

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 24, 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, and Commissioner Starr. Also in attendance were County Attorney Knowlton, County Administrator Baltz, Chief Deputy Board Services White, and Minutes Supervisor Nice. The following member was absent: Commissioner Skidmore. The meeting was called to order at 9:00 AM.

The invocation was given by Pastor Tim Goff, Port Charlotte Seventh Day Adventist Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

A. Additions:

(1) Commission Office, Agenda Item Z-2, Due to a discrepancy in the prior ballot, reconsider the appointment made on January 27, 2009 and select by ballot, one member-at-large to serve on the Little Gasparilla Island Advisory Committee.

(3) Human Services, Agenda Item Z-3, Set the first of two Public Hearings for March 10, 2009, at 10:00 AM, or soon thereafter as may be heard, for the Neighborhood Stabilization Program. Set a final Public Hearing for the same program on March 24, 2008, at 10:00 AM, or soon thereafter as may be heard.

(3) Commission Office, Proclamation - Tampa Bay Rays Day

B. Change:

(1) Commission Office, Agenda Item Z-1, Add an additional name to the ballot for consideration to the Gulf Cove Street and Drainage Unit Advisory Committee.

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

Special Recognition

Proclamations - Commissioner Richard Loftus

COMMISSIONER CUMMINGS MOVED TO APPROVE TAMPA BAY RAYS DAY PROCLAMATION - FEBRUARY 25, 2009, SECONDED BY COMMISSIONER STARR.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

Michael Kalt, Senior VP for Business Development for the Tampa Bay Rays, accepted the Proclamation, stated this has been an exciting time for the Rays and residents and the start of a long partnership with the County, and encouraged everyone to come out to the opening game tomorrow.

COMMISSIONER STARR MOVED TO APPROVE EL JOBEAN COMMUNITY MINI CLEANUP DAY - FEBRUARY 28, 2009, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

Dave Meyers, Beverly Cutter, and Raymond Spence accepted the Proclamation, thanked the Board for its support, and invited everyone to participate in the clean up.

COMMISSIONER CUMMINGS MOVED TO APPROVE GREAT AMERICAN CLEANUP DAY - MARCH 7, 2009, SECONDED BY COMMISSIONER STARR.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

Glenda Anderson and three ladies accepted the Proclamation; commented on the clean up and beautification events since 2001 in Charlotte County e.g. 3,636 volunteers participated last year in Keep Charlotte Beautiful events and logged in hours and donations for a value of \$263,327 with a ratio of \$6.00 donated to the community for every dollar of Federal and State funding; and invited everyone to be a part of the clean-up effort and keep Charlotte beautiful any time from the kick-off this Saturday at

the Mid-County Mini-Transfer and Recycling Center, 8:00 AM to 1:00 PM through March and April.

COMMISSIONER CUMMINGS MOVED TO APPROVE POPPY DAY - MARCH 7, 2008, SECONDED BY COMMISSIONER STARR.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

Barbara Frank, Secretary/Treasurer, and Fawn Fitting, Poppy Chairman, from American Legion Post 110 Auxiliary, accepted the Proclamation, stated this is the first year since the Post was destroyed in 2004 that this program has been revitalized, distributed poppies made by veterans at Bay Pines Medical Center, and advised all donations go to assist veterans.

D. Employee Recognition - None

E. Award Presentation - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Dick Whitney, Beaches and Shores Advisory Committee Vice Chair, commented in support of the Stump Pass dredge and erosion control project under Agenda Item VII(1).

Tim Mulligan, a Rotonda resident, commented on Agenda Item T-3 regarding Winchester Boulevard project acquisitions; expressed concern about spending \$1.8 million; suggested the entire project be reviewed prior to any more expenditures; recalled the project in 2002 was to cost \$14 million versus the current cost estimated at \$64,830,000 to be paid out of West County road impact fees; the County is going to borrow \$27 million and pay it back with an additional \$14 million in interest over the loan life; and stated West County residents do not need the road since Placida Road is only operating at 24% to 34% of its carrying capacity; and taxpayers do not need an additional tax burden.

Robert Hanzik remarked on Agenda Item T-3, concerning the Burnt Store Road expansion; pointed out the current MSBU has accomplished some valuable projects and it will expire in about six years; suggested options to remove the item from the agenda and take no action, establish an MSBU with no funding, or establish an MSBU with about \$130,000 to get a binding cost

estimate from FPL; recommended another workshop for more citizen input; and report Florida Power & Light (FPL) intends to proceed with the lighting project.

Franklin Bishop commented on Agenda Item T-3, Burnt Store Road expansion project, by advising some residents are in opposition to underground FPL lines; outlined community awareness efforts including community network bulletins, website for questions and answers, and a town hall meeting at which over 100 residents attended; stated over 75% of lots are open that would allow expedited open trenching to keep costs down; FPL approved contracts are anxious to bid on projects now; original costs were estimated at \$5.8 million and \$1.1 million has been added for a total of \$6.9 million potential project cost; FPL through the Florida Public Service Commission has granted funding to communities that go through government sponsored organizations asked; and suggested a bond issuance.

