (The Sands); that the current route being used by Quality Mine trucks is Rotonda Boulevard East around Parade Circle and out Rotonda Boulevard West; that Public Works proposed putting up a "no trucks over six wheels" signs, which would take the trucks up Gasparilla Road to Rotonda Boulevard East and across. Ms. Musselman advised that the only area that would get increased traffic is Rotonda Boulevard East from Gasparilla Road to Boundary Boulevard; and indicated that currently there are no homes fronting that, but that it was built as a collector road, whereas the roads in The Sands are built as residential roads not for the trucks.

Commissioner Skidmore pointed out there are condominium projects, the Rails-to-Trails facility, and the Elks Lodge in that area; and inquired if Public Works had investigated an alternative route, such as C.R. 771 or C.R. 775. Dan Quick stated that Public Works has not been asked to do that but could do so; indicated that there appears to be a growing consensus within Rotonda about the truck traffic going through the subdivision; and recommended that Public Works host a meeting with Barbara Jeffries, Quality Mine, representatives of the Sheriff's Department, the County Transportation Engineer, and members of the Rotonda subdivisions and communities, to determine what is reasonable and makes the most sense in looking at truck traffic from the Quality Mine going through Rotonda.

Chairman Duffy asked if the route Ms. Musselman described was Mr. Quick's recommendation. Mr. Quick advised that is what the residents in Rotonda asked Public Works to look at and is staff's recommendation today; explained that there is a bigger issue with traffic going through Rotonda in and of itself; and

suggested to bring the issue to closure we need to step back and hold the meeting he previously mentioned and come up with a final resolution to the issue.

Commissioner Skidmore explained this item is before the Board today because of South Gulf Cove residents on Brig and Harness Roads concerns to truck traffic through their facility; indicated he does not recall mention in the permit or his direction of staff to re-route the truck traffic down Rotonda Boulevard East; that there are many bike riders and walkers in that area; that the proposed route shifts the burden from one community to another; and that Rotonda Boulevard East is not a collector road for commercial traffic. **Commissioner Skidmore** said he does not want to put the members of the South Gulf Cove community out today and not address their issue; indicated that the Rotonda Roads should not be designated as the roads to use, but instead look at C.R. 771 or C.R. 775; and asked Attorney Knowlton how the ordinance could be amended today without putting off the South Gulf Cove residents and live up to the conditions of the permit.

Attorney Knowlton explained the ordinance was advertised designating 3 roads and her safest advice is to re-advertise the whole thing; that there is case authority saying if a substantial or material change is made in an ordinance you must start the whole process anew, but an argument could be made that this would not be a substantial change because 3 roads were listed and 1 of the roads may be changed; and that the options are to take the chance that it is not challenged and make the change today, which she believes is defensible, re-advertise with the specific roads, or take Mr. Quick's suggestion of postponing the whole thing until he meets with the appropriate parties.

Commissioner Skidmore expressed concern with enforceability of violations of the ordinance and possibly placing weight limits on the roads; and stated he is hesitant to shelve the ordinance today. **Chairman Duffy** asked if **Commissioner Skidmore** was requesting that staff look into the weight limit matter. **Commissioner Skidmore** stated he was not certain if that is the appropriate measure to be taken; indicated that Mr. Quick has suggested a meeting with community members and others to eliminate the Rotonda Roads; that he does not know if time allows that to be done and live up to the County's obligations; opined that the Board should eliminate the designation of Rotonda Boulevard East to Parade Circle; and recommended that the

trucks be sent down C.R. 771 past the causeway of Boca Grande up C.R. 775 with no residential encroachment.

Ms. Musselman explained that this ordinance only designates no trucks over 6 wheels on Harness Road, Master Drive, Brig Circle North, and Brig Street in Rotonda Sands; that it does not change the designation of Rotonda Boulevard East, Rotonda Boulevard West, or Parade Circle; that it does not give the trucks an alternate route other than telling them not to go into the Rotonda Sands district; and indicated if it is the consensus of the Board to add Rotonda Boulevard East, Rotonda Boulevard West, and Parade Circle another hearing may be required.

Commissioner Skidmore asked Attorney Knowlton if there is case authority to add from the dais Rotonda Boulevard East and Parade Circle today. Attorney Knowlton said case authority states "if you are making a substantial and material deviation" and it would be up to a Judge to make that determination; that she thinks the better course is to re-advertise; but it is defensible and an argument could be made. **Commissioner Skidmore** recommended passing the ordinance and working with the Rotonda communities for another public hearing as soon as possible to prohibit trucks on the residential roads out there. **Chairman Duffy** expressed concern with unintended consequences in instances where a home is being constructed or items being delivered by trucks with more than 6 wheels is needed; and inquired if the Board could make it a condition that all trucks for the Quality Mine project follow a specified directed route.

Barbara Jeffries commented on restrictions to the ordinance; indicated that the mine operator does not have control over the truck drivers as most are independent operators; that the control the mine operator has is to hand out literature and advise if the trucks do not use the designated roadway they would no longer be used; and pointed out staff is working diligently to implement that policy. Ms. Jeffries advised there are many problems with the Quality Mine but it is the traffic concern before the Board today; that we should have thought to include the Rotonda Boulevard roadways; opined the public would support bringing those roadways to a second hearing; and indicated it cannot be limited the way the Board would like to at this time.

Commissioner Starr inquired if a special exclusion could be added in the sign for local delivery trucks. Assistant County

Attorney Dan Gallagher commented on vehicles that are already excluded in the statute.

Jay Lyons, of the Rotonda West Association, indicated there are multiple Rotonda developments; that when Coral Creek Bridge was re-enforced it was understood the truck problem would go away; and opined the trucks should not be routed through any of the neighborhoods when there are alternate routes.

Kendall Leach, Rotonda Sands Board of Directors member, advised that he is speaking only about the Rotonda Sands area; that the roads are paid for through the land owner's MSBU Street and Drainage and the mining company nor anyone else has anything to do with the funding for deterioration of the roads; that there are other trucks 6 wheels or less that drive through Rotonda Sands to go to the King burn area to dump debris which they are also trying to eliminate; and opined that we can achieve what we are trying to do for the roads in Rotonda Sands with signs that read "no through trucks allowed."

John Brandenburg, Association Manager for Rotonda Sands, agreed with Mr. Leach and commented on damage done to the roads and pavement edges and safety concerns.

Nick Gizzi, President of Rotonda West Association, commented in support of the ordinance and concerns the Association has to the truck traffic and safety issues.

Jim Kemp advised he lives on Harness Road and that east bound Harness Road is torn up; that the MSBUs must pay for the repairs and the roads are not made for this type truck traffic; expressed concern with safety issues; and opined some speed limit signs are also needed.

