

BOARD OF COUNTY COMMISSIONERS

MARCH 10, 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 Attorney Knowlton, County Administrator Baltz, Finance Director Larrivee, and Deputy Clerk Lansing. The following members were absent: None. The meeting was called to order at 9:00 AM.

The Invocation was given by Reverend Bill Klossner, Congregational United Church of Christ, followed by the Pledge of Allegiance.

**Changes to the Agenda:**

Addition #1 - Requested by: Commission Office - Z-5: Appoint Mr. Phil Eason to the Manasota/Sandpiper Key Advisory Committee to fill the unexpired term recently vacated by Steve Stump. The term will expire January 9, 2010.

Deletion #1 - Requested by: County Attorney's Office - E-1: Set an Executive Session for March 10, 2009 at 2:30 p.m., or as soon thereafter as possible, in the County Attorney's Conference Room, to discuss the federal lawsuit captioned Rotonda Project, LLC v. Charlotte County; Adversary Case No. 9:08-ap-00253-ALP.

Change #1 - Requested by: Purchasing Department - Z-1: 2 a) Approve Amendment #3 to Contract # 07-011, Jail Expansion - Construction Manager at Risk, with Bovis Lend Lease, Inc. in the amount of \$993,619 for a total revised contract amount of \$35,387,917.45; b) Authorize the Chairman to sign the Amendment.

Deletion #2 - Requested by: Administration - L-2: Approve Phase II to File # 09-022, Economic Development Consulting Services with PharmaBioSource, Inc., for a not to exceed fee of \$125,000, to perform consulting services for the Economic Development Office.

Addition #2 - Requested by: County Attorney - Z-6: Set an Executive Session for March 10, 2009 at 2:30 p.m., or as soon thereafter as possible, in the County Attorney's Conference Room, to discuss the federal lawsuit captioned Rotonda Project, LLC v. Charlotte County; Adversary Case No. 9:09-ap-00253-ALP.

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

*Proclamations - Chairman Duffy*

*American Red Cross Month*

COMMISSIONER LOFTUS MOVED TO PROCLAIM MARCH, 2009 AS AMERICAN RED CROSS MONTH, SECONDED BY COMMISSIONER SKIDMORE  
Motion Carried 5:0.

Ms. Van Sickle thanked the Commission, Chairman Duffy and her husband Barney for supporting the Hero's campaign, noted local donations, and mentioned their "Hero's" website.

*Arts and Humanities Council Artist of the Month*

COMMISSIONER LOFTUS MOVED TO PROCLAIM DAVID SCOTT AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF MARCH, 2009, SECONDED BY COMMISSIONER SKIDMORE.  
Motion Carried 5:0.

Mr. Scott accepted the proclamation, thanked the Board for the honor, and opined the Arts and Humanities provides a great service to the Community.

*Senior Games Week*

COMMISSIONER LOFTUS MOVED TO PROCLAIM MARCH 6 - MARCH 15, 2009 SENIOR GAMES WEEK, SECONDED BY COMMISSIONER SKIDMORE.  
Motion Carried 5:0.

Joanne Larson accepted the proclamation, explained there has been a record number of athletes this year, noted events and schedule, provided website information, and thanked everyone involved.

*Simulated Emergency Test Day*

**COMMISSIONER LOFTUS MOVED TO PROCLAIM MARCH 28, 2009 AS SIMULATED EMERGENCY TEST DAY, SECONDED BY COMMISSIONER SKIDMORE. Motion Carried 5:0.**

An unidentified representative thanked the Commission for the proclamation, explained their purpose, and said they are happy to work with volunteer groups in the Community.

**Employee Recognition - County Administrator Roger Baltz**

**5 Years:** Elizabeth Drew, Human Services; Catherine Edwards, Parks, Recreation & Cultural Resources; Shonna Jenkins, Building Construction Services; Thomas Mason, Parks, Recreation & Cultural Resources; Cynthia McSwain, Human Services; Conroy Williams, Utilities; **10 Years:** David Milligan, Parks, Recreation & Cultural Resources; Martin Simone, Public Works; Mary Anderson, Public Works; **15 Years:** Brian Bredfeldt, Building Construction Services; Bryon Catlin, Information Technology; Teri Salomon, Facilities; **20 Years:** Barry DeMello, Public Works; Richard Weingarten, Human Services; **Not Attending:** **15 Years:** Thomas Bowman, Scott Humphreville, Howard Hartfelder, Kenneth Coblentz, Fire/EMS; **20 Years:** Jeffrey Ehle, Fire/EMS.

**Award Presentations - None**

**I. CITIZEN INPUT - AGENDA ITEMS ONLY**

D.J. Seiler addressed Consent Agenda Item M-1, stated the contract amendment has been met through the collaboration of several Commissioners, County Staff, and Fire/EMS representatives, explained the steps taken to achieve a \$10 Million reduction of the existing budget, and asked the Board to shift their future reduction focus elsewhere.