II. COMMITTEE VACANCIES

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

Environmentally Sensitive Lands Oversight Committee is seeking two members with environmental expertise. Volunteers must be residents and electors of the County. Terms are for two years.

III. REPORTS RECEIVED AND FILED

Minutes of the Charlotte Harbor CRA Advisory Committee Meeting held on January 22, 2009

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE CONSENT AGENDA EXCEPT AGENDA ITEM F-1, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

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 Disbursement for the period February 3
through 13, 2009 in the amount of \$12,461,142.12

BUDGETED ACTION: None

B. Minutes Division

(1) RECOMMENDED ACTION: Approval of Minutes for

11/25/08	9:00 AM	BCC Regular Meeting
11/25/08	3:00 PM	Executive Session on Rotonda Project, LLC vs. Charlotte County
12/08/08	12:00 PM	Meet and Greet - Congressman Rooney
12/09/08	9:00 AM	BCC Regular Meeting
12/11/08	9:00 AM	BCC Retreat

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the reappointment of Patricia Samuels as the alternate member on the Grove City Street and Drainage Unit Advisory Committee for a two year term. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve the reappointment of Jack Fawsett to the Northwest Port Charlotte Waterway Advisory Committee. Mr. Fawsett meets all criteria and wishes to continue serving. Term is for three years. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve the reappointments of Harold Wells and Lyman Randall to the Boca Grande Street and Drainage Unit Advisory Committee. Terms are for three years. BUDGETED ACTION: None

D. Administration - No Items.

E. County Attorney - No Items.

F. Budget Office

(1) **RECOMMENDED ACTION:** Approve the modification of the following FEMA Hazard Mitigation Contracts for wind retrofit and authorize the Chair of the Board of County Commissioners to sign four copies of each contract extending the completion date to either September 30, 2009 or October 31, 2009 for the following structures:

- a. Fire/EMS Station #2, FEMA Project #1539-51-R - **Modification #1 to Grant 2006-067**
- b. Fire/EMS Station #13, FEMA Project #1539-75-R - **Modification #1 to Grant 2006-064**
- c. Medical Examiner's Facility, FEMA Project #1539-80 - **Modification #1 to Grant 2006-070**
- d. Fire/EMS Station #14, FEMA Project #1539-82-R - **Modification #1 to Grant 2006-069**
- e. Fire/EMS Station #10, FEMA Project #1539-83-R - **Modification #1 to Grant 2006-063**
- f. Fire/EMS Station #9, FEMA Project #1539-85-R - **Modification #1 to Grant 2006-068**

BUDGETED ACTION: Grant will reimburse the County for 75% of the total cost. The match (25%) will be budgeted appropriate in the fund, i.e. General Fund, Fire Rescue Fund, Capital Projects Fund. This grant was budgeted in a previous fiscal year and will be carried over to FY08/09.

Commissioner Starr opined the \$50,000 expenditure to retrofit the buildings is not warranted. **COMMISSIONER STARR MOVED TO DENY THE \$50,000 EXPENDITURE TO RETROFIT CERTAIN COUNTY STRUCTURES, FAILED DUE TO LACK OF SECOND.**

Chairman Duffy stated the Board can choose not to do the hardening improvements but if another hurricane were to destroy or cause significant damage to these buildings, the County could be faced with litigation that would be more expensive than the hardening costs. **Commissioner Starr** pointed out \$175,000 will come out of the Federal Treasury but \$50,000 will come out of County taxpayers' pockets, it is not right to spend this money, and he will continue to question items for spending taxpayers' money as in caulking the windows of this building. **Commissioner Cummings** stated there is nothing wrong in

questioning expenditures; pointed out if Charlotte County does not spend the Federal funds, then other jurisdictions will consume those funds; and commented on the importance of protecting emergency workers that stay in harm's way.

COMMISSIONER CUMMINGS MOVED TO APPROVE MODIFICATION OF FEMA HAZARD MITIGATION CONTRACTS FOR WIND RETROFIT AND AUTHORIZE THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO SIGN FOUR COPIES OF EACH CONTRACT EXTENDING THE COMPLETION DATE TO EITHER SEPTEMBER 30, 2009 OR OCTOBER 31, 2009, SECONDED BY COMMISSIONER LOFTUS.

**Motion Carried 3:1. Commissioner Starr opposing.
ABSENT: Commissioner Skidmore.**

G. Growth Management - No Items.

H. Economic Development

(1) **RECOMMENDED ACTION:** Approve and authorize the Chair to execute the Addendum to the Economic Development Transportation Fund Application and any future addendums, as necessary, to process the Application for grant monies. The original application was presented to the Board at its meeting on January 27, 2009. **BUDGETED ACTION:** None

Addendum to Grant 2009-006

(2) **RECOMMENDED ACTION:** Approve and execute Interlocal Agreement between the Board of Charlotte County Commissioners (BCC) and the Charlotte County Industrial Development Authority (IDA) to effect the initial transfer of Charlotte County Parcel 412311200002 from the BCC to the IDA; the IDA may then utilize the property as an incentive for attracting companies to Charlotte County. **BUDGETED ACTION:** None, deed recording costs associated with this transaction will be paid by the Charlotte County Industrial Development Authority.