COMMISSIONER SKIDMORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Commissioner Skidmore inquired if posting a sign that states "no through trucks allowed" is a material change to the ordinance. Attorney Knowlton explained if that is challenged a Judge would make that determination; that changes can be made during the hearing process as long as it does not change the original intent of the ordinance; that you are now not only talking about

changing the streets that are in the title of what was advertised and broadening the scope of that, but also the type of vehicles that would be prohibited; and the more changes that are made the less defensible it becomes. Attorney Gallagher explained as the ordinance is currently drafted the code section specifically states "no vehicles over 6 wheels" as opposed to just "no trucks" and how it is currently enforced; and that passing an ordinance saying no trucks on certain roads would require revision of the current code and re-doing the entire thing. **Commissioner Skidmore** suggested if it is defensible we take the gamble and add Rotonda Boulevard East, Rotonda Boulevard West, and Parade Circle; and explained that speed enforcement concerns can be addressed through the Sheriff's Department.

COMMISSIONER SKIDMORE MOVED TO ENACT ORDINANCE 2009-004 WITH THE ADDITION OF ROTONDA BOULEVARD EAST, ROTONDA BOULEVARD WEST, AND PARADE CIRCLE, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Starr indicated it costs a lot of money to defend suits; that he is opposed to spending money for legal matters that can be remedied by other means; and opined the Board needs to go back and find out to get the trucks to C.R. 771 and C.R. 775.

Commissioner Cummings inquired if a challenge were to occur could an injunctive relief be obtained and hold up the implementation of the no truck route while the matter is pending. Attorney Gallagher stated they could ask for it and probably would do so immediately, but it is hard to determine the likelihood of it being granted. **Commissioner Cummings** suggested the more prudent way to proceed is approve the ordinance before us and bring back another ordinance to add the other roads. **Commissioner Skidmore** advised his motion stands.

Chairman Duffy agreed **Commissioner Cummings'** recommendation has merit; stated she does not believe we should govern in fear of lawsuits; and thinks we can take our chances on this one. Attorney Gallagher clarified that the entire streets of Rotonda Boulevard East, Rotonda Boulevard West, and Parade Circle are being added to the ordinance.

Motion Carried 3:2. Commissioner Cummings, and Commissioner Starr opposing.

RECESS: 10:40 AM - 10:50 AM

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - RECOMMENDED ACTION: Select by ballot one member to serve on the Buena Vista Area Waterway Committee. Term is for three years.

The Chair requested submittal of ballots. Mr. Baltz advised the following selections: 4 votes for Charles H. Witzke and 1 vote for Michael L. Jackson.

COMMISSIONER LOFTUS MOVED TO APPOINT CHARLES (CHUCK) WITZKE TO SERVE ON THE BUENA VISTA AREA WATERWAY COMMITTEE FOR A PERIOD OF THREE YEARS, SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 5:0.

(2) Commission Office - RECOMMENDED ACTION: Appoint Donald Oleson to serve as the Representative of the Gaspar's Hideaway Homeowner Association on the Little Gasparilla Island Advisory Committee, remove Steve Farmer's name from the ballot for consideration as the person to serve as the Member-at-Large on the Little Gasparilla Island Advisory Committee, and by a separate ballot select one (1) person to serve as the Member-at-Large on the Little Gasparilla Island Advisory Committee. These are two year terms effective immediately and expire January, 22, 2011.

The Chair requested submittal of ballots. Mr. Baltz advised the following selections: 3 votes for Bob Hill and 2 votes for Chuck O'Hara.

COMMISSIONER LOFTUS MOVED TO APPOINT BOB HILL TO SERVE AS THE MEMBER-AT-LARGE ON THE LITTLE GASPARILLA ISLAND ADVISORY COMMITTEE FOR A TWO YEAR TERM EFFECTIVE IMMEDIATELY TO EXPIRE JANUARY 22, 2011, SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 5:0.

COMMISSIONER SKIDMORE MOVED TO APPOINT DONALD OLESON TO SERVE AS THE REPRESENTATIVE OF THE GASPAR'S HIDEAWAY HOMEOWNER ASSOCIATION ON THE LITTLE GASPARILLA ISLAND ADVISORY COMMITTEE FOR A TWO YEAR TERM EFFECTIVE IMMEDIATELY TO EXPIRE JANUARY 22, 2011, SECONDED BY COMMISSIONER LOFTUS.

(3) Growth Management - RECOMMENDED ACTION: Discuss and approve resolution granting all DRC approvals, and DRC approvals related to Planned Development rezoning obtained between January 1, 2007 and January 1, 2009 an extension of approval for a period of two years.

Jeff Ruggieri explained over the past few months developers and developer representatives have contacted him with issues surrounding their Development Review Committee (DRC) approvals; that due to the economic downturn many projects have exhausted all approval remedies allowed by code and are up against a project that would expire with no recourse to extend the approval; that the issue was brought to the Board's attention November 12, 2008 and Board direction was given to remedy the situation; and that the resolution being presented to the Board would grant a blanket two-year extension to all DRC approvals that were granted between January 1, 2007 and January 1, 2009.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2009-021, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

(4) Utilities - RECOMMENDED ACTION: Provide Annual status update of Charlotte County Utilities (CCU) Operations including a brief overview of current Water & Wastewater Projects. Utilities

CCU Director Jeff Pearson gave a slide presentation over viewing CCU's operations, current Capital Improvement Program (CIP) projects, goals and strategies for the coming year, which paralleled the Board packet material.

Commissioner Cummings inquired if we are paying the full local match on the Regional Loop Phase IA Route pipeline or if the Water Authority was paying it through the facility fund. Mr. Pearson advised that Charlotte County is paying the entire local match of about 42% or \$8M. Commissioner Cummings commented on the operations efficiency savings versus the cost of this pipeline project and expressed concern with what Charlotte County rate payers are paying. Teresa Kesner advised Charlotte County ratepayers are not contributing to that project; that it is sales tax project funded of \$7M. Mr. Baltz explained the County's contribution to the project was \$3.6M; that we had discussion about excess revenue coming in from sales tax, and identified as

much of the excess sales tax revenues to go to this project as possible. **Commissioner Cummings** asked where the additional \$1M would come from. Mr. Pearson stated it is hoped the RAP funding would reduce Charlotte County's portion. **Commissioner Cummings** pointed out the pipeline was largely to help Punta Gorda get some grant funding and to allow them to sell water to others in the region; that we do not show much of a demand for the water; and that it would be difficult to make an argument that Charlotte County ratepayers should pay a large portion of the cost. **Commissioner Cummings** provided a history of the pipeline project and cost; commented on the manner in which water being sold by Punta Gorda to Sarasota would be moved; stated when we took the pipeline from what was originally proposed to the Phase I and II it went from an \$8M project to a \$19M project; and indicated the project has not gone to construction yet, is being done by the Water Authority, and that Charlotte County is paying the local match.

