

BOARD OF COUNTY COMMISSIONERS

AUGUST 22, 2006

A regular meeting of the Board of County Commissioner was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Moore, Commissioner DeBoer, Commissioner Cummings, and Commissioner D'Aprile. Also in attendance were County Administrator Loucks, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Hunter, and Deputy Clerk Manley. The following members were absent: District V Commissioner. The meeting was called to order at **9:00 AM**.

Invocation given by Pastor Fennis Huggins of the New Testament Church of God, followed by the Pledge of Allegiance.

Changes to the Agenda

Change #1: Public Hearing Agenda, 10:00 AM - Hold a public hearing at 10:00 AM, or as soon thereafter as it may be heard, to consider a resolution setting forth the new Utility water, sewer and reuse rates, and continue the public hearing to September 12, 2006, at 10:00 AM, or as soon thereafter as it may be heard, to consider approving the resolution. Requested by CCU.

Addition #1: Regular Agenda (4) **RECOMMENDED ACTION:** Request Board of County Commissioners direction on partnering with the Tampa Bay Devil Rays at Charlotte Sports Park. * Discussion of possible agreement for terms of use. * Discussion of implementation of the 5th cent tourism tax. Requested by: Parks, Recreation & Cultural Resources.

Addition #2: Regular Agenda (5) **RECOMMENDED ACTION:** Adopt a resolution approving CSZ-06-05-11, a Certification of a Sending

Zone, for Andrew and Sherry Dodd. Requested by: Community Development.

COMMISSIONER DEBOER MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Special Recognition

Proclamations:

CHAIRMAN MOORE MOVED TO APPROVE CHARLOTTE COUNTY FIREFIGHTER APPRECIATION WEEK PROCLAMATION, AUGUST 27, 2006 THROUGH SEPTEMBER 2, 2006, SECONDED BY COMMISSIONER DEBOER.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Members of the Fire Department accepted the Proclamation.

Employee Recognition - None

Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Karen Maurer for the Board of Directors of the Englewood/Cape Haze area Chamber of Commerce, Mike McFarland, and Grace Amodio spoke in opposition of agenda item Z-4.

Omar Roque, Rex L. Rowley, Glenn Beckert, Cathy Ziner, Bill Dryburgh, Jerry Wilson, on behalf of the Charlotte County Fair Committee, and David Goodrich spoke in support of agenda item Z-4.

Perry Cook thanked the Board on behalf of the Lemon Bay Conservancy for bringing about the Buck Creek Project.

II. COMMITTEE VACANCIES

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

Edgewater North Waterway Unit - Six volunteers needed; five regular members whose terms will be pulled by lot number to serve one to three years and one alternate to serve a two-year term.

Englewood Area Planning Advisory Board - is seeking two volunteers who are landowners, and reside in Charlotte County, to serve four-year terms.

Englewood East Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner, and who resides within the boundaries of the Unit to serve a three-year term.

Gulf Cove Street and Drainage Advisory Committee - is seeking one volunteer to serve a three-year term. Volunteer must own land and reside within the boundaries of the Unit.

Little Gasparilla Island Advisory Committee - is seeking one volunteer to complete a term to expire on January 22, 2007 to represent Gaspar's Hideaway HOA.

III. REPORTS RECEIVED AND FILED

County Investment Report

IV. CONSENT AGENDA

COMMISSIONER DEBOER MOVED TO APPROVE CONSENT AGENDA, EXCEPT AGENDA ITEMS J-1, J-2, AND K-1, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Adoption of Clerk's Finance Memoranda
BUDGETED ACTION: None

Memorandum #1 - Status of Contingency Reserves - FY 04/05

Memorandum #1A - Status of Contingency Reserves - FY 05/06

Memorandum #2 - Total Disbursements for the period August 1, 2006 through August 14, 2006 in the amount of \$14,924,826.28

B. Minutes Division

(1) RECOMMENDED ACTION:

June 27, 2006, 9:00 AM BCC Regular - July 11, 2006, 9:00 AM BCC Regular - July 12, 2006, 1:30 PM Budget Workshop - July 12, 2006, 5:01 PM MSBU Public Hearing - July 13, 2006, 5:01 PM MSBU Public Hearing (Lemon Bay) - July 18, 2006, 9:00 AM Land Use Public Hearings - July 20, 2006, 5:01 PM MSBU Public Hearing

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Reappoint Mr. Granville Pennypacker to the Englewood East Street and Drainage Advisory Committee. The vacancy has been duly advertised, and no letters of interest have been received. Mr. Pennypacker has requested to be reappointed. If reappointed, the term will expire in August 2009. BUDGETED ACTION: None.

(2) RECOMMENDED ACTION: Appoint William E. Dallas as representative of Gaspar's Hideaway HOA, and Gregory A. Carlton as representative of Hideaway Beach Club to the Little Gasparilla Island Advisory Committee. Both vacancies have been duly advertised, and will expire on January 22, 2007. BUDGETED ACTION: None.