Agreement 2009-012

J. Environmental Services - No Items.

K. Facilities Construction and Maintenance - No Items.

L. Purchasing

(1) *RECOMMENDED ACTION*: (a) Approve award of Bid #09-084, Annual Contract for Contractor/Builder, to Gasparilla Construction, Inc., of Englewood, Florida. Term of contract is to be from date of award through and including December 31, 2009 and (b) Authorize the County Administrator to approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent. This is an annual contract to provide the services of a contractor/builder to various County Departments and locations on an as needed basis. Services include, but are not limited to, installation(s), repair(s) and/or maintenance. *BUDGETED ACTION*: budgeted in various cost centers. Funding for this item comes from various sources.

(2) *RECOMMENDED ACTION*: Request the Board terminate Contract #06-369 Land Development Regulations, with Code Studio of Austin, Texas. *BUDGETED ACTION*: None, funding is budgeted in the Zoning and Current Planning division of the growth management department.

(3) *RECOMMENDED ACTION*: Approve Amendment #21 to Contract #01-125, Sarasota-Charlotte County Beach Restoration Study with Coastal Technology Corp., in the amount of \$252,103, to conduct the Sarasota-Charlotte County Beach Restoration Study. *BUDGETED ACTION*: None; funding is supplied by the Stump Pass Beach Renourishment Fund.

(4) *RECOMMENDED ACTION*: (a) Approve Amendment #3 to Contract #05-193, Engineering Services - Pirate Harbor Waterway, with Coastal Engineering Consultants in the amount of \$12,380, for a revised total contract amount of \$106,470 and (b) Authorize the Chairman to sign the Amendment. This contract was for professional services in applying for separate standard general permits for dredging a 2,300-foot channel and removing rock in the Pirate Harbor Waterway System. *BUDGETED ACTION*: None, FY09 budget has funds available in the Pirate Harbor Waterway MSBU. CIP project c390504, Pirate Harbor Rock Ledge, project total is \$728,000. Funding is supplied from the Pirate Harbor Waterway MSBU.

(5) *RECOMMENDED ACTION*: Approve Change Order #2 to Contract #06-175, Tourist Website Redevelopment, with Miles Media, in the

amount of \$22,895. This change is to update the www.charlotteharbortravel.com web site to improve usability of the site and introduce updated home page design and functionality. BUDGETED ACTION: None, funding for this expenditure is budgeted in the Tourist Development Trust Fund.

(6) RECOMMENDED ACTION: (a) Approve Novation for Contract #07-401, 800 Mhz Rebanding Program from current vendor Qualicom Systems, Inc. to Mobile-One Communications & Electronics, Inc.; (b) Approve Amendment #1 to Contract 07-401, 800 Mhz Rebanding Program reducing the Contract Amount from \$98,200 to \$77,941.69 and providing for direct payment from Nextel South Corp.; and (c) Authorize the Chairman to sign the Amendment and Novation. BUDGETED ACTION: None; funding is provided by Nextel South Corp. under the FCC Rebanding project and is budgeted in the Radio Communications Fund.

(7) RECOMMENDED ACTION: (a) Approve ranking of firms for Request for Proposal #09-088, Water Control Structures - Design; 1st Johnson Engineering, Inc., 2nd Giffels-Webster Engineers, Inc. and 3rd Charlotte Engineering; (b) Approve start of negotiations; and (c) Authorize the Chairman to sign the contract after completion of negotiations. This is for professional engineering services for the design and permitting of four (4) water control structures in Greater Port Charlotte. BUDGETED ACTION: None, FY09 budget contains \$300,000 for this work order in the Mid-Charlotte Stormwater MSBU. CIP project c390304 Greater Port Charlotte Drainage Control Structure Replacement, project total \$35,720,000. Funding is supplied from the Mid-Charlotte Stormwater MSBU.

(8) RECOMMENDED ACTION: (a) Approve award Bid #09-165, Fiber Optic Infrastructure - Annual Contract, to Fiber Solutions of Ft. Myers at the unit prices listed on the attached bid form for the term from date of award up to and including December 31, 2009, with option to renew for two additional one-year terms, by mutual consent and (b) Authorize County Administrator to approve annual renewals. This is an annual contract for the services of a licensed and insured Communications Contractor to provide installation, repair and maintenance of Charlotte County's Fiber Optic Infrastructure System. BUDGETED ACTION: None, This item is budgeted in the Telco budget - General Fund.

(9) *RECOMMENDED ACTION*: Approve Change Order #3 to Bid #08-008, Manchester Boat Lock Removal, awarded to Stemic Marine Construction, to add 90 days to the completion time, and increase the amount of the contract by \$309,470 for a revised total cost of \$1,061,033.37. This project is for the removal of the dilapidated boat lock from the Manchester Waterway canal. The Manchester Waterway Committee has requested this additional maintenance dredging of Northern Waterways to gain the cost benefit of not having to pay for an additional mobilization and the contractor has agreed to waive the trucking and spoil site rehabilitation costs. *BUDGETED ACTION*: None; FY09 budget has \$327,000 available for this change order in the Manchester Waterway MSBU, project c390701, Manchester WW Maintenance Dredging, project total \$550,000. Funds are supplied from the Manchester Waterway MSBU.