Rex Goulding, owner of Shell Creek Demolition Contractors in Punta Gorda addressed Agenda Item Z-3, mentioned an email he sent to the Commissioners related to the termination of his annual contract with Charlotte County, expressed concern that the Murdock Village Advisory Board suggested the County seek rebid to demolish four existing buildings in Murdock Village, asked to fulfill his contract which expires September, 2009, remarked he

is a local contractor that has provided 100% satisfaction, noted his family has been in the area since the 1908, discussed statistics, and asked for Board consideration.

**Commissioner Skidmore** asked for the legalities related to reconsideration and Attorney Knowlton responded.

## **II. COMMITTEE VACANCIES**

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

Construction Industry Licensing Board is seeking one member to serve as the Electrical Contractor. This term is effective immediately and shall expire March 2012. Must be a licensed electrician and have lived in Charlotte County for a minimum of three years.

Environmentally Sensitive Lands Oversight Committee - is seeking three volunteers who are residents and electors of the County. All three are needed to represent the "environmental expertise" category. One position is to finish an unexpired term which is effective immediately and shall expire Jan. 23, 2010. The other two are regular terms effective immediately and shall expire in 2012.

Grove City Advisory Board is seeking five members to serve on the committee. Must reside in or own property within the boundaries of the Grove City Community planning area. Terms are for three years. One member to represent the commercial interests of Grove City, one member to represent a professional in architecture, engineering, landscape architecture, planning or similar, three members at large (preference given to commercial representative with an existing commercial business and multi-family with existing residences within the community.)

Manasota/Sandpiper Key Advisory Committee - is seeking one volunteer to finish an unexpired term, effective immediately, expiring January 9, 2010. Must be a full time resident on the Charlotte County portion of Manasota or Sandpiper Key representing multi-family and tourist interests.

*Northwest Port Charlotte Street and Drainage Unit Advisory Committee is seeking one member to serve as the alternate on this committee for a two year term.*

*South Burnt Store Street & Drainage Advisory Committee - is seeking a volunteer as the alternate. This is a two year term, effective immediately and shall expire in 2011.*

**III. REPORTS RECEIVED AND FILED**

**IV. CONSENT AGENDA**

*Commissioner Skidmore requested Item D-1 be pulled from the Consent Agenda.*

**COMMISSIONER LOFTUS MOVED TO APPROVE CONSENT AGENDA EXCEPT ITEM D-1, SECONDED BY COMMISSIONER SKIDMORE.**  
**Motion Carried 5:0.**

**Clerk of the Circuit Court**

**A. Finance Division**

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

**B. Minutes Division**

*(1) RECOMMENDED ACTION:*

*December 12, 2008, 9:00 AM, Joint Meeting - City of Punta Gorda*

*December 12, 2008, 1:30 PM, Performance Budgeting Workshop*

*December 16, 2008, 9:00 AM, BCC Regular/Land Use Public Hearings*

*BUDGETED ACTION: None*

**Board of County Commissioners**

**C. Commission Office**

(1) *RECOMMENDED ACTION: Reappoint of Bill Schmitz to the Alligator Creek Waterway Advisory Committee for a three year term. Mr. Schmitz is a current member and wishes to continue serving. BUDGETED ACTION: None*

(2) *RECOMMENDED ACTION: Reappoint Catherine Miller to the Greater Port Charlotte Street and Drainage Unit Advisory Committee and appoint Mrs. Stephanie McCartney King as a regular member. She is currently serving as the alternate and wishes to fill the recently vacated position. Also, approve the appointment of David "Skip" Harshman as the alternate on the committee. Terms are for three years. BUDGETED ACTION: None*

(3) *RECOMMENDED ACTION: Reappoint members to the Northwest Port Charlotte Street and Drainage Unit Advisory Committee, as follows: Mr. Paul Pilch, Ms. Deborah Manna and Mr. David Rubin as regular members for three year terms. BUDGETED ACTION: None*

(4) *RECOMMENDED ACTION: Appoint Margaret (Peg) Varga as a regular member to the South Burnt Store Street & Drainage Advisory Committee. This is a three year term effective immediately and shall expire March 10, 2012. BUDGETED ACTION: None*

(5) *RECOMMENDED ACTION: Approve strategic focus areas and goals established by the Board of County Commissioners on February 20, 2009. BUDGETED ACTION: None*

**D. Administration**

(1) *RECOMMENDED ACTION: Appoint Robert T. Halfhill to the position of Public Works Director. BUDGETED ACTION: If approved, the funds will come from the Transportation Trust Fund.*

**Commissioner Skidmore** was in agreement with Mr. Baltz decision to appoint Mr. Halfhill to the position, stated he comes highly recommended, and noted if Mr. Halfhill accepts the position, the Administrative Code states that Directors must reside in Charlotte County.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM D-1 AS AMENDED ON THE RECORD, SECONDED BY COMMISSIONER LOFTUS.  
Motion Carried 5:0.

E. County Attorney - None

F. Budget Office

(1) RECOMMENDED ACTION: Approve budget transfer 09-006 in the amount of \$17,700 to cover the foreclosure filing fees for FY08/09 for Disaster Relief Community Development Block Grant (CDBG) subsidized properties. BUDGETED ACTION: Approve budget transfer 09-006 in the amount of \$17,700.