D. Administration - No items

E. County Attorney - No items

F. Budget Office - No items

G. Community Development

(1) RECOMMENDED ACTION: Approve a resolution for CSZ-06-06-15, a Certification of a Sending Zone with an accompanying Restrictive Covenant, for Alligator Farms LLC. BUDGETED ACTION: None

Resolution 2006-151

H. Economic Development - No items

J. Environmental Services

(1) *RECOMMENDED ACTION*: Set a Public Hearing on September 12, 2006 at 10:00 AM, or as soon thereafter as it may be heard, to consider an ordinance repealing Ordinance No. 91-29 which will dissolve the Environmental Land Acquisition Advisory Committee (ELAAC). *BUDGETED ACTION*: None

Commissioner Cummings suggested it was premature to dissolve ELAAC and start a new committee before a referendum is moved. Jim Thompson stated that the ordinance for the new program, contingent upon an approved referendum, provides the residents and voters the criteria that will be used if the referendum is approved. **Commissioner Cummings** stated he understands the desire to put the framework in place, but expressed concern that there would be no existing committee in place to review environmental lands if the referendum fails. Mr. Thompson indicated there could be a contingency with the sunseting of ELAAC in the referendum.

Chairman Moore indicated the ELAAC committee had been unable to have a quorum for meetings and it is time for it to be reshaped.

Commissioner DeBoer inquired what was the specific assignment for ELAAC in the enacting resolution. Mr. Thompson advised it was to identify funding sources and support grant applications on behalf of the county.

Commissioner DeBoer pointed out the specific legislation enacted at the state level has expired and that by the enacting resolution right now the committee does not have a function, that almost everything being done right now has been acting outside what was described in the original enacting resolution, and it is appropriate to move ahead whether the referendum issue passes or not. **Commissioner DeBoer** indicated there is a need for an Environmental Land Acquisition Committee, but it should be expanded to act within the authority granted.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM J-1, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(2) **RECOMMENDED ACTION:** Set a Public Hearing on September 12, 2006 at 10:00 AM, or as soon thereafter, to consider and adopt an Ordinance that establishes the Environmental Land Oversight Committee that defines the land acquisition criteria, committee roles and duties, and environmental land program. **BUDGETED ACTION:** None

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM J-2, SECONDED BY COMMISSIONER DEBOER.

Motion Carried 4:0.

ABSENT: District V Commissioner.

K. Facilities Construction and Maintenance

(1) **RECOMMENDED ACTION:** Request the board approve the relocation of the Supervisor of Elections (presently housed at the South County Annex Complex, Punta Gorda) to the renovated Courthouse (Punta Gorda) once completed. **BUDGETED ACTION:** None

Commissioner Cummings stated it was premature to put this item on the agenda.

Mr. Loucks explained that based upon meetings with constitutional officers there is a need for additional space in south county, that the second floor of the Courthouse is designed for court activities, but nothing designated for the first floor; that it is preferred to have the design complete when bidding out so it can be included in the construction at the onset, and that the Supervisor of Elections was the only constitutional officer expressing a desire to move there. Mr. Loucks stated that Representative Kreegel has also expressed a desire to move into the Courthouse, or the South County Annex.

Commissioner Cummings stated he knew the Supervisor of Elections was interested in moving there, but thought it was premature as a consent agenda item.

Mr. Loucks explained that for long-range plans, the Supervisor of Elections would have a presence in West County, Mid County, and South County.

Commissioner DeBoer agreed this is premature because it is unknown all that will occupy space in the Courthouse building, and pointed out that the Board of County Commissioners (Board) would be the landlord and should control the space.

Commissioner D'Aprile stated that he has no objections to the Supervisor of Elections moving in after the building is completed, suggested making a list of people who want to move in and the space they would need, indicated he would rather see the building completed before determining occupancy, and agreed this item is premature.

Chairman Moore agreed that the Board's responses are valid, but pointed out it is the Board of County Commissioners taking control in advising what space is available; stated that he does not know what the future space needs are, but that it is appropriate to make a declaration at this time because the Supervisor of Elections needs to know beforehand what space would be available to that office, and requested the Board's approval.

Commissioner DeBoer stated he has had no conversation with the constitutional officers, and would vote against it.

Commissioner D'Aprile opined that no one objects to the Supervisor of Elections occupying space in the Courthouse, but that construction should be completed first, and he would not support it at this time.

Chairman Moore advised he received a memo from Andrew Baker that indicated the construction timeline on the Courthouse building is nine months. **Commissioner D'Aprile** stated he did not believe the building could be completed in nine months.