M. Human Resources - No Items.

N. Human Services - No Items.

P. Information Technology - No Items.

Q. Parks, Recreation and Cultural Resources

(1) *RECOMMENDED ACTION*: Approve a Resolution providing for the closing of Ester Street from Torrence Street eastward to Peasley Street, annually from March 1 through April 1. The proposed temporary closure of Ester Street from March 1 to April 1 each year will provide for designated minor league player parking. *BUDGETED ACTION*: None

Resolution 2009-146

R. Public Safety

(1) *RECOMMENDED ACTION*: (a) Approve the Frequency Reconfiguration Agreement with Nextel South Corp. that outlines the scope of work as required by the Federal Communications Commission (FCC) mandate; (b) Approve the Reconfiguration Implementation Phase Agreement with Motorola, Inc. for services provided for the reconfiguration; (c) Authorize the Chairman to sign the two agreements; and (d) Authorize Chief Dennis DiDio to sign off on the work completed by Motorola or any vendor regarding this

project, to be paid for by Nextel South Corp. BUDGETED ACTION: None at this time. Funding is provided by Nextel South Corp. Payment for services will be paid directly to vendors, upon sign off by Chief Dennis DiDio that the work is completed per the Agreements. Charlotte County will be reimbursed for any costs incurred by the County related to the project. The estimated amount of reimbursement directly to Charlotte County is \$341,009.33.

Agreement 2009-013 with Nextel South Corp. and Agreement 2009-014 with Motorola, Inc.

S. Public Works

(1) RECOMMENDED ACTION: Approve preliminary acceptance of a proposed entrance road into Charlotte County Airport Authority's Commerce Park. BUDGETED ACTION: None; upon acceptance by the County this road will become part of the Punta Gorda Non-Urban Streets and Drainage MSBU and any future maintenance will be paid for from the MSBU.

(2) RECOMMENDED ACTION: Approve a Resolution authorizing the Chair to execute a Joint Project Agreement, and approve the Joint Project Agreement (JPA) with the Florida Department of Transportation (FDOT) for the design and installation of a traffic signal at the intersection of SR 776 and Flamingo Boulevard. BUDGETED ACTION: None.

Resolution 2009-147 and Agreement 2009-015

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve the attached Resolution approving the release of portions of two ten-foot (10') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Forty-One, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portions of said easements. (Owner: Francisque Paulemon) BUDGETED ACTION: None

Resolution 2009-148

(2) *RECOMMENDED ACTION*: Approve the Resolution and authorize the Chair to sign, establishing that the Director of Real Estate Services and the Real Estate Services Department, are now known as the Senior Division Manager and the Real Estate Services Division and are to be recognized as one and the same. *BUDGETED ACTION*: None.

Resolution 2009-149

(3) *RECOMMENDED ACTION*: Approve the 11 attached Resolutions of Necessity authorizing the acquisition of real property and/or easement interests by any legal means for the Winchester Corridor South - Phase 3 project. *BUDGETED ACTION*: None.

Resolutions 2009-150 through 2009-160, inclusive

V. Tourism Development - No Items.

W. Utilities - No Items.

X. Building & Construction Services

(1) *RECOMMENDED ACTION*: Approve FP 08-07-03 - Final Plat for MCD Commons. *BUDGETED ACTION*: None, all fees have been collected and posted to the Public Safety Fund in the appropriate division.

Y. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office, *RECOMMENDED ACTION*: Select, by ballot, two regular members and one alternate to serve on the Gulf Cove Street and Drainage Unit Advisory Committee. Appointees will fill unexpired terms of two members who resigned. Terms will expire in 2010 - alternate will expire in 2011.

Chairman Duffy requested Board Members initial ballots. **Commissioner Starr** confirmed marking of an alternate. The ballots were passed to County Administrator Baltz who tallied the votes and announced Jean Donohue received three votes, David

Boehm and Randy Roberson each received two votes, and Ronald Molway received one vote for regular members.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF JEAN DONOHUE AS A REGULAR MEMBER TO SERVE ON THE GULF COVE STREET AND DRAINAGE UNIT ADVISORY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

Commissioner Cummings requested the names of individuals who received two votes. Mr. Baltz advised David Boehm and Randy Roberson.

COMMISSIONER LOFTUS MOVED TO APPROVE APPOINTMENT OF DAVID BOEHM AS A REGULAR MEMBER TO SERVE ON THE GULF COVE STREET AND DRAINAGE UNIT ADVISORY COMMITTEE, SECONDED BY COMMISSIONER STARR.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

Mr. Baltz recalled Jean Donohue, David Boehm, Ron Kubala, and Ronald Molway each received one vote for alternate.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF RANDY ROBERSON AS ALTERNATE TO SERVE ON THE GULF COVE STREET AND DRAINAGE UNIT ADVISORY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

(2) Commission Office, RECOMMENDED ACTION: Due to a discrepancy in the prior ballot, reconsider the appointment made on January 27, 2009 and select by ballot, one member-at-large to serve on the Little Gasparilla Island Advisory Committee.