G. Growth Management

(1) RECOMMENDED ACTION: Set two (2) Public Hearing dates for 1. a) March 24th, 2009, at 10:00 a.m. or as soon thereafter as may be heard and b) April 14th, 2009, at 5:30 p.m., or as soon thereafter as may be heard, to consider approving a Developer's Agreement between Punta Gorda of Charlotte County, LLC, a Florida limited liability company, and Charlotte County, a political subdivision of the State of Florida, as authorized under the "Florida Local Government Development Agreement Act," Sections 163.3220 - 163.3243, Florida Statutes. BUDGETED ACTION: None

H. Economic Development

(1) RECOMMENDED ACTION: Approve an Ordinance and amended Resolution, as recommended by the Charlotte Charlotte Industrial Development Authority (IDA), expanding the IDA's board of directors membership to include two (2) at-large members. Also, to affirm the nomination of Scott Cameron/Pulsafeeder as the representative for a Manufacture and the nominations of Michael Grant and Rob Humpel for at-large members of the Authority's board. BUDGETED ACTION: None (ORD2009-013 / RES2009-161) (XREF: RES2006-143)

J. Environmental Services - No Items

K. Facilities Construction and Maintenance - No Items

**L. Purchasing**

(1) *RECOMMENDED ACTION:* Approve Change Order #3 to Contract 09-059, Paving Program FY08-09, with Better Roads, Inc. in the amount of \$821,852.09, with an additional 30 calendar days to the contract term. *BUDGETED ACTION:* Funds for this change order are available in The Greater Port Charlotte Streets and Drainage MSBU, project, c410311 GPC Road Paving Program, project total \$81,819,000.

(3) *RECOMMENDED ACTION:* a) Approve Novation for Contract #06-002, Professional Services Library, and Contract #08-007, Engineers of Record-CCU from current vendor Boyle Engineering Corp. to AECOM USA, Inc. and b) Authorize Chairman to sign the Novation. *BUDGETED ACTION:* None

(4) *RECOMMENDED ACTION:* Approve deletion of the property inventory items listed on the attached for the month of March, 2009. *BUDGETED ACTION:* None

**M. Human Resources**

(1) *RECOMMENDED ACTION:* Approve Amendment 1 to Collective Bargaining Agreement with Local 2546 of the International Association of Firefighters, AFL-CIO, for FY 2007-2010. *BUDGETED ACTION:* None (*XREF: AGR970050A0 / AGR93-162*)

(2) *RECOMMENDED ACTION:* Approve a) Addition of newly acquired buildings and property to the County's insurance policy; and b) Authorize County Administrator or his designee to sign for future additions and deletions to the policy. *BUDGETED ACTION:* If approved, any additional premiums will be paid from the Self Insurance Fund.

**N. Human Services - No Items**

**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 a Local Agency Program (LAP) Supplemental Agreement with the Florida Department of Transportation (FDOT), and approve a Resolution authorizing the Chair to sign the LAP agreement, for the Aquí Esta Drive Roadway Improvements from US 41 to Bal Harbor Boulevard. *BUDGETED ACTION*: None (**RES2009-162**) (**XREF: AGR2008-019 / RES2008-039**)

**T. Real Estate Services**

(1) *RECOMMENDED ACTION*: Approve and ratify a Resolution accepting an Agreement between Rotonda Golf Partners LLC and Charlotte County (as owner and operator of Charlotte County Utilities) for the grant of an utility easement; and the release of a 25' wide Utility Easement located in Cape Haze Windward and further authorizing the Senior Division Manager, Real Estate Services Division to prepare and execute the County Deed releasing said 25' wide utility easement. *BUDGETED ACTION*: None (**RES2009-163**)

**V. Tourism Development - No Items**

**W. Utilities - No Items**

**X. Building & Construction Services - No Items**

**Y. Other Agencies - No Items**

**V. REGULAR AGENDA**

**Z. Regular Agenda**

(1) *Purchasing RECOMMENDED ACTION*:

1 a) Approve Amendment #2 to Contract #06-056, Design-Charlotte County Jail Expansion, with Strollo Architects, in the amount of \$376,050 for a total revised Contract Amount of \$3,450,420.11 and b) Authorize Chairman to sign the Amendment;

2 a) Approve Amendment #3 to Contract #07-011, Jail Expansion - Construction Manager at Risk, with Bovis Lend Lease, Inc. in the amount of \$993,619 for a total revised contract amount of

\$35,387,917.45 and b) Authorize the Chairman to sign the Amendment.

3 a) Authorize the extension to contract #07-011, Jail Expansion - Construction Manager at Risk to extend the contracted schedule completion date to March 24, 2010 and b) Authorize the Chairman to sign the Amendment.

Kim Corbett described the items in detail which paralleled the packet materials and visual slides. Attorney Knowlton advised the Board could approve the items in one motion.

**COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM Z-1 (1 A & B, 2 A & B, AND 3) AS AMENDED ON THE RECORD, SECONDED BY COMMISSIONER CUMMINGS.**

**Commissioner Skidmore** asked for clarification related to adding Section J back into the jail project, noted value engineering is complete, indicated the savings is \$1.3 Million, not the estimated \$3 Million, voiced dissatisfaction with the project and the process in general, announced his interest in receiving the Clerk's jail audit, expressed the importance of carefully moving forward and for the need to eliminate mistakes on projects in the future.

**Commissioner Starr** mentioned a memorandum received from the Sheriff explaining how the jail would be impacted, asked for clarification related to the calculations, and questioned associated costs to run the jail. Major Rogers provided cost information in great detail and explained the process related to positions, intake staff, court rooms, equipment, supplies, uniforms, salaries, work hours, transportation costs, and security. **Commissioner Starr** indicated he is not in favor of spending close to a million dollars to add Section J back in on top of the \$350,000 for the re-engineering, mentioned his concerns that the information is not accurate, and announced his opposition. **Commissioner Loftus** mentioned the importance of assessing operational costs, commended **Commissioner Starr** for examining the facts, explained the expansion will cost more later, and announced his support in moving forward. **Commissioner Cummings** opined there is no perfect plan, said he was able to realize a \$200,000 savings per year even using **Commissioner**

*Starr's* analysis, explained payback and the life of the building, and stated his support.

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

(2) Building and Construction Services RECOMMENDED  
ACTION: Update the Board on the progress of the Green Building Ordinance.

*Jim Evetts* provided an update of the Green Building Ordinance, requested additional direction from the Board, discussed Green Building certification, noted they are in the process of updating local ordinances that conflict, explained the process, provided a timeline of events to date, noted marketing in lieu of incentives, mentioned a Green Building Expo, and asked for Commissioner suggestions.

**Commissioner Skidmore** asked what they hope to achieve with this ordinance. *Mr. Evetts* noted Board direction, said issues of Green Building eventually become Florida Building Codes, mentioned gray water, storage, sustainability, tile roofs, transportation, reduced carbon footprint, and commented that Green Building is always changing. **Commissioner Skidmore** inquired as to the role of the County. *Mr. Evetts* opined if the Board moves forward with a strong ordinance, Charlotte County has the opportunity to become a leader in Green Building and remarked on the County's devotion to the environment. **Commissioner Skidmore** asked for clarification related to his understanding that a landscaping code would be written prior to the Green Ordinance. **Commissioner Loftus** explained the Landscape Ordinance is being created and noted it will complement the Green Ordinance and opined we need to make sure it is flexible enough to include all the associated issues.

*Jeff Ruggieri* indicated a Landscape Ordinance draft will be brought before the Board on March 17, explained a workshop will provide detail and information prior to approval, and explained the Land Development Regulation (LDR) is being worked on in segments.

**Commissioners Cummings** asked about incentives and questioned procedures associated with on-site fill and run-off. *Mr. Evetts*

provided a detailed response. **Commissioner Loftus** said he is interested in incorporating stem walls if it can be done without causing additional costs and burden on the contractors. **Chairman Duffy** asked for clarification related to conflicts, asked if all incentives had be examined, and provided incentive suggestions. Mr. Evetts explained in detail.

**RECESS 10:23 AM - 10:35 AM**

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

(1) Human Services **RECOMMENDED ACTION:** a) Hold a public hearing on March 10, 2009 at 10:00 A.M. or shortly thereafter in Room #119, 18500 Murdock Circle, Port Charlotte, FL, to review the Summary of Program Purposes, restrictions and the proposed Strategies for the Neighborhood Stabilization Program in Charlotte County and b) Accept Public Comment regarding the proposed uses of the Neighborhood Stabilization Program in Charlotte County.

Bob Hebert explained the purpose for the Public Hearing, presented detailed information which paralleled the packet materials, indicated the allocations received, read their approved uses and restrictions into the record, referenced handouts, mentioned funding levels, and noted the related timeline and deadlines.

**Commissioner Skidmore** asked for the percentage of eligible properties. Mr. Hebert responded. **Commissioner Starr** inquired if the \$17,700 mentioned at pre-agenda could be used for these properties or to demolish the structures in Murdock Village. Mr. Hebert explained the original grants/liens on these properties, mentioned violations related to the grants, and noted the money could be used to demolish the Murdock Village structures but the intent is to demolish structures destroyed by Hurricane Charley in the Charlotte Harbor area. **Commissioner Loftus** asked about targeting the Cooper and Easy Street areas. Mr. Hebert noted targeted areas, indicated the funding is Countywide, and advised the City of Punta Gorda is also identifying areas south of the bridge. **Commissioner Skidmore** stated he is opposed to land banking, suggested they use the \$17,700 to demolish structures and use the revenue to pay down existing County debt. Mr. Hebert

explained the restrictions and process. Chairman Duffy asked for clarification of the restrictions.

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

**Motion Carried 5:0.**

**Commissioner Cummings** opined the grant restrictions appear to offer limited value to our needs, said we presently have an excess of housing stock, noted affordable housing will again be an issue in the future, suggested if we were to put money toward affordable housing now, it should be a long term asset that will retain its value, commented on using it the to clean up the Community, and recommended we focus on our highest priorities. Mr. Hebert agreed with **Commissioner Cummings**, discussed the issues further, and gave additional suggestions.