Commissioner Cummings advised this is not an urgent item, but is important enough to be on the regular agenda, and that backup material should be provided to the Board and the space study brought back, agreed that renovation would be better if the use

is known, and indicated the decision should be made before the building is completed.

Commissioner Cummings reported it does not appear there is Board consensus, and recommends the item be tabled and brought back at the next meeting with backup material.

COMMISSIONER CUMMINGS MOVED TO APPROVE TABLING AGENDA ITEM K-1 UNTIL STAFF PROVIDES BACKGROUND MATERIAL TO THE BOARD OF COUNTY COMMISSIONERS, AND BRING THE ITEM BACK AT A FUTURE MEETING (NO DATE CERTAIN), SECONDED BY COMMISSIONER D'APRILE.

Commissioner DeBoer pointed out that before there were uses for the Courthouse building, the County had an agreement with the City of Punta Gorda to restore the envelope of the building, which could be done without knowing the building uses, and is not certain if the City would still contribute funding.

Commissioner Cummings explained the agreement changes.

Motion Carried 4:0.

ABSENT: District V Commissioner.

L. General Services

(1) **RECOMMENDED ACTION:** Approve to award the purchase for Sole Source File #06-396, Ambulance stretchers, to Stryker Medical at the unit prices quoted for a total cost of \$130,727. **BUDGETED ACTION:** None

(2) **RECOMMENDED ACTION:** Approve deletion of the property inventory items listed on the attached for the month of August 2006. **BUDGETED ACTION:** None

(3) **RECOMMENDED ACTION:** a) Approve the award of Contract #06-305, Annual Office Moving Services, to Schaap Moving Systems, Inc of Fort Myers, Florida at the unit prices with the contract term from October 1, 2006 through and including September 30, 2007; and b) Authorize the County Administrator to approve renewal options up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent. **BUDGETED ACTION:** None

(4) RECOMMENDED ACTION: (a) Award Bid No. 06-331, Fabricated Signs, to the overall lowest responsive, responsible bidder, Rocal, Inc., of Frankfort, OH at the unit costs submitted. Terms of the contract are to be from October 1, 2006 through and including September 30, 2007, and (b) authorize the County Administrator to approve renewal options for up to two (2) additional one (1) year terms, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: FY06 year-to-date purchases are \$75,000.

(5) RECOMMENDED ACTION: Approve award of Bid #06-336, Supply Asphalt Concrete: a) Ascending award for Type S-1, Type S-111, Type III and Sand Mix to Asphalt Developers Inc. being the lowest responsive, responsible bidder and AJAX Paving Industries Inc. being the next lowest responsive, responsible bidder; b) AJAX Paving Industries, Inc. for Asphalt Base Course Type 3, Friction Course Type 2 (without rubber), and Friction Course Type 3. The contract term will be effective from October 1, 2006 through and including September 30, 2007; d) Authorize the County Administrator to approve renewal options up to two additional one-year terms at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: FY06 year-to-date purchases are \$63,000.

(6) RECOMMENDED ACTION: a) Award Bid #06-360, Reinforced Concrete Culvert Pipe - Elliptical, to the lowest responsive, responsible bidder, Rinker Materials Inc., Fort Myers, Fl. at the unit prices indicated on their Bid Forms, with the contract period of October 1, 2006 through and including September 30, 2007, with an option to renew for two additional one-year terms at the same prices, terms and conditions, upon mutual consent; b) Authorize the County Administrator to approve renewal options for up to two additional one year terms, at the same prices, term and conditions, by mutual consent. BUDGETED ACTION: FY06 year-to-date purchases are \$294,000.

(7) RECOMMENDED ACTION: a) Approve award of Bid #06-330, Fiberglass Interceptor Tanks for low pressure sewer services, at the unit prices listed below, to Alpha General Services, Inc. of Sebring, Fla., for the term October 1, 2006 up to and including September 30, 2007, with option to renew for two additional one-year terms at the same prices, terms and conditions; and b)

Authorize County Administrator to approve annual renewals.
BUDGETED ACTION: Estimated FY-07 expenditures \$200,000.

(8) RECOMMENDED ACTION: a) Approve Amendment #2 to Contract #03-210, Design/Build, Fire/EMS Vehicle Maintenance Facility, with Mathews/Taylor Construction LLC, by increasing the total Guaranteed Maximum Price (GMP) amount by \$2,509,287 for a total revised contract amount of \$4,399,268. b) Approve \$308,000 for Owner's Contingency. c) Approve Budget Amendment 06-A39 in the amount of \$2,817,287. D) Approve CIP Amendment 06-c33 in the Amount of \$2,817,287. BUDGETED ACTION: Budget Amendment #06-A39 and CIP Amendment #06-C33.