COMMISSIONER CUMMINGS MOVED TO RECONSIDER THE APPOINTMENT MADE ON JANUARY 27, 2009, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

Chairman Duffy explained the necessity for another vote. Mr. Baltz tallied Board Members' votes and announced Bob Hill received three votes and Chuck O'Hara received one vote.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF BOB HILL AS A MEMBER-AT-LARGE TO SERVE ON THE LITTLE GASPARILLA ISLAND ADVISORY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

(3) Human Services, RECOMMENDED ACTION: Set the first of two Public Hearings for March 10, 2009, at 10:00 AM, or soon thereafter as may be heard, for the Neighborhood Stabilization Program and set a final Public Hearing for the same program on March 24, 2008, at 10:00 AM, or soon thereafter as may be heard.

Bob Hebert explained the grant cycle opened on Friday, the application deadline is by April 6, 2009, requested the Board set the first public hearing on March 10 at 10:00 AM, with a second public hearing to be set thereafter on March 24, 2009, the application should be prepared by the end of this week or first part of next week for submittal to the Board prior to the first public hearing.

COMMISSIONER LOFTUS MOVED TO APPROVE SETTING THE FIRST OF TWO PUBLIC HEARINGS ON MARCH 10, 2009 AT 10:00 AM, OR SOON THEREAFTER AS MAY BE HEARD, SECONDED BY COMMISSIONER STARR.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

RECESS: 9:45 AM - 10:00 AM

VI. PUBLIC HEARING AGENDA - 10:00 A.M. - (Proofs of publication are in order for all public hearings.)

(1) Public Works, RECOMMENDED ACTION: Consider approving a Resolution to use the uniform method of collecting non ad-valorem assessments for the proposed Burnt Store Lakes Underground Electric MSBU.

Deputy County Attorney Gallagher informed the Board that adoption of the resolution is required prior to levy of new MSBU assessments. Chairman Duffy pointed out some residents have

requested the item be tabled in order to obtain additional information. **Commissioner Cummings** acknowledged residents' requests and stated his inclination is not to approve the resolution at this time. **Chairman Duffy** reviewed the options to table action, establish an MSBU without funding, or establish an MSBU with \$130,000 funding. **Commissioner Cummings** stated taking no action today will essentially be the same as denial since the next Board meeting will be after the deadline. Attorney Gallagher pointed out the March 1, 2009 deadline for assessment levy this year and tax bills for this fall.

Chairman Duffy announced Citizen Input. Linda Quick stated residents have been well versed on the issue and asked how long before it would be approved if action is tabled today and has the budget changed. **Chairman Duffy** indicated questions would be answered later. Jerry Goin stated he wrote a letter in response to the post cards sent out by Dawn Harrison and read his January 12, 2009 letter regarding the omission of costs and how for underground cable television lines will be handled, the vulnerability of the lines and transformers in a major storm surge situation, and the breakdown of the \$256 per annum cost; and suggested no action be taken at this time since full disclosure has not been made. Chris Dalrymple stated this proposal is a \$7 to \$10 million project initiated by a small group of residents who do not like seeing electric poles in their yards; about 10% of the 465 homes in the community are in foreclosure; this proposal was before the Association for the third time and it was rejected twice before; and requested the Board's denial to put this matter to rest. Charles Pease referenced preliminary results and expressed confusion as to why this matter is before the Board since he and two-thirds of the residents oppose the project. John Kingston opined, esthetically, poles are not as bad as boxes and wondered why the County wants to install underground utility lines in this area when so many other areas have not been developed until utilities are installed. Jim Morgan recalled previous occasions when this proposal was brought up, encouraged the Board to put this aside since 65% of Burnt Store Lakes residents oppose the project, and added the project total costs and scope have been very nebulous. An unidentified man opined underground utilities are needed in the community; this project is in response to a safety need; expressed concern about negative impacts if this is not going to be done since FPL proposes to put in hardened poles. Charlotte

Miller, FPL, stated this program went into effect in 2006, Burnt Store Lakes qualifies for a 25% discount, a recent change excludes governmental payment of the costs, Burnt Store Lakes approached FPL in March 2006 and FPL responded in April 2006 with a ball park estimate, last fall and December 2008 FPL urged residents to request updated cost estimates, and \$12.3 million minus a 25% discount was given to residents in January 2009 but residents moved forward based on the prior cost estimates. Ms. Miller explained the procedures for a non-refundable cost deposit for a detailed cost update and information and applicability of the deposit if the project is done. Ms. Miller commented on pros and cons of underground utility lines versus overhead poles. Fred Bolland stated this is a community effort based upon a lot of residents' efforts, not an Association or Board sponsored project and advised an email notice went out that this hearing would be cancelled. Chris Mathis related experiences with storms and underground utilities and the loss of use was very little. Frank Bishop, Underground Electric Committee Chairman, stated many issues were addressed during the town hall meeting and on the website; enumerated two issues to require the item be pulled at this time based on concerns about the impacts on underground lines as a result of storm surge and beautification based on the lack of above ground poles versus underground lines. Mr. Bishop stated the cost was based on factual data at \$256 per year per lot and the vote returned on the opinion survey was significant in opposition e.g. 69% in opposition versus those who voted due to compliancy. Ron Mathemich, Burnt Store Lakes, recalled the weeks and months to recover from damage to overhead utility lines versus underground lines; opined all new utilities should be underground and the Board should establish such a mechanism; and acknowledged Mr. Bishop's efforts who would be a good source of information for the Board. Robert Bean stated residents have continued opposition to the project due to the lack of accurate, up-to-date cost estimates. Rob Hanzik stated the MSBU is the only mechanism to get this project done without governmental support as related by FPL, the big question is the cost but the \$130,000 deposit would secure an up-to-date cost estimate from FPL, telephone lines are underground but there is an issue with Comcast, and noted 750 people did not respond to the survey. Pat Morgan stated residents must pay for the cost of underground utilities. Martha Rolston stated she sees the project as cosmetic that is