Commissioner Skidmore inquired if **Commissioner Cummings** was saying the County could save money because it is not under construction. **Commissioner Cummings** said it would depend on where we are in the project and how hard a line we want to take in the negotiating; that one of the reasons we find ourselves in this position of being viewed as negative is because proposals that come out of the Water Authority are consistently biased in favor of Sarasota and to a lesser extent Manatee County and we have to say no just to get equity; indicated he is not suggesting we should take more than our fair share, only understand and exercise our rights to the point we can achieve equity. **Commissioner Loftus** said this discussion needs to take place when we have a one-on-one meeting with the Water Authority.

Mr. Baltz informed the Board that for the pipeline project there was \$3.6M in sales tax and additional revenues from sales tax added to it; that we are doing the sales extension tax close out now and due to the slowdown in the economy there may not be as much additional sales tax money to apply to this project as originally hoped. **Commissioner Cummings** asked when the original sales tax funding was approved. Mr. Baltz advised it was from the 2002 sales tax extension. **Commissioner Cummings** pointed out we had been trying to get the grant funding approved for the intervening years and it was shut down for bureaucratic reasons. Mr. Baltz reported that Charlotte County has a signed contract

with the Water Authority and the City of Punta Gorda on this project.

Mr. Baltz stated that provided the Water Authority can meet its contractual obligations to us, Charlotte County is well positioned with regard to our water future; that a key piece to that is the Reservoir being built on time and as close to on-budget as possible; but reminded the Board that Charlotte County must pay 27% of that cost regardless of what it ends up being. Mr. Baltz explained that Charlotte County gets most of its water from the Water Authority but we are moving forward with strategies for diversification such as reverse osmosis (RO) sites and what can be done with the Babcock Ranch property.

Commissioner Starr commented on his visit to the water plant, congratulated CCU on the many awards earned, and thanked Mr. Pearson for his presentation. **Chairman Duffy** commented on lawn service savings at the Rotonda facility, questioned the amount being paid, and asked how savings was being done. Mr. Pearson explained that the Rotonda facility is a large site with many sloped water storage ponds that are difficult to mow around and advised that savings is being done through staff. **Chairman Duffy** suggested doing this at other County facilities and possibly utilizing jail inmates as well. **Chairman Duffy** commented on the RO study and test sites identified, and requested an update. Mr. Pearson advised sites in West County and South County are being looked at for location and the cheapest way to develop facilities; and pointed out we will eventually have to build another line across West County. **Chairman Duffy** asked which would be less expensive, the RO plant in West County at Rotonda or the pipe across the Myakka River. Mr. Pearson advised the pipe across the Myakka River would be less expensive.

Chairman Duffy pointed out there is a great deal of water on Babcock. **Commissioner Skidmore** stated Charlotte County is in a unique position to have a water agreement written into the overall Babcock land purchase. Mr. Baltz reported that the contract contains language that Charlotte County has the ability to apply for a water use permit, which is unique on State properties, has a reimbursement process, and states that the water must stay in Charlotte County; and explained that as we move forward with water strategies for the future we will narrow down the concurrent strategies in a systematic manner through

cost benefit analysis to determine which is best for Charlotte County; and indicated it is wonderful to have the ability to go after the Babcock Ranch water but other options may be more cost feasible.

Commissioner Loftus advised that the Water Authority is also looking at options for 20 to 30 years out. **Commissioner Cummings** opined in the not too distant future we need to determine what the remaining costs are to nail down a permit and the interdistrict transfer on Babcock and how close we are to expending all the money that needs to be expended to secure that permit and district transfer permit; and determine the minimum initial increment of water supply development that would be cost effective to do.

(5) Economic Development - RECOMMENDED ACTION: Present to the BCC the final results of the Selected Competitive County Real Estate and Strategic Analysis. Economic Development

Economic Development Director Don Root reported that economic development is an extremely competitive arena and every city and county in the United States is looking to do similar to what we are doing. Mr. Root advised the study was done by Fairfield Index, Inc., which utilized a site selector to do the analysis; and explained that what we looked at in the study was how to get into the game and determine if we are competitive. Mr. Root gave a slide presentation, explained how selection was made of counties for comparison: Washington County, AR, Hall County, GA, Anderson County, SC and New Hanover County, NC, categories that were looked at, and results reflected in the Site Selection Category and Value and Website Scorecard.

Mr. Root pointed out that Charlotte County did well in K-12 in education but fell short in Bachelor Degrees and post secondary institutions. **Commissioner Skidmore** asked about the importance of the education data. Mr. Root said it would depend on who you were recruiting; that it would be incredibly important if you were recruiting knowledge-based or science-based companies; and that it would be less important if you were looking to recruit distribution centers and the like. Mr. Root explained Charlotte County is currently looking to recruit an airplane manufacturer and that their airframe and power plant mechanics are the important issue and would require some type post secondary training. Mr. Root explained that the categories came from the

Area Development Magazine, the site selectors we hired did the analysis for Charlotte and the other four counties and this is the data they arrived at.

Commissioner Skidmore asked if there is a way to take what Charlotte County possesses and target-sector sections of economic development we think would want to relocate here; and how can Charlotte County position itself to be a leader in economic development for industries we think are appropriate for its citizens, its tax base, and for what it can provide, not necessarily on a national scale, but a regional or industrial scale. Mr. Root explained we are currently working on having a website that is the best it can be; that we are part of an overall regional being put together, which gets a longer look than individual counties; and that another way to get into the game is by having unique projects with unique economic propositions for companies in a certain area and visit those companies with unique opportunities to offer.

Mr. Root indicated there may be changes since the analysis was done in September 2008 due to changes in the economy; that he anticipated us to be short of the other counties but we are not; that there are some important things we need to do; but that we are not far away from being competitive to the other counties. Mr. Root commented on the website; indicated our website is middle-of-the road but easy to find; that we are doing things to improve the website; and that we need to focus on good news stories. Mr. Root stated we are getting interest and have opportunities; that there are some gaps, which we are solving being part of a regional group; that if we continue with an aggressive approach we can catch up to the larger areas quickly; that we came out quite well, and have a good future.

Commissioner Skidmore commented on media releases on the website; indicated he would like to see an improvement between Tourism and Economic Development joiner; and suggested good-news items for inclusion. **Commissioner Skidmore** opined that no State Income Tax in Florida would be a good selling point but was not listed on the website Mr. Root explained it may be a good incentive to the company, but not necessarily so for the employee.

Mr. Root reported the website is Florida EDO.com for economic reasons; and that there is a link on the County website to get to

that website. **Commissioner Skidmore** opined the link should stand out more and be easier to find.