(9) RECOMMENDED ACTION: Award Bid #06-329 Stormwater Control Structures - Elkcam Waterway, to Thomas Marine Construction, Inc. of Ft. Myers, Fl. in the amount of \$635,154.45. BUDGETED ACTION: FY06 budget available is \$2,996,182 in improvements other than buildings. CIP project c390304, Road Crossing/Control Structure Replacements GPC, project total \$31,428,000.

(10) RECOMMENDED ACTION: Award File #06-324 (Work Order #46), Contract 05-042, Engineers of Record, Potable Water Transmission Main, to DMK Associates, for the amount of \$159,650. BUDGETED ACTION: Budgeted Amount \$160,000 in CIP project c330602 - Water Distribution Piping.

(11) RECOMMENDED ACTION: Approve Change Order #1 to Bid #06-144, West County Paving, increasing the amount of the contract by \$104,281.25 for a revised total cost of \$3,974,291.36. BUDGETED ACTION: FY06 budget available is \$1,994,164 CIP project c410602 Englewood East Paving Program, project total \$23,902,000.

(12) RECOMMENDED ACTION: a) Approve RFP 06-190 Project Management-Dredging Projects with Coastal Engineering Consultants, Inc. of Naples, FL, in the amount of \$83,860; and b) Authorize Chairman to sign Contract. BUDGETED ACTION: FY06 funding is available in 3 projects. \$38,220 in CIP project c390403, NW PT Charlotte WW Dredging, CIP, project total \$417,000: \$14,990 in CIP project c390502, Alligator Creek S Curve & Dredging, project total \$1,078,000: \$30,650 in CIP project c390603, Buena Vista, Grassy Pt, Elf WW Dredging, project total \$629,000.

M. Human Resources - No items

N. Human Services

(1) RECOMMENDED ACTION: Review and approve a) additional assistance from the State Housing Initiative Program (SHIP) for Goodwill Industries of Southwest Florida, Inc.'s Ellicott Circle Apartments (Agreement #2006-010) for \$60,000 for increased construction costs; b) assistance from SHIP to the Charlotte County Homeless Coalition for \$240,000 for increased construction costs on Genesis Chara House (Agreement #2006-064) which received primary finance funding from HHR, and c) authorize Chair to sign, after review by the County Attorney's Office, the contracts with recipients. BUDGETED ACTION: SHIP FY 2005-2006 \$309,983 - Rental New Construction

(2) RECOMMENDED ACTION: Approve a) the Annual SHIP Reports; b) the Annual Hurricane Housing Recovery Report; and c) authorize the Chairman to sign all reports and the attached Regulatory Certifications. BUDGETED ACTION: None

P. Information Technology - No items

Q. Parks, Recreation & Cultural Resources

(1) RECOMMENDED ACTION: Approve budget amendment # 06-A38 and CIP Amendment #06-C32 in the amount of \$367,709 for the Bayshore Live Oak Park (Grant # 2006-017) in order to receive a FCT Grant, (Florida Community Trust). BUDGETED ACTION: Budget Amendment # 06-A38 and CIP Amendment #06-C32.

(2) RECOMMENDED ACTION: a) Approve a grant agreement with the State Library and Archives of Florida to upgrade two public access computers at the Glades Library and authorize the chairman to sign the agreement; and b) Approve budget amendment #06-A40 in the amount of \$3,000 for the grant. BUDGETED ACTION: Approve Budget Amendment #06-A40 as follows:

Grant 2006-028

R. Public Safety - No items

S. Public Works - No items

T. Real Estate Services

(1) RECOMMENDED ACTION: Request the Board of County Commissioners to accept a donation of real property described on the attached list (see Exhibit "A") entitled Lot Donations To Charlotte County. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: a) Approve the Resolution authorizing the Chairman, or his designee to execute the Agreement for Purchase and Sale of Real Property, described as: Lots 1, 4, 26, 27, 32, 33, 37, 38, 39 in Section 21, Township 41 South, Range 20 East of Grove City Land Company's Subdivision, according to the plat thereof, recorded in Plat Book 1, Page 11 of the Public Records of Charlotte County, Florida; b) Budget Amendment #06-A35 to recognize additional Franchise Fees and State Shared Revenues in the amount of \$2,530,000 into the General Fund and transfer these dollars to the Capital Projects Fund, c) Budget Transfer #06-039 to transfer \$345,000 from the Capital Projects Contingency Reserve to the Environmental Land Acquisition account line. BUDGETED ACTION: Approval of: a) Budget Amendment #06-A35 to recognize additional Franchise Fees and State Shared Revenues in the amount of \$2,530,000 into the General Fund and transfer these dollars to the Capital Projects Fund, b) Budget Transfer #06-039 to transfer \$345,000 from the Capital Projects Contingency Reserve to the Environmental Land Acquisition account line.