not needed and suggested this project be denied. Elaine Bodey requested the project be tabled until an upturn in the economy.

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

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

COMMISSIONER CUMMINGS MOVED TO DENY A RESOLUTION TO USE THE UNIFORM METHOD OF COLLECTING NON AD-VALOREM ASSESSMENTS FOR THE PROPOSED BURNT STORE LAKES UNDERGROUND ELECTRIC MSBU, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Cummings recognized residents' right to appeal to government; opined there is room for debate on the relative costs to benefit of buying power lines and it is an enhancement above essential services for public safety; the Board is unbiased and would act based on community support/opposition; opined denial of the resolution is the right thing to do today; and pointed out the community and residents still have the right to bring it back.

Commissioner Starr stated government exists to do something for people who cannot do for themselves; acknowledged residents would still be entitled to the FPL 25% without the government being involved; commented on significant costs to manage MSBUs and increased costs over the long-term of construction projects; expressed concern about the lack of overwhelming support from the community; and indicated he would vote for denial. *Chairman Duffy* stated residents are viewing democracy at work today; recognized the efforts of all of the people who worked on the project; and opined the best decision would be for the Board to table action but she will be out voted.

Motion Carried 3:1. Chairman Duffy opposing.

ABSENT: Commissioner Skidmore.

(2) Public Works, **RECOMMENDED ACTION:** Consider approving an ordinance to change the assessment methodology to equivalent residential unit (ERU) for the South Burnt Store Street and Drainage MSBU.

Marty Simone advised this is a housekeeping item to standardize and align the ERU assessment methodology.

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

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2009-011, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

(3) County Attorney, RECOMMENDED ACTION: Hold a Public Hearing to approve an Ordinance amending Chapter 1-11, Article III, Parks and Recreation facility use regulations; by providing for revision of the hours of use; providing for revisions to the regulation of alcohol consumption; providing for conflict with other Ordinances; providing for severability; and providing for an effective date.

Assistant County Attorney Rooney recalled at the last meeting the ordinance was brought forward to address issues regarding parking at Englewood Beach and the ordinance has been revised to allow parking until 10:00 PM as indicated on signage and Attorney Haymans expressed concerns about events held at Bayshore Park and the ordinance has been revised to allow alcoholic beverages based on a lease of a park facility, an outdoor festival license or other County permits. Chairman Duffy announced public input.

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

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2009-012, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: Commissioner Skidmore.

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

(2) Administration, **RECOMMENDED ACTION:** Captain Earle Bretz, Major Kaletta, and Lt. Col. Edmond Smith will provide a short presentation to the Board of County Commissioners on a project that began in 2007 of aerial photographs taken of Charlotte County. The complete collection of over thirty-three thousand pictures was given to Geographical Information Systems (GIS) Department.

Chairman Duffy requested the presentation be taken out of order. **Board consensus.** Captain Earle Bretz introduced Major James Kaletta, Lt. Col. Edmond Smith, and Lt. Donna Hendrickson; recalled he and Lt. Col. Smith began making presentations to the Board in the fall of 2006 about a joint program between the Civil Air Patrol (CAP), Charlotte County, and the U.S. Air Force called Satellite Digital Imaging System (SDIS) for airborne photography transmitted to customers via computer, satellite phone, or satellite system without landing the aircraft; on February 13, 2007, the Board approve a grant request but trouble with the system put it to rest prior to the purchase of a \$13,000 satellite phone; Lt. Col. Smith and other members of the CAP solved the problems through the use of mobile broad band technology named Airborne Digital Imaging System (ADIS) that allows transmission of the photos to the customer by the internet and computer while the aircraft is on the runway; on February 27, 2008, the Board approved use of the SDIS grant funds on the ADIS project; the aerial mapping of Charlotte County west of I-75 has been performed with a resolution at the ground of 5 to 10 inches; the project was completed under budget; and there are funds in reserve for an additional 10 to 12 flight hours. Colonel Smith delivered 33,356 pictures and geo-reference to Bryon Catlin (GIS) as a result of the February 13, 2007 grant. Colonel Smith stated the County is not only receiving 33,356 pictures but capability to conduct additional aerial mapping in a cost efficient and expeditious manner. Mr. Catlin accepted the data with appreciation and noted the efforts of CAP members. Captain Bretz advised Charlotte County was and is on the cutting edge of this technology; CAP Headquarters has adopted the geo-reference technology established by Charlotte County and has begun to equip all states with similar technology; and thanked the Board for its support. **Commissioner Cummings** questioned if this technology could achieve the same results as the joint project with Lee County on spectrol-imaging. Colonel Smith advised the spectrol-imaging system is difference; explained the difference from the