Chairman Duffy agreed that all the things discussed are essential to how the County is viewed by potential businesses; but indicated that John Adams, from Enterprise Florida, at a recent lunch pointed out when people look at counties they want to know if they have the talent, the right land for commercial and industrial use, and are business friendly; and opined our effort to improve customer service and be open for business are essential. **Commissioner Loftus** agreed.

(6) Budget - RECOMMENDED ACTION: Reschedule Goal Setting and Budget Workshop to discuss the upcoming budget process to Friday, February 6, 2009 at 10:00 A.M. in Room #B-106.

Chairman Duffy explained the date for the workshop has been changed to Friday, February 20, 2009, and that Pam Stein from Charlotte County's Human Resource would facilitate.

Ray Sandrock stated that the workshop would be held at the Port Charlotte Beach Complex; that there is a huge tie to setting goals and what is being done in performance-based budgeting; and indicated that as the performance budgets are developed each outcome or result should be tied to a goal. **Chairman Duffy** explained that the meeting would be from 9:00 AM to 5:00 PM and is open to the public; and that Ms. Stein had indicated the workshop would be more productive held in a less formal setting such as the Port Charlotte Beach Complex than in Room 119 of the Murdock Administration Building.

Commissioner Cummings opined that a workshop for setting goals should be as transparent as possible and televised on Channel 20 so as many as possible could see it and understand why the goals were chosen. **Commissioner Starr** pointed out it would cost \$1000 to tape the workshop from the Port Charlotte Beach Complex for televising and he is not in favor of that. **Commissioner Loftus** stated he is in agreement of having the workshop at the Port Charlotte Beach Complex. **Commissioner Skidmore** advised he would trust staff's suggestion that it would work best at the Port Charlotte Beach Complex.

Ms. Stein stated that some pre-work with draft goals and definitions would be provided prior the meeting in order to

generate some thoughts beforehand; that goals would be established that day from a consensus; and that beyond that objectives would be created at the Director level and below.

(7) Human Services - RECOMMENDED ACTION: a) Receive a presentation explaining the structure and origin of the Local Housing Assistance Plan (LHAP) and b) Adopt the Local Housing Assistance Plan.

Bob Hebert provided some history and background of the Local Housing Assistance Plan (LHAP), which is required by the County to adopt and send forward to Tallahassee in order to distribute and manage the State Housing Initiative Partnership (SHIP) funds; indicated that Mike Mansfield, Executive Director of Habitat for Humanity (HFH) and Chairman of the Affordable Housing Advisory Committee (AHAC), would review the specific changes in the plan; that Randy Day does most of the work on the LHAP and would provide information as needed; that the Board is being requested today to review and approve the changes which would adopt and amend the plan to include strategies we are looking for the future in the housing assistance plan; and pointed out we are also looking at the Neighborhood Stabilization Plan (NSP) funds that we hope to get and the impact fee incentive program funds and leverage them together.

Mr. Mansfield advised the AHAC has 11 members, which has met several times, and moved to bring the proposed changes to the Board; gave an overview slide presentation of the proposed changes that paralleled the Board packet material; and indicated there is a great need right now for affordable housing.

Commissioner Loftus expressed concern with the large number of foreclosures and indicated we need to do whatever we can to prevent those foreclosures and assist with rent subsidies for the low income. Mr. Hebert advised if the Florida Housing Finance Corporation approve these strategies it would come back to this Board to prioritize with the money received through SHIP and other sources. Mr. Mansfield pointed out that by federal statute the NSP funds is for homes that have already been foreclosed on and cannot be used for pre-foreclosure.

Commissioner Starr inquired if Charlotte County was still in good shape on the \$2M that is available for the reduction in the impact fees. Mr. Hebert replied affirmatively. **Commissioner**

Starr requested clarification on the hiring fee of \$80,000 for one person. *Mr. Hebert* explained that it for one and a half person plus benefits for the Housing Corporation, plus administrative costs. *Commissioner Starr* asked if that was adequate for counseling and if it could be supplemented with volunteer help. *Mr. Hebert* said volunteer help is being used now but more would probably be needed.

Mr. Mansfield said there was a tremendous need that had not been kept up with and why an increase was necessary; indicated a lot of what the Housing Corporation does is mentor or council pre-foreclosure situations so a lot of the homeowner's debt can be written off and they could then qualify for one of the other programs; that there is not a lot of grant money available for those individuals; and that the money is well spent. *Mr. Hebert* pointed out that because of privacy issues there are limitations on how volunteers can be used.

Commissioner Skidmore commented on Judge Hayworth's charge to stop foreclosures in his circuit to the north and stated he would like to stop all foreclosures in Charlotte County for a time period. *Commissioner Starr* advised Representative Kreegel introduced legislation to hopefully get some statutory relief. *Commissioner Cummings* said it appears with some of the changes in the plan there is a tightening up on focus to where the resources will be directed to the most severe need, which he believes is a good thing.

COMMISSIONER SKIDMORE MOVED TO ADOPT THE LOCAL HOUSING ASSISTANCE PLAN (LHAP), SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2009-022, SECONDED BY COMMISSIONER STARR.
Motion Carried 5:0.

VII. PRESENTATION AGENDA - No Items.

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT - None

AA. County Administrator

Mr. Baltz advised that copies were furnished to the Board of the Department of Community Affairs (DCA) Neighborhood Stabilization Program (NSP) Intent to Apply form; that behind the form is a sheet reflecting what we intend to apply for; that there is a possibility of receiving up to about \$5M; and that the Board is being requested to authorize the Chair signing the Intent to Apply Form. Mr. Hebert explained in further detail what is intended under the form; and indicated the Application itself would be brought before the Board at a later date.

COMMISSIONER STARR MOVED TO AUTHORIZE THE CHAIR TO SIGN ALL DOCUMENTS NECESSARY FOR DEPARTMENT OF COMMUNITY AFFAIRS (DCA) NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FUNDING, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Mr. Baltz advised he furnished the Board members a news article regarding Fire-rescue outsourcing issues for their review.

Mr. Baltz advised that February 23, 2009 from 6PM to 8:30 PM at the Event Center in Punta Gorda works well for the re-scheduling of the Town Hall State of the County Meeting previously scheduled for February 11, 2009, and requested approval from the Commissioners.

COMMISSIONER LOFTUS MOVED TO APPROVE RE-SCHEDULING THE TOWN HALL STATE OF THE COUNTY MEETING PREVIOUSLY SCHEDULED FOR FEBRUARY 11, 2009, TO FEBRUARY 23, 2009 FROM 6:00 PM TO 8:30 PM AT THE EVENT CENTER IN PUNTA GORDA, SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 5:0.

Mr. Baltz requested clarification that the Commissioners want staff to take the final step of formally going for proposals for the jail operations only, or just continuing a very robust, aggressive gathering process at this time, but not take the final step of going out to proposals.