Resolution 2006-152

(3) RECOMMENDED ACTION: Approve a Resolution ratifying an Agreement for a Drainage, Temporary Construction and Road Right-of-Way Easement, and authorizing the Chairman of the Board of County Commissioners to execute said Agreement; and approve the acceptance of the grant of a parcel of land, by Special Warranty Deed, from Wal-Mart Stores East, L.P. (Wal-Mart/Jones Loop Road/Indian Springs Cemetery Road) BUDGETED ACTION: None

Resolution 2006-153

(4) 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 Twenty-One; and the release of a portion of a ten-foot (10') wide utility and drainage easement and a portion of a recorded twenty-foot (20') wide canal maintenance easement, both located in Port Charlotte Subdivision, Section Fifteen; and further authorizing the Director of Real Estate Services to execute County Deeds releasing said portions of said easements. (Owners: Kathleen Pearson and Dewitt B. Helgemo & Kathleen M. Helgemo) BUDGETED ACTION: None

Resolution 2006-154

V. Tourism Development - No items

W. Utilities

(1) RECOMMENDED ACTION: Request Board approval of resolution revising boundary of Water and Sewer District No. 1. BUDGETED ACTION: None required.

Resolution 2006-155

(2) RECOMMENDED ACTION: Recommend Board approval for the Chairman to execute the Reclaimed Water Supply Contract between Charlotte County and Tern Bay Development Co. LLC including Exhibits "A, B, C and D," BUDGETED ACTION: None required

Agreement 2006-042

X. Building Construction Services - No items

Y. Constitutional

(1) RECOMMENDED ACTION: Approve a resolution allowing Charlotte County to become a member of the Florida Local Government Finance Commission (FLGFC) and directing execution and delivery of a joinder agreement to the interlocal agreement pursuant to which the FLGFC was created and providing an effective date. BUDGETED ACTION: None

Resolution 2006-156 and Agreement 2006-043

V. REGULAR AGENDA

Z. Regular Business

(1) RECOMMENDED ACTION: Authorize the Chairman of the Charlotte County Board of Commissioners to approve and ratify a Resolution of Necessity for the acquisition by any legal means necessary the parcel required for the proposed Batlin Avenue Road Widening Project as identified by Public Works. BUDGETED ACTION: FY06 budget available is \$40,000. Funds are available from savings in paving.

Paul Payette explained the necessity of widening Batlin Avenue. Dawn Harrison reported that Batlin Avenue is a substandard road about 8 feet wide, that after re-evaluating the cost could be as high at \$300,000, and pointed out the difficulties experienced by traffic.

COMMISSIONER DEBOER MOVED TO APPROVE RESOLUTION 2006-157, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(2) RECOMMENDED ACTION: Select by ballot two volunteers to serve on the Englewood Area Planning Advisory Board for four-year terms. The vacancies have been duly advertised. BUDGETED ACTION: None.

Mr. Loucks advised that Kreg E. Maheu received 3 votes, Steve Samuels received 4 votes, and Charles H. Webster received 1 vote.

COMMISSIONER DEBOER MOVED TO APPROVE APPOINTMENT OF KREG E. MAHEU AND STEVE SAMUELS TO THE ENGLEWOOD AREA PLANNING ADVISORY BOARD FOR FOUR-YEAR TERMS, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(3) RECOMMENDED ACTION: a) Approve a resolution authorizing issuance of the Utility System Refunding Bonds, Series 2006, in an amount not exceeding \$36,500,000, the proceeds to be used to currently refund the Utility System 1996A Bond, and b) Concurrently terminate the 2003 Swaption Agreement related to

such bonds and to pay expenses relating to the issuance of the Series 2006 bonds. BUDGETED ACTION: None

Tommy White explained this is the next step in an action the Board took on May 9, 2006 to refund the County's 1996A Utility Refunding Bonds and terminate the Swaption that was in place, would authorize the sale of the bonds, and provide an economic benefit to the Utility in excess of \$1.2 Million.

COMMISSIONER DEBOER MOVED TO APPROVE RESOLUTION 2006-158, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

RECESS 9:55 AM - 10:05 AM

VI. PUBLIC HEARING AGENDA - 10:00 AM

(1) RECOMMENDED ACTION: Hold a public hearing at 10:00 a.m., or as soon thereafter as it may be heard, to consider adoption of a resolution setting forth the new Utility water, sewer and reuse rates, other fees and charges effective with bills rendered on or after October 1, 2006, for all CCU customers, and continue the public hearing to September 12, 2006, at 10:00 a.m., or as soon thereafter as it may be heard, to consider approving the resolution. Two options will be presented. The resolution adopts rate increase for the five years beginning October 1, 2006 and each October 1st through 2010 (Fiscal Year 2007 - Fiscal Year 2011) BUDGETED ACTION: There is no impact on FY06 budget. The proposed FY07 budget reflects an increase in rates, fees and charges as based on the Rate Study Option 1.