(3) Commission Office **RECOMMENDED ACTION:** Discussion and possible reconsideration of the termination of the annual contract for demolition of structures. This action was approved by Board at the February 10, 2009 Murdock Village Workshop.

**COMMISSIONER SKIDMORE MOVED TO RECONSIDER THE TERMINATION OF THE COUNTYWIDE ANNUAL DEMOLITION CONTRACT, SECONDED BY COMMISSIONER STARR.**

**Commissioner Cummings** explained options available under the new motion. Attorney Knowlton noted it would restart the 30 day notice. Ms. Corbett saw no timeline issue. **Commissioner Loftus** opined they need to be good stewards of taxpayer money and said they need to re-bid Countywide for the best price. **Commissioner Starr** disagreed, said staff cost is too high to re-bid, commented that the existing contract is reasonable, and noted the option of several backups. **Commissioner Skidmore** commented they are on the 29th day of a 30 day contract, asked for reconsideration and contract reinstatement, recommended allowing the contractor to complete the term of the agreement, and suggested they go out for re-bid later. **Commissioner Cummings** advised since there was not a vote, the Board cannot reconsider, and said the Board gave a direction without an official vote. Attorney Knowlton advised Board consensus allows the Board to reconsider. **Commissioner Cummings** said there is a

belief that we can get a better price and opined they should either keep the contract the same or re-bid all. **Chairman Duffy** commented the Murdock Village conversation was positive, agreed the Board made a hasty decision, indicated she is in favor of reinstating the contract, opined we need to be open for business, said the contractor has done a very good job, suggested we go out to bid on the four Murdock Village structures, and recommended exploring other options later. **Commissioner Loftus** disagreed, noted the pricing on four structures will not be as good as a volume bid, and opined going out to bid is being open for business. **Commissioner Cummings** stated he is not in favor of splitting the bid. **Chairman Duffy** remarked the present motion is strictly for reconsideration.

**Motion Carried 3:2. Commissioner Cummings, and Commissioner Loftus opposing.**

Ms. Corbett advised Shell Creek has done a good job for the County and noted they have been very responsive and offered the most reasonable pricing. **Commissioner Skidmore** mentioned fuel and landfill costs were less back in 2006. Ms. Corbett commented the County was unable to compensate the Contractor for higher fuel costs and explained they agreed to perform the work at the same price upon renewal. **Commissioner Skidmore** stated they should allow the contract to expire in September and then go out to bid. **Commissioner Cummings** opined either re-bid them all or do not re-bid any of them. Ms. Corbett advised they will go out for bid in June. Ms. Knowlton announced the Murdock Village demolition was already approved by the Board at the Murdock Village workshop. **Chairman Duffy** advised the Murdock Village vacant structures create a liability and should be addressed as soon as possible. **Commissioner Cummings** suggested they do nothing now and allow Shell Creek to move ahead with the demolition. **Commissioner Loftus** agreed since the Board already gave the direction.

(4) Budget RECOMMENDED ACTION: Discussion with the Board of County Commissioners on the development of guidelines for MSBUs.

Mr. Sandrock provided a summary MSBU guidelines and facts which paralleled visual slides, gave a timeline of the process, and announced scheduled MSBU workshops and Public Hearings. **Commissioner Cummings** clarified procedures associated

with rates. Mr. Sandrock described MSBU issues. **Commissioner Starr** commented he is not in favor of creating a new MSBU system and stated he prefers street and drainage be funded through ad valorem or gas taxes. **Chairman Duffy** expressed the need for a better way to gather property owner consensus since postage costs are so high. **Commissioner Skidmore** opined the system is broken, advised he is not in favor of creating new MSBUs, realized Mr. Sandrock's need for direction, explained the Commissioners will need additional time to consider such an important issue, noted the magnitude of asking residents to impose a tax on themselves, and suggested the issue be brought back with additional detail. **Commissioner Starr** remarked MSBUs were created for special things, noted it has now become a \$54 Million business, opined it is not fairly distributed, said many pay into the fund and do not receive services, suggested a survey will not work, commented that the Board has to make a decision on what is best for the Community, and agreed the Board needs more time. **Commissioner Cummings** remarked that the Board cannot give away its authority over MSBUs and explained the scenarios in detail. **Commissioner Loftus** agreed with **Commissioner Cummings**. Board discussion continued as Mr. Sandrock described each MSBU issue in great detail. **Commissioner Cummings** mentioned people only remember when their rates go up and suggested the need to focus on stability. **Commissioner Loftus** agreed they need to establish base services. **Chairman Duffy** agreed establishing base services is important and discussed funding options. **Commissioner Skidmore** remarked again on the importance of taking more time to decide.

(5) Requested by: Commission Office: Appoint Mr. Phil Eason to the Manasota/Sandpiper Key Advisory Committee to fill the unexpired term recently vacated by Steve Stump. The term will expire January 9, 2010.