Commissioner Cummings opined more research should be done before going out for Request for Proposal (RFP). Commissioner Skidmore agreed. Commissioner Loftus agreed more information is needed and that we need to be innovative. Chairman Duffy agreed more information should be gathered before going out for RFP. Commissioner Starr stated it is not anyone's intent to put firefighters or jail personnel out of their jobs, although it may

be determined that is the most cost effective, efficient way to do it.

Commissioner Starr said that the RFP is the gathering of information; that we are not professional jail managers; and we need information from people who can tell us how it is done in other places. **Commissioner Starr** stated what caught his eye is the amount of overtime, which must be looked at as good stewards of the community; that we do not have to act on the RFP; but going to RFP would give us information to work with.

Chairman Duffy commented on the difficulty of putting together an RFP, expressed concern of our trained employees leaving; and stated she is in favor of gathering information on how other counties save money, but not in favor of doing an RFP at this time. **Commissioner Starr** opined it would take more staff time to do a zero-based budgeting and less effective than an RFP for management; indicated if the RFP shows no savings there would then be no change; and stated he would prioritize the time to do his own investigation.

Commissioner Skidmore advised he has a series of articles that he would give to Mr. Baltz to share with **Commissioner Starr**; indicated he wants to see some operations and has plans to visit the Hernando County private correctional facility; agreed there can be savings at the jail; and indicated he does not want anyone to think not going out to RFP is not an opportunity to still save costs and bring things to the table.

Mr. Baltz summarized his understanding of direction on the jail is for staff to continue a robust, aggressive information gathering and research regarding outsourcing pros and cons for maintenance and operations. Mr. Baltz explained that Fire/EMS and the Event Center are the other outsourcing areas of operation that he has direction to proceed with aggressively but to also prepare specifications to go out for proposal for those operations; and asked if the Commission wants to shift that process to what is being done with the jail, or stay the course staff is currently undertaking.

Commissioner Loftus said he wants to gather as much as information as possible. Mr. Baltz explained that we will research, survey and get examples of what other entities have done; but pointed out that information gathering is

different than putting specifications together and soliciting a RFP; indicated that an RFP is not being done on the jail O & M; and asked if the Commission wants staff to proceed to that step with the Event Center and Fire/EMS or a process for those aspects of our operation similar to what we are now doing with the jail. **Commissioner Skidmore** opined we need to proceed with RFPs on the Event Center and Fire/EMS. **Commissioner Starr** agreed with **Commissioner Skidmore**.

Commissioner Cummings said his thought is the same as with the jail; that there is a lot more research to be done before going to RFP. **Chairman Duffy** indicated research has been done on the Event Center; that one company put a proposal together to show how money can be saved; and that we are ready to go to RFP on that. **Chairman Duffy** pointed out that three members of the Commission have indicated they wish to proceed to RFP on Fire/EMS; and indicated that staff should go forward with RFPs on Fire/EMS and the Event Center.

CC. Commissioner Comments

Commissioner Cummings commented on the negotiations that went on for TRIP funding, which is transportation funding, which has been in existence for four years; indicated we took a very assertive stance in the negotiations the first two years and brought \$10M back to Charlotte County; that in the intervening two years we brought back nothing; that it is a clear contrast of the two different styles; that there is a very real cost to the unwritten policy of having a goal of being viewed as a cooperative regional partner; and that we need to more assertively represent Charlotte County.

Commissioner Starr commented on the Board checking into the County taking over primary mosquito spraying and using private contractors as a backup. **Commissioner Cummings** stated he does not mind exploring it but right now he would need to verify some of the findings. **Commissioner Skidmore** suggested it be placed on the next agenda. Mr. Baltz agreed to do so.

Commissioner Starr indicated that the Board of County Commissioners (BOCC) is to be operated under Roberts Rules of Order but it has never been adopted as the operating mechanism by the BOCC.

COMMISSIONER STARR MOVED THAT ROBERTS RULES OF ORDER BE ESTABLISHED AS THE GOVERNING RULES FOR THE CHARLOTTE COUNTY BOARD OF COUNTY COMMISSIONERS.

Attorney Knowlton explained the BOCCs rules of procedure state that the Board's own rules govern, which mimic Roberts Rules of Order, and indicate that in the absence of a rule of procedure that is not provided in the BOCCs rules the Roberts Rules of Order would apply; that the Board is already there; and it is a matter of enforcing it. Commissioner Cummings advised that the BOCC rules have some variation from Roberts Rules of Order; that if there is a conflict the BOCC adopted rules supersede; and if it is silent then Roberts Rules of Order takes precedence. Attorney Knowlton agreed and indicated that most things follow Roberts Rules of Order.

COMMISSIONER STARR WITHDREW HIS MOTION.

Commissioner Loftus stated one change in Roberts Rules of Order is that it now allows the Chair to make a motion; that the BOCC has remained with the procedure that the Chair cannot make a motion, but can second a motion; and opined it should stay that way and transcend to all the advisory boards.

Commissioner Starr said we could adopt Roberts Rules of Order as the governing rules for all advisory committees. Commissioner Loftus indicated the intent is to be certain the Chair does not make the motion. Chairman Duffy asked if there was concern by Commissioner Starr of the way meetings were run. Commissioner Starr explained his concerns and observations. (Discussion ensued on following Rules of Order, that when the question is called it is the end of debate, not engaging in comments from the public, and getting a handle on rhetoric.)

Commissioner Starr stated he is not in favor of raising ad valorem taxes; that the budget shortfall cannot be met just from the BOCC side; and recommended scheduling a meeting as soon as possible between the BOCC and all constitutional officers to set out the Board's expectations. (Consensus given by the Board).

BB. County Attorney

Attorney Knowlton reported that Charlotte County prevailed on its legal challenge that was filed by Omni Waste; that Omni Waste has

until mid-February to re-file or appeal; but indicated we are on good ground.

Attorney Knowlton explained that at the last Board meeting the BOCC asked staff to look at the Environmental Lands Ordinance as it relates to the advisory committee; and stated that Legal is of the opinion there is an ongoing need according to the ordinance for the advisory committee as there is an annual report required, funds remaining, and management plan responsibility. Attorney Knowlton pointed out that the BOCC is in the process of re-constituting the advisory committee and appointments are still being made; and that it would be up to the BOCC to continue the meetings or suspend them until the fully re-constituted advisory committee is established.