Mr. Loucks indicated a continuance on this agenda item was to be requested because the refinancing would have an impact on rates, and asked if the Board wished to continue the item or proceed with the hearing.

Commissioner DeBoer inquired what had changed so drastically that would alter the rates. Mr. Loucks advised that the refinancing the Board approved under agenda item Z-3 would impact the rates.

Henry Thomas advised that in the original rate proposal prepared in June the savings that would be accrued from the refinancing was spread out through the life of the bonds, but the financing has been restructured so that the bulk of the savings would occur during the fiscal year 2007, and would have a minor effect for the 2007 proposal.

Commissioner DeBoer indicated he would like to have public input and Board discussion now, and stated that he has some comments he would like to make.

David Goodrich stated this would be the second increase on water this year, indicated Charlotte County pays higher rates than anyone else and gives discounts to its neighbors, and is against the rate hike.

Alan Arena spoke in opposition of the rate hike by Charlotte County Utilities; stated there needs to be a stop to the expense increases, and suggested there is a need for new management and leadership; acknowledged there are necessities, but indicated the citizens do not see a lot of belt-tightening going on in Charlotte County.

Grace Amodio spoke in opposition of Charlotte County Utility increases, and indicated more information should be obtained before proceeding.

Mike Saunders gave a brief history of the management teams of Charlotte County Utilities, expressed concern with the rate increases, stated there should be accountability, and recommended voting against this increase and an audit of Charlotte County Utilities.

Karyn Chauve reported that continued cost increases have caused hardships for she and her family, and are driving families out of the area, that Charlotte County pays too much for water now, that residents cannot handle an additional increase, and requested that he Board vote against it.

Ms. Chauve questioned the public notification because many property owners are away at this time, indicated that only a small amount of information is available, and that there should

have been a separate mailing with more information furnished. Mr. Loucks advised that it was advertised in the newspaper.

Charlotte Ventola said the Board should review carefully what Michael Saunders said, and spoke in opposition of rate increases.

COMMISSIONER DEBOER MOVED TO APPROVE CONTINUING THE PUBLIC HEARING TO SEPTEMBER 12, 2006, AT 10:00 AM, OR AS SOON THEREAFTER AS IT MAY BE HEARD, SECONDED BY COMMISSIONER D'APRILE.

Commissioner DeBoer inquired what the connection fees were being increased from, and to, as part of the proposal.

Henry Thomas summarized the current fees and increases, and pointed out that the fees have not been reviewed or increased since 1996.

Deb Smith explained that all fees are collected up front, but that Utilities is in the process of revising its Uniform Extension Policy so that all customers are treated fairly.

Commissioner DeBoer explained that he has heard it said that the fault of this lies with the Board because it lowered rates, but pointed out that the Board does not lower rates unless staff tells the Board that it is appropriate and can be done, reported that Charlotte County is paying rates higher than every utility it has been compared to, and that the rate study does not show good spending habits.

Chairman Moore encouraged the Board to look for ways to be more involved in Charlotte County Utilities.

Motion Carried 4:0.

ABSENT: District V Commissioner.

V. REGULAR AGENDA (Continued)

Z. Regular Business (Continued)

(4) **RECOMMENDED ACTION:** Request Board of County Commissioners direction on partnering with the Tampa Bay Devil Rays at Charlotte Sports Park. * Discussion of possible agreement for

terms of use. * Discussion of implementation of the 5th cent tourism tax. BUDGETED ACTION: None

Laura Kleiss-Hoeft explained the goal of this agenda item is to have staff gain direction from the Board in bringing the Devil Ray baseball team to Charlotte County, on funding and information on an agreement, and on moving forward with a state grant.

Ms. Kleiss-Hoeft presented a general overview of the Texas Rangers presence in Charlotte County, expressed what the anticipated goals were for the use of the Sports Park, and pointed out there has been success with its use by the public, the Kia Tigers, and the School Board.

Ms. Kleiss-Hoeft explained the opportunities that have been reviewed over the years and advised that the current proposal would not require exclusivity, would still allow use by the public, would not tap into ad valorem in order to furnish professional baseball, advised that the Devil Rays have a good business reason for coming to Charlotte County, and expanded her discussion on the exclusivity issues.

Ms. Kleiss-Hoeft explained the period of use time would be important for tourism during the summer months, that the Kia Tigers representative is willing to sit down with the Devil Ray representatives, that the Port Charlotte Invitational could not continue because it would be during the prime time of spring training, and that perhaps baseball tournaments would be held throughout the year.

Ms. Kleiss-Hoeft reported she would still explore the Aquatic proposals previously discussed.

Raymond Sandrock reviewed the three key financial elements of the Devil Rays financial proposal, and indicated that the approach taken in doing the analysis was to look at the direct impacts that the Devil Rays would have on the county and focus on the task of minimizing or eliminating the use of ad valorem taxes.