Archer Program based on looking for specific pattern recognition and colors; there are 16 Archer systems in the United States of which one is deployed in the southeastern United States; and suggested, if the Board is interested, that direction be given to research the cost details. **Commissioner Cummings** commented on the CAP Sun Downer Patrol and rescue programs that could benefit from the Archer program as well as heat signatures in mapping for ground water levels. Colonel Smith estimated a \$1 million investment for each aircraft in the Archer Program and it would be worth pursuing the economics for ground water programs and habitats and pointed out much of Archer Program statistics are not broadly disseminated. **Commissioner Cummings** suggested a regional approach. Colonel Smith recommended a Board Member consult with him or Major Kaletta on specifics. **Commissioner Cummings** stated such a program would reduce time and money to map habitats and verify development maps. **Chairman Duffy** suggested **Commissioner Cummings** work with the CAP and bring back data. Major Kaletta stated a Memorandum of Understanding exists that allows the County to get resources quickly; estimated the cost would be about \$100 per hour since volunteers are utilized for crews. Captain Bretz suggested the Archer Program be utilized to find marijuana and poppy fields.

(1) Public Works, **RECOMMENDED ACTION**: This presentation is to provide the Board with an historical re-cap including current and future status of the Charlotte County Erosion Control Project (Stump Pass Dredging and Beach Renourishment).

Interim Public Works Director Quick introduced Michael T. Poff from Costal Engineering Consultants. Mr. Poff gave a slide presentation that provided a historical recap of Stump Pass and adjacent beaches from 1990 through 2006 for management and erosion; the 2003 initial construction and completion of beach renourishment and alignment to the 1980 Stump Pass channel for a total cost of \$5.03 million; 2006 post-storm recovery and maintenance program components with Federal Emergency Management Agency (FMA) funding at a total cost of \$3.98 million; Tropical Storm Fay attacked the coastline and estimated approximately 87.5% of the costs may be found eligible by FEMA for reimbursement; the 2009/2010 post-storm recovery and maintenance program; reviewed project components for Knight/Don Pedro storm recovery and maintenance, Knight Island North storm recovery and a proposed extension of permitted beach limits to

the northwest as shown on the graph, Manasota Key/State Park Beach, and advanced mitigation for storm recovery for a projected cost of \$4.37 million; summarized 2001-2009 post-construction costs total \$19.3 million of which \$12.5 million or 65% is for construction, 4% for design and permitting, State Park amenities and management fees of 2%, 10% for annual management fees, \$3 million of the \$3.78 administrative fees represent principal and interest (P&I) on loans for construction costs from the 2003, 2006, and projected 2009 dredge contract costs. Mr. Poff recalled the \$5 million capital outlay in 2003 was for construction with MSBU/TU monies and FDEP reimbursement. **Commissioner Cummings** expressed concern about paying on old loans rather than administrative allocations. Mr. Poff clarified the \$3 million P&I was borrowed for construction of the 2003 project and should have been reflected in the construction category rather than administrative fees. Mr. Poff reported the County participates in an annual beach management program to receive a share of the \$30 million dedicated monies; FDEP has provided about \$4.57 million, FEMA about \$4.75 million (including the 2006 funds and 2009 projections), and the County's portion would be \$9.95 million payable through MSTU at about 67%, MSBU at 12% for about 80% of the total local share, TDC and WCIND funds at \$150,000 per year or 9% for each, and Boater Improvement Revolving Fund revenues of \$50,000 per year or about 3%. Mr. Poff continued the slide presentation on what's next including monitoring surveys, park amenities, coordinate the 2009 construction project, and perform a long-term regional sand source search for all beach management needs although it will be delayed due to economic conditions; and suggested the Board schedule a series of workshops to discuss the beach management program for the next 10 years and funding options. Mr. Poff related his attendance last week at a Florida Shore and Beach Preservation Association (FSBPA) meeting indicated the current \$30 million budgeted will be down to \$5.5 million so very few projects will receive FDEP cost sharing. **Commissioner Loftus** asked if the regional sand source study would include Sarasota, Charlotte, and Lee Counties. Mr. Poff opined Lee County will continue to work on an individual basis but he will be talking further with Sarasota County official concerning a regional study. **Commissioner Cummings** questioned if Sarasota County received permit for a sand source off of Charlotte County. Mr. Poff recalled the Venice Beach 1994 construction project utilized a sand source off