**COMMISSIONER SKIDMORE MOVED TO APPROVE THE APPOINTMENT OF MR. PHIL EASON TO THE MANASOTA/SANDPIPER KEY ADVISORY COMMITTEE TO FILL THE UNEXPIRED TERM RECENTLY VACATED BY STEVE STUMP. THE TERM WILL EXPIRE JANUARY 9, 2010, SECONDED BY COMMISSIONER LOFTUS.**

**Motion Carried 5:0.**

(6) Requested by: County Attorney: Set an Executive Session for March 10, 2009 at 2:30 p.m., or as soon thereafter as possible,

in the County Attorney's Conference Room, to discuss the federal lawsuit captioned Rotonda Project, LLC v. Charlotte County; Adversary Case No. 9:09-ap-00253-ALP.

**COMMISSIONER SKIDMORE MOVED TO SET AN EXECUTIVE SESSION FOR MARCH 10, 2009 AT 2:30 P.M., OR AS SOON THEREAFTER AS POSSIBLE, IN THE COUNTY ATTORNEY'S CONFERENCE ROOM, TO DISCUSS THE FEDERAL LAWSUIT CAPTIONED ROTONDA PROJECT, LLC V. CHARLOTTE COUNTY; ADVERSARY CASE NO. 9:09-AP-00253-ALP., SECONDED BY COMMISSIONER LOFTUS.**

Motion Carried 5:0.

**X. CITIZEN INPUT - ANY SUBJECT**

David Goodrich talked about government transparency, announced his interest in the shortfall cuts, mentioned MSBUs, opined citizens are discouraged, stated things must change, and suggested the need for a new interactive meeting format.

Phil Palmer commented on MSBUs throughout the County, said there is no consistency, opined MSBUs are not fair to all citizens, and suggested some problems can be solved through Public Works.

Firefighter's Union member, Merv Kennel noted the 5/0 vote on the contract issue, questioned the resolution of the RFP issue, indicated they worked hard to achieve the savings in good faith, and expressed hope that the Commissioners will do the right thing and address the issue today.

Jerome Guerin talked about Fire/EMS, said service levels have gone down, mentioned taxes and insurance rates, and opined the Community is not getting the protection they need and deserve.

**AA. County Administrator:**

Mr. Baltz noted a request from the City of Punta Gorda to waive impact fees for the Recreation Center on Cooper Street, said Bob Hebert and Jeff Ruggieri are available to answer questions related to the project, advised the impact fees are approximately \$3,500, explained the fee process, and asked Mr. Hebert to provide additional information related to the project.

Mr. Hebert said the expansion of Cooper Street was funded under the Hurricane Housing Recovery Fund, noted the property is owned by the City of Punta Gorda, mentioned the recreation center was damaged during Hurricane Charley, explained the programs, and advised the City is responsible for most costs. **Commissioner Loftus** asked if we pay impact fees for our Countywide projects. Mr. Baltz responded affirmatively. **Commissioner Skidmore** asked if schools pay impact fees. Mr. Ruggieri was unsure and advised he would find out. **Commissioner Skidmore, Commissioner Loftus, and Commissioner Cummings** commented on the footprint process. Mr. Baltz asked for Board direction and noted they could find the \$3,500 needed to pay the impact fee. **Commissioner Duffy** said the County paid the impact fees for the free clinic. **Commissioner Cummings** opined these are good investments that we do not have money to cover if Board consensus is to keep the millage rate the same. **Commissioner Skidmore** said the Board has charity money budgeted, asked for a timeline, and commented he would like more time to decide. Mr. Baltz suggested the funds would come from General Fund Contingency Fund. Mr. Hebert explained the impact fees need to be paid so they can get their Certificate of Occupancy (CO) and mentioned past situations where impact fees were reduced not waived. **Commissioner Loftus** suggested a temporary CO should be issued to give the Board time to deliberate. Mr. Hebert said these are County impact fees and would find out if the City is able to grant a temporary CO. **Commissioner Cummings** reminded the Commissioners of his earlier statement related to the millage rate and opined there are many similar situations to come. **Chairman Duffy** said she is in favor of it. **Commissioner Loftus** said times are rough now, noted there are many organizations in need, and questioned where the money will come from. **Chairman Duffy** opined the City is asking for a discount and wondered if the Commissioners could compromise. **Commissioner Loftus** indicated he would like to delay for two weeks. **Commissioner Skidmore** agreed. Mr. Baltz advised the issue would be brought back to the Board and moved on.

Mr. Baltz introduced the topic of funding for non-profits, encouraged the Board to consider and think about the organizations, mentioned working with the United Way, said we provided over \$530,000 this fiscal year, read some of the County funded charities into the record, and noted his conversations with them. **Commissioner Cummings** said we are

looking at \$1 Million and again explained if the millage rate is kept the same his position is the money will not be there. **Commissioner Starr** commented they spent \$1 Million on the jail but are not willing to spend that much for the charities. Mr. Baltz clarified this year the United Way has taken over the responsibility of distributing to the Human Service Non-Profit Organizations, mentioned Charlotte Behavioral Healthcare, and said the total funding allocated for this fiscal year is over \$1.5 Million.