Mr. Sandrock reviewed the Capital Improvement portion of the plan, stated the four borrowing revenue sources creating the

capital improvements are the fourth cent tourist tax, which was already levied, the fifth cent tourism tax, state revenue grant, and team contribution.

Mr. Sandrock explained that all the sources together gives borrowing power, and that the plan provides opportunity to have stadium improvements.

Mr. Sandrock reviewed the maintenance and operations of the Sports Park, and explained that an effort is being made to recover some of the maintenance costs.

Commissioner D'Aprile compared costs involved, inquired if it would be a plus or negative for the County, asked what other activities would go on while the stadium was under construction, and expressed concern with lost revenues. Mr. Sandrock explained costs would be covered by other sources without use of ad valorem taxes. Ms. Kleiss-Hoeft explained there would be a significant decline in activities during construction.

Commissioner D'Aprile inquired if loss of revenue would be part of the discussion with the Devil Rays representatives, and if they would contribute toward those losses during time of construction.

Ms. Kleiss-Hoeft said there had not been discussion on this issue, but the recreation division understands some expenditures would have to be cut during that time. Ms. Kleiss-Hoeft explained the Devil Rays would have exclusive use of the Sports Park facility, except for some of the government buildings currently being used, April to July and September to October.

Ms. Kleiss-Hoeft reported on agreement terms, and advised it is online for citizens who wish to review it further, explained this is conceptual in nature at the present time, but attempts to meet modern day standards.

Ms. Kleiss-Hoeft reviewed the stadium site plan and anticipated improvements, and advised the field, irrigation, clubhouse and office space need work, and restrooms, electrical, and lighting would require upgrading.

Ms. Kleiss-Hoeft explained this would be a twenty-year partnership with a partner willing to work on maintenance costs, who does not want exclusive use, is willing to work on state funding, and would like to work together on concession relationships.

Michael Cult, Devil Rays Sr. VP for Development and Business Affairs, explained what the organization would do to help maximize use of the facility, explained reasons for bringing the team to this area, and stated the Devil Rays plan to become an active part of the community.

Mr. Cult advised a marketing package has been committed to.

Commissioner Cummings indicated he has been critical of baseball proposals in general, but has tried to listen to both sides of the issue; stated he understands the concerns of the Tourist Development Council, and customarily supports what they recommend because this industry taxes itself for the purpose of making its businesses more profitable, and are not paying the community back for impacts it imposes.

Commissioner Cummings stated this is the most generous baseball-related offer that has been made, and that he has mixed feelings.

Commissioner Cummings concluded the greater public good and support for the consensus overrode his reservations of the fairness issue, thanked **Commissioner DeBoer**, Mr. Dunn-Rankin, Mr. Fineran, and staff for their efforts, and to the Devil Rays for their generous offer, stated he looks forward to a positive, mutually beneficial partnership and hopes over time to work with the Tourist Development Council to address its concerns and use this to help bring in tourism in the off-season.

Commissioner DeBoer commended **Commissioner Cummings**, and stated that originally it was never expected that the tourist tax would be implemented to support advertising and subsidize advertising, but that expectations change over time.

Commissioner DeBoer stated he has looked at the stadium, agrees that the partnership with the Texas Rangers was not a good one, but pointed out the stadium is deteriorating and without

the use of the professional team the stadium would need to be destroyed, indicated he is in favor of this, and believes it will be necessary to implement the fifth cent tourism tax.

Commissioner D'Aprile agrees something should be done with the stadium, whether with a baseball team or a college, but has reservations about colleges; stated he wants a working partnership with the Devil Rays, expressed concern with the loss of revenue during the eighteen (18) month construction period, and inquired if the Devil Rays could help with that.

Mr. Cult advised the Devil Rays would work with Ms. Kleiss-Hoeft in an effort to assist in that issue.

Chairman Moore said he would have preferred to go to the public first, but that timing and funding options did not warrant that, spoke in favor of the program, and indicated a public hearing would be required on the fifth cent tourist tax.

COMMISSIONER DEBOER MOVED TO APPROVE THAT STAFF BRING AN AGREEMENT TO THE BOARD AS SOON AS POSSIBLE, THAT A PUBLIC HEARING BE ESTABLISHED FOR IMPLEMENTATION OF THE 5TH CENT TOURISM RATE ON SEPTEMBER 12, 2006 AT 10:00 AM, OR AS SOON THEREAFTER AS POSSIBLE, AND THAT STAFF IS DIRECTED TO FILE AN APPLICATION FOR GRANT FUNDING WITH THE STATE OF FLORIDA WHEN APPROPRIATE, SECONDED BY COMMISSIONER D'APRILE.