CC. Commissioner Comments (continued)

Commissioner Skidmore advised he is working with Clerk of Court Barbara T. Scott to reopen the Domestic Violence office in West County on a part time basis through grant funding and to get residents in West County who are in need of the services to Punta Gorda; and commented on the process. **Commissioner Skidmore** thanked Charlotte County Utilities (CCU) for resolution to the Rotonda water reuse problems; and advised that he is creatively working on a solution to have the Beirut building legally torn down without use of public dollars. **Commissioner Skidmore** stated he provided the BOCC with a copy of a ordinance that came from Miami/Dade County which adds a local preference to the bidding process; and indicated he would like staff to review this and bring recommendations before the BOCC. **(Consensus given by the Board.)** **Commissioner Skidmore** commented on a discrepancy between what appears in the ordinance and what appears on the sign as to hours of parking at the Port Charlotte Beach area; and stated he is working with Legal to correct it. **(Consensus given by the Board.)**

Commissioner Skidmore indicated as county government continues to down-size more office space opens; that he would like to end the lease where Economic Development, Tourist Development, and Real Estate Services are currently located and find space within an existing county facility for them; and that he has requested Mr. Baltz to do a space analysis. **Commissioner Skidmore** advised that the Airport Authority is writing a letter to be sent to the State Legislation regarding nuclear permitting, which the Airport

Authority would request the BOCC to endorse; and that a copy would be submitted for review. **Commissioner Skidmore** reported on a call he received from Viscaya Lakes representatives for paving roads in their residential community which are dedicated to the County, maintenance, and creation of a MSBU; and stated in order to get this in the FY09/10 budget it must be acted on quickly.

Tara Musselman provided additional details; indicated the Viscaya Lakes Corporation owns all but 5 lots and have agreed to pay \$159 per lot to be included in the Greater Port Charlotte MSBU; indicated the MSBU territory must be amended to add them; and indicated we are getting close to the time line on being able to get them in for next year's budget. **Commissioner Skidmore** indicated Viscaya Lakes would pay for the upfront cost of the paving; and requested head nods from the Commissioners to show support. **Chairman Duffy** opined it would be a good solution.

Commissioner Cummings stated he would like to have assurance there is a lot of support among the taxpayers who live in the area. Ms. Musselman advised there are 110 properties and that Viscaya Lakes LLC owns 105 of them. **Commissioner Starr** stated he is not certain he would be in favor of creating another MSBU and suggested Viscaya Lakes pave the roads and save for re-paving as necessary. **Commissioner Loftus** said when the roads are paved someone has to maintain them. Ms. Musselman explained that Viscaya Lakes would become part of and pay into the Greater Port Charlotte MSBU; and indicated the average lifespan of the paving is about twenty years. **Commissioner Starr** questioned the feasibility of this. **Commissioner Cummings** said he would not agree without knowing more about it.

Commissioner Skidmore advised he has received conflicting figures and is dissatisfied with answers he has received from Facilities staff regarding the jail project; and expressed concern with material that was delivered for Section J, shown in photos handed out to the Commissioners, which is the part the BOCC has discussed cutting out.

COMMISSIONER SKIDMORE MOVED TO DIRECT THE CLERK'S OFFICE TO CONDUCT A FINANCIAL AUDIT OF THE JAIL PROJECT, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Loftus agreed the BOCC needs to find out what has

happened and where the project is going. Commissioner Starr asked what kind of audit Commissioner Skidmore is requesting and the cost involved. Finance Director Larrivee opined a financial audit of reviewing the bills, what the purpose of the bills were, going back to the original contracts and purchase orders, the purpose, the budget versus the actual, could be absorbed by the Internal Audit Department. Commissioner Starr advised he would support that type audit; indicated the Board needs to understand what funds are available; and inquired if the materials for Section J could be returned. Commissioner Skidmore said the answer he received when he presented that question himself was "possibly".

Chairman Duffy said she has heard allegations of mismanagement and monies being wasted on this project for some time; indicated there appears to be a serious problem; and that she supports the audit. Commissioner Cummings stated he has no problem with the Clerk's office conducting an audit; that he suspects it will not answer all the questions; but expressed concern with the tone of the conversation. Chairman Duffy requested that Mr. Baltz do a separate investigation in addition to the audit. (Board Consensus)

Commissioner Loftus had no additional comments. Chairman Duffy stated the rental space of the health clinic was placed on hold and questioned not receiving clarification of information the Board requested. Commissioner Starr explained the item passed and was not placed on hold. Chairman Duffy advised that the first of three Town Hall State of the County meetings would be Thursday, January 29, 2009 from 6:00 PM to 8:30 PM at the Tringali Recreation Center.

RECESS: 1:50 PM - 2:20 PM

VIII. PUBLIC WORKSHOP AGENDA - 2:00 PM

(1) Discuss the proposed Green Building Ordinance and provide guidance regarding the incentives proposed in the draft ordinance.

Jim Evetts provided a slide presentation overview; indicated the packet material contains background information on efforts by other jurisdictions; and advised that a draft copy of a proposed

ordinance annotated with explanatory notes and links to various pertinent web sites is included.

Mr. Evetts indicated the recommendation from the Attorney's Office is the BOCC may want to do the incentive program as a resolution, such as, "the Board may adopt by Resolution monetary incentives, when County budget funds permit; that if monetary incentives are adopted the BOCC shall establish a percentage of rebate and credit for the following....", which is where 5%, 10%, 15% is reflected in the proposed ordinance based upon the level of green certification; pointed out this is only an outline and entirely up to the BOCC if it is something it wants to consider; and introduced Rob Struckman, of Green Sustainable Consulting and Certificate.

Mr. Evetts introduced Rob Struckman, of Green Sustainable Consulting and Certificate. Mr. Struckman said he has been working with staff, was asked to speak about the draft ordinance, and has made some changes in the proposed ordinance. Mr. Struckman provided a brief background of his involvement in green building; commented on some changes in the process; and stated it is very difficult to build a home and receive all the points and harder to get to the higher ratings.

Mr. Struckman reviewed the proposed ordinance and recommended changes; stated that Florida Green Building Coalition's rating system is continuously undergoing changes; pointed out that something certifiable in Florida may not apply to other states; and advised that the Florida Green Building Coalition has worked continuously to tighten the certification for the State of Florida. Mr. Struckman reported the LEED rating system is designed for all over the United States; indicated that no certifications should be done in-house; commented on the use of ghost-switches; and advised he is getting building permits done in Sarasota County in two days for houses.

Commissioner Starr pointed out that we are mandating green for county buildings but there are different levels of certification; and inquired if we should designate what level we will require ourselves to do, including level 3 remodel. Mr. Struckman said no to residential, but yes to commercial; indicated the Florida Green Building Coalition is working on levels now to coincide with LEED; stated that the BOCC and other knowledgeable people within the county need to determine what level they want new

construction buildings and remodels to be and adhere to that; that there needs to be some kind of goal but look at what benefits are gained by spending more money on certain levels; that it needs to be flexible and able to be analyzed; but there needs to be steps to it.