Mr. Baltz commented on the status related to Rocky Creek Marina, said he is at a standstill, mentioned options and expenditure concerns, and advised he is open to comments.

**BB. County Attorney:**

Ms. Knowlton indicated the Board approved a Settlement Agreement on November 12, 2008 allowing the relocation of the Harbor/Nissan billboard sign, noted agreement requirements, confirmed the new Board has been updated, advised based on the economic climate, Billboard USA has requested an extension of one year, noted if approved it would delay the relocation until March 15, 2010, gave current codes, and requested Board direction. **Commissioner Loftus** expressed concern that moving forward would cause a Bert Harris Act. **Commissioner Cummings** commented that he and **Commissioner Loftus** had voted against it and provided his rationale. **Commissioner Loftus** agreed and commented further. **Chairman Duffy** asked for the sign removal deadline and asked for clarification of her understanding of the terms. Ms. Knowlton provided the information in detail. **Commissioner Skidmore** asked for clarification of the legal procedure and timeline. Ms. Knowlton explained the timeline process in detail, requested direction, and received Board consensus not to approve the extension.

**CC. Commissioner Comments:**

**Commissioner Loftus** brought up the phosphate issue, moved to require all phosphate issues, expenses and information be approved by the Board at a public meeting from now on. **Commissioner Skidmore** offered a friendly amendment, said he has the legal invoices from Mr. de la Parte's office, explained he was going to move to relieve Mr. de la Parte from his duties,

and noted we are still paying him to review documents. **Chairman Duffy** was surprised to learn he was still being paid by the County. Ms. Knowlton explained the actions taken so far related to phosphate were previously approved by the Board under County Attorney Office Budget, indicated Mr. de la Parte is presently responsible for County litigation, rule making, permit reviews, some lobbying, stated his invoices have been minor over the last fiscal year, said the Board can discontinue his services, and advised the remaining phosphate balance and potential savings.

**COMMISSIONER LOFTUS MOVED TO PUBLICLY APPROVE ALL EXPENSES ASSOCIATED WITH PHOSPHATE MINING AT PUBLIC MEETINGS AND TO RELIEVE MR. DE LA PARTE AND GILBERT P.A. FROM INCURRING ANY NEW EXPENSES, SECONDED BY COMMISSIONER SKIDMORE.**

**Chairman Duffy** asked for clarification that the Ona Mine Appeal Challenge would not incur any expenses. Ms. Knowlton confirmed Lee County is responsible for the costs.

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

**Commissioner Skidmore** said he met with Jay Lyons of Rotonda who praised County staff members Joan Brown and Diane Riddle for their work and noted the Commissioners should expect to be contacted by the Rotonda Homeowners Association to discuss various issues, commended Mr. Baltz for the budget initiative, welcomed citizen input, and publicly thanked Ms. Terri Kesner for her support and suggestions associated with CCU. **Commissioner Skidmore** talked about identifying efficiencies through performance based budgeting, expressed concern with the Communications and Marketing Department, mentioned press release creation by division, advised department size comparisons, suggested they immediately seek efficiencies within the department, recommended they realign production personnel, eliminate the department, and outsource television production. **Commissioner Cummings** commented that this department has consistently received more national awards for doing more with less than their peers, noted they operate the television program, our website, and are responsible for many other required functions, indicated they are respected by the media, and opined it is not reasonable to compare and assume without further examination.

**Commissioner Cummings** addressed citizen input related to Fire/EMS, commended the good faith efforts put forth related to reductions, and said has been and will continue to be opposed to the RFPs. **Commissioner Starr** announced annual membership dues are payable now, recommended they eliminate \$75,000 in memberships effective immediately, and named the following organizations into the record: Southwest Florida Regional Planning Commission, Florida Association of Counties, National Association of Counties, Ferguson Group LLC, and Climate Communities. **Commissioner Loftus** stated his understanding was they were due in September and mentioned he was waiting to be advised if they were mandated. Mr. Baltz clarified due dates. **Commissioner Starr** withdrew his motion and stated he would bring it back.

**Commissioner Starr** attended a Parks and Recreation meeting, said their handout was 114 single pages, estimated the paper cost to be approximately \$598 per meeting/\$7,182 per year, pointed out the presence of his laptop computer, recommended the committee go paperless, noted their agreement to make the change, and suggested the Board go paperless as well. **Commissioner Loftus** agreed. **Commissioner Skidmore** asked if **Commissioner Cummings** was making a motion to relieve the RFP research mode and stated he was in favor. Mr. Baltz advised they are working on RFPs now and asked for clarification whether they should continue. **Commissioner Starr** said he looks forward to seeing laptops on the Dias. **Chairman Duffy** said she is in favor of going paperless and asked if all information is available on the internet. **Commissioner Cummings** explained. **Commissioner Starr** announced he will be the liaison to the Airport Authority, mentioned he stepped in for **Commissioner Loftus** two months ago as the alternate on the Peace River Authority, noted finding \$3.7 Million worth of items that had previously been removed from the agenda, advised they were passed on this month's agenda, described the items, opined based on the economy, these items could have been delayed, and suggested the water authority save the County money by utilizing funds from their \$101 Million net assets. **Commissioner Loftus** indicated why the items were put back on the agenda, mention drought conditions, and explained the water authority will provide additional explanation at the presentation this afternoon. **Commissioner Cummings** commended **Commissioner Starr**

for looking into various issues, suggested he observe the Master Water Supply Plan and the Strategic Plan, and commented further.