Commissioners Cummings and DeBoer discussed sites that were large enough, and geographically acceptable, for Florida Gulf Coast College to be built on.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(5) **RECOMMENDED ACTION:** Adopt a resolution approving CSZ-06-05-11, a Certification of a Sending Zone, for Andrew and Sherry Dodd. **BUDGETED ACTION:** None

Inga Williams presented Andrew and Sherry Dodd's request for Certification of a Sending Zoning.

COMMISSIONER DEBOER MOVED TO APPROVE RESOLUTION 2006-159, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: District V Commissioner.

VII. PRESENTATION AGENDA - No items

VIII. PUBLIC WORKSHOP AGENDA - No items

IX. BOARD WORKSHOP AGENDA - No items

X. CITIZEN INPUT - ANY SUBJECT

Kenneth Levy spoke about the recent sign ordinance change as it relates to flashing and static signs, explained that there is a re-writing of this code in the works, but it takes too long, that he wishes to propose a static-message-type sign for his business that he believes meets the intent of the Board, and needs the Board to clarify this portion of the code.

Jack Donkel presented a handout and asked that plat vacation PV-06-02-01 be revisited.

Jim Marshall congratulated the Board on getting the Devil Rays to Charlotte County, stated that he believes the Tippicanoe Park area owned by Charlotte County would be an ideal location for the Florida Gulf Coast College, and encouraged appointing a committee to do a feasibility study.

AA. County Administrator

Mr. Loucks reminded the Board of the reopening of Veterans Parkway August 23, 2006 at 9:00 AM.

Thomas O'Kane presented a report of the Solomon Drive Project located at the north end of Harbour Heights which paralleled the handout material furnished, indicated some residents want to take action against the U.S. Fish and Wildlife Department because of the scrub jay issue, suggested the project be postponed indefinitely and a refund given to the residents who paid into the project, and requested Board guidance.

Commissioner DeBoer advised that this project was started as an agenda item and should be continued in a public hearing forum, and expressed concern with the scrub jay issue.

Commissioner Cummings agreed with **Commissioner DeBoer** on the scrub jay issue, indicated it appears to be a poor utilization of resources, and stated that funds could be better spent elsewhere.

Commissioner D'Aprile pointed out that if a piece of property cannot be used the value decreases, indicated it is a disgraceful thing to happen to our property owners, and stated that there must be a way to do something for the landowners in the scrub jay areas.

Mr. O'Kane reported that property owners have been very surprised when they go for permitting to find out they need, and cannot get, or have difficulty getting, approval from U.S. Fish and Wildlife Department.

Commissioner Cummings agreed the issue should be done as a regular agenda item or public hearing. **Commissioner DeBoer** stated he would rather the money be spent to create a sustainable ecosystem.

Chairman Moore explained that **Commissioners DeBoer and Cummings** have requested this item come back as a regular agenda item with public input. Mr. Loucks replied affirmatively.

BB. County Attorney

Attorney Knowlton updated the Board on the Bread of Life Mission building and zoning violations.

CC. Commissioner Comments

Commissioner DeBoer indicated he would like to see a follow-up on his previous request of creating a licensing category for people who house other human beings, and explained that he had received a copy of a branch campus site study done by Florida Gulf Coast College, and indicated they do not want to branch into areas that are close to other campuses.

Commissioner D'Aprile indicated that the sign Dr. Levy wishes to erect would change every three or four minutes, but would not flash, requested that clarification be given of what the

wording in the sign ordinance actually means, and opined that the wording should be more specific.

Commissioner D'Aprile inquired if the Board is willing to have staff look at this further and have it come back to the Board for final approval. **Commissioner Cummings** indicated he is fine with it being brought back.

Commissioner Cummings stated he has received a lot of emails and other communication about the event center, and inquired if the Board would like to consider having a joint meeting with the City of Punta Gorda and accept public input; inquired if the Board is allowing political signs to be placed on public property, and if so, there should be restrictions, with the same rules applying to everyone.

Commissioner Cummings explained he is not optimistic that the conditions the county wants will be obtained, and stated he strongly opposes becoming an exclusive customer of the Water Authority without all of those conditions, at a minimum.

Commissioner Cummings expressed frustration regarding the pipeline interconnects, and indicated that the Water Management District is attempting to insert language into the City of Punta Gorda/Charlotte County contract that would kill the pipeline and prevent it from being built so that the grant funding would not be used.

Commissioner Cummings reported that the language suggested by the Water Management District says that the pipeline will be used for emergency purposes only, and that the Water Authority would be the entity that determines whether or not it is an emergency, and that no water can ever move through the pipeline without the prior permission of the Water Authority.

Commissioner DeBoer suggested looking at all of the sign ordinance as well as the intermit message signage portion, agreed that a mechanism should be created to designate an area at polling places where signs could be placed and controlled, and stated he would make some phone calls about the exclusive water customer issue.

MEETING ADJOURNED: 12:05 PM

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August 22, 2006

Signature on file in Commission Minutes
Chairman Moore

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

gm