Commissioner Starr opined the County should include in the language its goal and to what standard the County intends to hold itself to. Mr. Struckman stated that the cost and use of the building should be considered. **Commissioner Starr** confirmed that Mr. Struckman agreed there should be clarity of language as to the green level required for new construction or remodels by the County with perimeters based on the economic climate or intent for the building; and pointed out that the County could always go above that. Mr. Struckman agreed and indicated 3 levels are being developed; but cautioned on the cost factor.

Commissioner Loftus stated what he is hearing is that the County must be flexible based upon cost and use of the building and not set a certain level which could hurt financially. **Commissioner Skidmore** asked how often the levels changed. Mr. Struckman stated this is the first change in five years; and pointed out these changes are not to make things more difficult or different, but to get caught up since this is a new industry. **Commissioner Skidmore** pointed out there is no perimeter for an annual review and that hypothetically they could change daily, weekly, or monthly. Mr. Struckman agreed and stated he would bring that issue forward to the boards he is on. Mr. Evetts opined **Commissioner Skidmore** is speaking not necessarily about the levels, but the products; indicated that every day new products come out that fit into the levels; that State law does not give a level, says government buildings must be green, but gives the ability to look at cost, and why we tried to make it as flexible as possible. Mr. Evetts explained that full fees would be paid; and that once the building is certified incentives or refunds allowed by the Commission would then be received. **Commissioner Skidmore** said that is why he does not think County government should lock itself into a certain level. Mr. Struckman advised that Sarasota and Manatee Counties have flexibility and safeguards built into their ordinances.

Commissioner Skidmore clarified the incentive program that Sarasota County funded several years ago is no longer being funded because the account has been depleted. Mr. Struckman

replied affirmatively and commented on application procedures for state and federal ongoing funding.

Commissioner Loftus commented on funds tied up in Congress that will be available for transportation, schools, government buildings, and the like; and stated Charlotte County will attempt to get some of those funds. Mr. Struckman pointed out there are grant funds out there also. **Commissioner Skidmore** stated he supports efforts to be as green as possible; but expressed concern on the incentive program; and favored doing a Resolution adopting the green building perimeter for practices and work on the funding mechanism at a later date.

Commissioner Loftus indicated that currently this is voluntary for residential and commercial; that it would assist the County in acquiring funding if an Ordinance was in place; and that he is not in favor of incentives at this time because funds are not available. **Commissioner Skidmore** inquired if grant funds were predicated upon having an Ordinance in place. **Commissioner Loftus** said it give more of an input if an Ordinance is in place. Mr. Struckman advised if the County had a Resolution or Ordinance that states when funds are available incentives would be put in or reinstated it gives more strength in applying for grants.

Commissioner Skidmore opined that some provisions in the green building ordinance would ultimately become part of the building code; asked how quickly is that envisioned to happen; and stated he wants to be careful not to incentivize people to building to code. Mr. Struckman stated there were forty four or forty eight code changes that went into effect the first of the year; opined the building code changes are all for the good and are available for review over the internet; and commented on code issues regarding foam insulation. **Commissioner Skidmore** asked who pays for the certification. Mr. Struckman stated the builder does.

Chairman Duffy clarified that Mr. Struckman had previously stated green now results in 1.5% increase in costs. Mr. Struckman said that is what we are finding in residential right now due to increase in demand, increase in number of suppliers and the labor force. **Chairman Duffy** inquired if other counties had incentives that we have not considered. Mr. Struckman said no.

Commissioner Skidmore inquired if there is an increase to Operating and Maintenance (O & M) cost to the County. Mr. Evetts said not much. **Chairman Duffy** explained we do not want the public to think we want to make this mandatory, but it is our duty to encourage green building wherever possible. **Commissioner Skidmore** stated that is why he tends to use Resolution, which means endorsing, adopting and moving forward with, opposed to Ordinance, which means law. **Chairman Duffy** agreed. **Commissioner Loftus** stated the building community should realize this is not mandated as it is stated in the Ordinance; and indicated we need to move forward in order to be in a position to get federal and state dollars.

Commissioner Loftus stated that landscaping and irrigation are part of being green and need to move forward. Mr. Struckman commented on an experimental irrigation project wherein landscaping was put in, pine needles used, the sprinkler system placed on top of the ground, and the PVC pipe clipped and taken to the next project after the plants were established. Mr. Struckman said there has been opposition from Big Box as they sell a lot of cypress mulch; indicated that rubber mulch does not do anything for the earth, there is runoff, and it heats up in the summer time, and that pine needles do better.

Mr. Struckman opined there would be no objection to mandating the use of only Florida-friendly, drought-resistant plants; and commented on using 1 gallon plants instead of 3 gallon plants. **Commissioner Loftus** inquired if Sarasota County changed its landscaping and irrigation ordinance in the last couple years. Mr. Struckman said yes.

Chairman Duffy requested an update of the landscaping ordinance. Jeff Ruggieri explained that is part of the Land Development Regulation (LDR) re-writes and that specific chapter of the code would be brought forward to the Board in a very specific package in the near future. **Chairman Duffy** inquired if that portion could be taken out of the LDR and brought forward sooner. Mr. Ruggieri stated he would get with Administration, provide a detailed update on the LDR, and specifically address the landscape ordinance concerns at the next Board meeting. **Commissioner Loftus** asked if irrigation update can be part of the LDR. Mr. Ruggieri replied affirmatively. Mr. Evetts pointed out that some landscaping issues were included in the fertilizer

ordinance re-write. **Chairman Duffy** thanked those who worked on the ordinance.

Brian Bishop spoke on behalf of Charlotte/DeSoto Green Building Council (Green Council) as to why the ordinance is good for the County; indicated the ordinance is meant to be an economic driver, help the County grow, create jobs, and make Charlotte County a green destination; that the Green Council does not advocate one standard over another; that the Green Council believes you should build to a green standard, which is about energy conservation and safe, responsible use of resources within the close region, and keep economic standards local; and that it creates green jobs and keeps design dollars here. Mr. Bishop advocated on behalf of the Green Council to form a committee that can get the green assets together and understand the ordinance; opined this issue came before the Board before it was ready to act on it; and commented on possible incentives that may come through the Obama Stimulus Package.

Suzanne Graham said the Charlotte/Desoto Building Industry does not oppose the ordinance but would like to get a committee together consisting of all department heads that pertain to green building, Purchasing, the Sierra Club, and any other outside organizations to sit down together and come up with something that would benefit the County and move the ordinance forward.

Commissioner Skidmore inquired if it would be prudent to create a public/private partnership wherein the Charlotte/DeSoto Building Industry Association (CDBIA) takes ownership and our departments attend, but not create another advisory committee. **Chairman Duffy** pointed out these representatives have been working with the County for over a year. **Commissioner Loftus** agreed that issues such as irrigation and landscaping that have been discussed for over a year need to come together; and indicated he liked the suggestion of forming a committee to move this along. Ms. Graham expressed concern that crucial departments would not show up if it were not a County ownership. **Chairman Duffy** stated that the recommendations by Mr. Struckman need to be taken into consideration; and indicated the Board needs to provide direction.