of Charlotte County, indicated his belief that the majority of the source was exhausted, and offered to provide more details and the amount of sand, if any, that may be available from that project. **Chairman Duffy** recalled erosion on about 1,500 feet on the northern end of Little Gasparilla Island that resulted in homes being in the water. Mr. Poff agreed erosion did occur, pointed out the lack of public access and parking and that no State funding would have been allocated, and since it would have been very costly to truck in sand from Don Pedro Island, no action was taken. **Chairman Duffy** requested verification of erosion to Boca Grande. Mr. Poff advised the area has not been studied and the Boca Grande Pass has not been surveyed, other than the 2002 limited surveys conducted, or dredged. **Commissioner Starr** Island concluded part of the problems on Little Gasparilla Island may be as a result of the Stump Pass dredging. Mr. Poff stated the analysis performed prior to the 2003 dredge indicated that little or no sand was by-passing Stump Pass, the spit off of Manasota Key had grown significantly to the south and deflected the channel that it was necessary to breach the spit mechanically and put the sand on Knight/Don Pedro Island, and today the spit is re-growing and the impact on Little Gasparilla Island would reap some benefit. **Commissioner Starr** questioned what would occur if nothing is done and let Mother Nature take her course, recalled engineering and closure of the Bocilla Pass that was opened by Mother Nature, commented on the dune system on the beach were enormous during the 1970s, and stated spending money to fight Mother Nature does not make sense. Mr. Poff recalled in 2002 and 2003 there was great consensus (98%) from Knight/Don Pedro Island residents for beach erosion management and, if nothing is done, projected more erosion. **Commissioner Starr** concluded if the dredge is not done, Stump Pass may close but another may open and the beaches may or may not get worse. Mr. Poff commented on erosion that has occurred to beaches, pointed out navigation would be severally impacted and the common sense would be to continue the dredge. Mr. Poff acknowledged support from the Board, the Beach Committee, and stakeholders.

VIII. PUBLIC WORKSHOP AGENDA - No Items.

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT - None

AA. County Administrator:

County Administrator Baltz recalled discussion during the joint meeting with Airport Authority Members about the Board appointing a liaison to the Airport Authority. **Commissioner Starr** expressed support. **Commissioner Loftus** indicated no preference. **Chairman Duffy** requested a volunteer. **Commissioner Starr** suggested **Commissioner Skidmore** because of prior service on the Airport Authority and indicated, if **Commissioner Skidmore** would not, he would serve as liaison. **Chairman Duffy** requested Mr. Baltz to consult with **Commissioner Skidmore**. Mr. Baltz indicated he would follow-up.

BB. County Attorney - No Items.

CC. Commissioner Comments

Commissioner Cummings stated a resident in the Alligator Creek area has inquired about dredging and expressed the belief that if the residents want to pay for the project, then it should be done. **Commissioner Loftus** agreed in favor of the residents moving forward with establishing a new MSBU. **Commissioner Starr** opposed creation of a new MSBU and suggested the dredge project be incorporated in the existing MSBU. **Commissioner Starr** stated he made a request to Administration for the annual costs of membership fees and dues e.g. \$75,753 include \$50,000 to the Regional Planning Council (RPC), etc.; he does not see a significant benefit to taxpayers for these expenditures; and suggested elimination of these fees and dues. **Commissioner Loftus** recommended discussing these costs during the budget process. **Commissioner Starr** suggested discussion prior to expiration of the annual dues and fees. **Chairman Duffy** requested verification of any requirement for the County's membership to the RPC. **Commissioner Cummings** expressed uncertainty about the \$50,000 being a membership fee versus contracted services; pointed out the Legislature is looking for more regional planning and coordination; opined the local RPC is one of the best in Florida; and this is an essential service. **Chairman Duffy** agreed the dues and fees need to be discussed prior to renewal and requested more information on membership requirements of RPC. **Commissioner Starr** stated management techniques are different for parks and recreation lands versus

environmentally sensitive lands management and requested consensus for Administration to look into management cost techniques versus a not-for-profit private contractor. **Commissioner Loftus** stated he was going to bring this aspect during the budget process since Charlotte Harbor Environmental Center (CHEC) has provided significant benefits. **Commissioner Starr** suggested staff commence looking into the cost savings and benefits prior to the budget process. **Commissioner Loftus** pointed out the Board's determination on the budget is made in September and this would create an additional burden on staff. **Commissioner Starr** requested input from Mr. Baltz. Mr. Baltz reported staff is working on this issue and input will be ready for the budget process. **Chairman Duffy** commented on discussions she has had with Al Cheatham to work on lands management. **Commissioner Cummings** recalled permit conditions requiring management and suggested Natural Resources staff involvement. **Commissioner Loftus** stated he has spoken with the Mr. Baltz about exterior lighting at the Event Center, the 69.5 degree setting is too low, and surplus lighting at Administrative Complex buildings. **Chairman Duffy** announced **Commissioner Skidmore** will not hold office hours in Englewood this week and reminded everyone of the Tampa Bay Rays opening game tomorrow.

MEETING ADJOURNED: 11:48 AM

Signature on file Commission Minutes
Chairman

ATTEST:

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

*Book 67, Page 265
February 24, 2009*

*By: Signature on file in Commission Minutes
Deputy Clerk*

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