**Chairman Duffy** opined **Commissioner Skidmore** provided a compelling side of the Communications/Marketing Department, expressed concern with press release content, agreed the department may be overstaffed, and asked Mr. Baltz to look into possible efficiencies. **Chairman Duffy** brought up their meeting schedule, mentioned they previously approved Budget Workshops for Fridays at 1:30, opined there may be better days and times, advised this room is heavily booked and uses all these lights, noted the understanding that workshops are to be televised, said she would prefer a more informal meeting, noted the public is welcome, and questioned what needs to be televised and how often this room should be used. **Commissioner Skidmore** indicated he is fresher in the morning. **Commissioner Loftus** said he does not have a problem with a Friday afternoons, explained it is difficult to coordinate department scheduling, and agreed they could use less lights if they hold the workshops in 106B. **Commissioner Cummings** opined workshops are where policies are developed and suggested they should be televised so citizens can see how the Board arrives at their decisions. **Chairman Duffy** asked Mr. Baltz to research why this room is used so much and mentioned the expense to televise. **Commissioner Cummings** said this room is unique and mentioned there are only three rooms like this in the County. Mr. Baltz asked if the Board wants the workshops televised in the future. **Chairman Duffy** said she does not feel it is necessary but will wait to discuss the costs further at the Communications Budget Workshop. **Commissioner Skidmore** and **Cummings** agreed the workshops should be televised. (Board consensus to continue televising the budget workshops.)

Mr. Baltz asked for Board direction related to Fire/EMS RFPs. **Commissioner Starr** opined they should continue with it. **Commissioner Loftus** said he appreciates what Fire/EMS has done, expressed disappointment that they did not come to the table last year as did all other divisions, mentioned he and **Chairman Duffy** put their raises back into the General Fund, and opined there are still more cost savings in the department. **Chairman Duffy** said she was not originally in favor of the RFPs, noted she too was disappointed last year, explained she is not sure privatizing is right, but is

interested reviewing the pricing, and commented on the \$48 Million shortfall. Mr. Baltz asked for clarification related to the RFP process. (Board consensus to continue with the RFP process.)

**RECESS: 1:50 PM - 2:20 PM**

**VII. PRESENTATION AGENDA - 2:00 P.M.**

Utilities **RECOMMENDED ACTION:** Presentation by Peace River/Manasota Regional Water Supply Authority

Patrick Lehman, Executive Director gave a power point presentation entitled Water "101" which provided information and detail related to water issues, paralleled visual slides, and gave an update on their current CIP projects. Mr. Lehman closed by inviting the Board to attend a Policy Summit seminar on water conservation in Sarasota on April 1, 2009 and offered to answer questions.

**Commissioner Cummings** asked for clarification of the numbers on page 27 and said the top half is off by \$70 Million. Mr. Lehman apologized and made the correction. **Commissioner Cummings** questioned the original estimate. Mr. Lehman explained the bid came in \$40 Million higher than what was originally estimated by the engineers and provided detail associated with the funding. **Chairman Duffy** asked when the new treatment plant would be complete. Mr. Lehman advised it is being used now. Mr. Baltz asked for clarification of "Authority Funds", said Charlotte County has an obligation to pay 27% of the Authority Funds cost, and noted the reservoir is a secured facility and is protected against swimming and fishing. **Commissioner Starr** asked how the debt is covered. Mr. Lehman explained. **Commissioner Cummings** asked about the treatment and storage capacity, discussed expansion costs related to the master water plan, said these costs are a big deal that needs to be addressed, remarked the model that worked in the past was the voluntary cooperative equity based model, and suggested they go back to using that model. **Chairman Duffy** asked about the Water Supply Contract. Mr. Lehman explained the procedure related to making changes. **Chairman Duffy** thanked Mr. Lehman for the presentation update. Mr. Lehman thanked the Commissioner's for their time and indicated everyone is welcome to take a tour.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items

**EXECUTIVE SESSION:**

At 3:18 PM, Attorney Knowlton announced the opening of the public portion of the Executive Session, advised the attorney/client portion of the Executive Session will be held in the County Attorney's Conference Room, said it is expected to last thirty minutes, and noted its purpose is to discuss the Federal Lawsuit captioned Rotonda Project, LLC -v- Charlotte County; Adversary Case No. 9:09-ap-00253-ALP. The following will be in attendance: Chairman Duffy, Commissioners Cummings, Loftus, Skidmore, and Starr, Assistant County Attorney Philip Fairman, County Administrator Baltz, and herself.

**RECESS: 3:20 PM - 3:45 PM**

The Executive Session was reconvened and closed in Room 119 with Commissioner Loftus, Commissioner Cummings, County Attorney Knowlton, and Deputy Clerk Lansing present.

**ADJOURNED: 3:50 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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