Mr. Baltz explained that we need a clear understanding if the product the BOCC wants is a green building ordinance, green building resolution, or a set of green building guidelines, and

then get into the specifics on the landscaping, etc.; and advised he heard **Commissioner Loftus** stating he is looking for progress to be made on the irrigation and landscaping rules across the board.

Commissioner Loftus said he wants a green building ordinance coordinated with the irrigation and landscaping ordinances to be certain they are business friendly and conserving on water; and that we need to take into consideration drainage on roads and stormwater. Mr. Baltz stated he heard **Commissioner Skidmore** express substantial concerns about an ordinance based on the fact that to some it has the force of "law" and that they would react differently to something that is less formal than an ordinance.

Commissioner Skidmore stated what he is hearing is that we would create a set of green standards that are consistent in manner throughout Charlotte County, which to him sounds like a resolution or a set of green building standards; indicated he is more concerned with residents looking to build here; and opined in layman's terms resolution means workable and ordinance means law. **Chairman Duffy** opined an ordinance is in order because it is better in terms of funding and that it would not be a deterrent; pointed out that Sarasota County has had their ordinance in place for several years; and indicated she would like it to be an ordinance but create a lot of education and community awareness. Mr. Evetts asked if this could be kept as simple as if the contractor comes in and designates he is going to try and get a green building certification he follows the green building ordinance or resolution and not the other regulations; inquired if this being a more recent ordinance trumps the previous ordinances; and indicated the ordinances contradict. Attorney Knowlton explained the other ordinances would still be in place and would need to be amended; indicated this is a whole program you are trying to implement and incentivize; and opined the better course is to do it by ordinance.

Commissioner Cummings pointed out that an ordinance is a means of amending the local codes; that it is can be as restrictive and flexible as you want it to be; that they build upon one another; and pointed out that each ordinance passed is a modification to our existing code.

Mr. Struckman commented on including language to show consistency for future owners so the property would always be green. **Chairman Duffy** inquired if there is a model we could get to use in updating our irrigation ordinance. Mr. Struckman replied affirmatively and stated he would furnish it; and commented on conflicts of what types of fertilizers can be used and where it can be applied.

Mr. Evetts pointed out Charlotte County has an extensive fertilizer ordinance in place at the moment; indicated that there was considerable discussion at the same time regarding the irrigation ordinance; but questioned that an irrigation ordinance was passed. **Commissioner Cummings** stated irrigation was incorporated in the discussion but no irrigation ordinance was passed. Mr. Evetts stated he was just informed by Suzanne Graham that the CDBIA would take the lead in this issue as long as we make certain everyone who needs to be at the meeting attend; and that it would be done at the CDBIA office with no cost to the County. **Chairman Duffy** asked what a reasonable time frame was. Ms. Graham said late February.

Commissioner Cummings stated that the County Attorney needs to be certain that whatever they do with the committee is okay to be certain there are no Sunshine issues and no perception of bias; indicated he likes the proposal staff brought forward; opined that we must be flexible and adopt other certification agencies; indicated there is no money to put into incentives right now, but the one type incentive that might work is a cost-based incentive; and commented on good growth management, strengthening the Comprehensive Plan, strengthening the urban service strategy, becoming more aggressive on platted lot reduction, modifying LDR's; and being prepared for deed restricted communities that require watering of yards.

Mr. Evetts said Ms. Graham mentioned that the CDBIA does not have to hold the meetings any special place and would hold them whenever and wherever the BOCC wished. Mr. Struckman provided the home certification and explanation pages that **Chairman Duffy** had previously requested, along with the certification checklist for yards from the University of Florida and the green development designation checklist. Mr. Baltz requested a summarization of tasks for the building industry to do so that County staff play the appropriate requested role in the task.

Commissioner Skidmore stated that we have a good foundation for an ordinance, which we need to build upon; that he would like for the environmental stakeholders, appropriate County staff, and other appropriate parties to undertake the whole green building mechanism and bring the BOCC back a globe of where it needs to go. **Chairman Duffy** requested that they also take into consideration the recommendations made by Mr. Struckman and that all County departments that have any effect on this work together as a team to solve it within thirty days. **Commissioner Loftus** asked that stormwater also be included. Mr. Baltz summarized that the CDBIA would play the lead role of coordinating the effort to bring back a proposal to the County Commissioners; that the County staff would participate in a supportive role of information and cooperation to the effort the CDBIA would take on; and that the landscape and irrigation efforts would be incorporated into the work the CDBIA does.

Mr. Evetts requested clarification that there are several ordinances to be re-written and expressed concern with the thirty-day time frame. Attorney Knowlton agreed; stated she has some concerns, which she does not have the answers for at the present time, of the building association taking the lead; and opined the more appropriate way to handle this is for Mr. Evetts or Growth Management to take the lead and get all the input in the same manner as was done on the other events that were so successful, such as the mining and PD ordinance. Mr. Evetts explained they would work hand-in-hand with the CDIA, but did not believe it could be done in thirty days, as three or four ordinances at a minimum would be affected. **Chairman Duffy** requested clarification of why several different ordinances were affected. Mr. Evetts said it affects several different departments. **Chairman Duffy** said the BOCC does not want everything changed, just tweak the green building ordinance, taking into consideration things such as irrigation. Mr. Evetts explained the other ordinances must be changed in order to do the tweaking. **Chairman Duffy** asked if one part of the LDR could be fixed without completing the rest of them. Mr. Ruggieri said we can fix any part of the LDR; advised that the landscape code currently does not mandate any kind of irrigation; that it mandates the applicant present a plan as to how plants would be maintained; indicated there is a lot of work to be done on the landscape code; pointed out that Florida-friendly plants are

encouraged, but not mandated; and that sprinkler systems are not required, but there is a requirement the plants live for a year.

Commissioner Loftus suggested allowing more time. Mr. Ruggieri said we need to understand the full scope; that there are one-line fixes that can be done in the LDRs; but pointed out there has been considerable expansion during this discussion, which needs more time. Commissioner Cummings stated that much of what he mentioned he would not expect to see addressed in this forum. Ms. Graham stated that the group could possibly have recommendations in thirty days, but it would take more time when talking about going out to the public; and suggested extending it to forty five days to come back with recommendations and funnel it from there. (Consensus from the Board).

Mr. Baltz clarified that the manner in which this will now be done is not with the CDBIA playing the lead role, but a model similar to the PD process where the County coordinates bringing in the stakeholders, takes the ultimate responsibility for the coordination of activities, and bringing a status report in forty five days to the BOCC of where are at that point.

ADJOURNED: 4:00 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

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