

BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 12, 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 D'Aprile, Commissioner Cummings, and Commissioner DeBoer. Also in attendance were County Administrator Loucks, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Stoner, and Deputy Clerk Mitchell. The following members were absent: District V Commissioner. *The meeting was called to order at 9:00 AM.*

Invocation given by Dr. Sloan, Palm Tabernacle Ministries, followed by the Pledge of Allegiance to the Flag.

Changes To The Agenda - No items

Special Recognition

Proclamations:

COMMISSIONER D'APRILE MOVED TO APPROVE AMERICAN BUSINESS WOMEN'S DAY PROCLAMATION, SECONDED BY COMMISSIONER DEBOER.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Mary Disher accepted the Proclamation.

COMMISSIONER CUMMINGS MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH DR. DAVID E. GAYLER PROCLAMATION, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Dr. Gayler accepted the Proclamation.

COMMISSIONER D'APRILE MOVED TO APPROVE CONSTITUTION WEEK PROCLAMATION, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Sydney Tatum accepted the Proclamation.

COMMISSIONER CUMMINGS MOVED TO APPROVE INDUSTRY APPRECIATION WEEK PROCLAMATION, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Julie Mathis accepted the Proclamation.

COMMISSIONER D'APRILE MOVED TO APPROVE INTERNATIONAL COASTAL CLEANUP DAY PROCLAMATION, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Glenda Anderson accepted the Proclamation.

COMMISSIONER CUMMINGS MOVED TO APPROVE SENIOR SAFE DRIVER AWARENESS MONTH PROCLAMATION, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Steven Carter accepted the Proclamation.

Employee Recognition:

- a. Becky Bovel - 5 Years, Tourist Development Bureau
- b. Tanya Foley - 5 Years, Facilities Construction & Maintenance
- c. Roger Lescrynski - 5 Years, Environmental & Extension Services
- d. Denise McGehee - 5 Years, Environmental & Extension Services
- e. Robert Pettit - 5 Years, Utilities
- f. Nancy Vigliano - 5 Years, Community Development
- g. Maggie Bartley - 10 Years, Community Development
- h. Larry Schmidt - 10 Years, Utilities
- i. Roger Livingston - 15 Years, Public Works
- j. Stephen MacDonald - 20 Years, Public Works

- k. Christopher Kendrick - 10 Years, Fire/EMS
- l. Christopher Casa - 15 Years, Fire/EMS
- m. Brett Woodward - 15 Years, Fire/EMS
- n. Mary Isaacs - 20 Years, Fire/EMS

Presentations:

Joyce Ross acknowledged recognition of three awards received by the Communications & Marketing Department from NACIO's 2006 Awards Competition:

1st Place - Media Relations - The Mid-County Regional Library Media Event

2nd Place - Special Projects - Crisis Communications Plan

3rd Place - External Magazines - The 2005 Charlotte County Owner's Manual

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Paul Michalezka addressed Agenda Item G-6 on behalf of Rolls Landing and voiced concerns regarding increased traffic due to the construction of Charleston Cay Apartments.

Dick Loftus spoke on behalf of the Charlotte Harbor CRAAC in support of Agenda Item S-3.

Paul Vernik addressed Agenda Item Z-2 and asked the Board for direction so they can move forward with a safer environment for the kids.

Bridget Washburn voiced support of Agenda Item Z-3.

Suzy Hackett commented on a recent Executive Session dealing with the Mosaic Mine.

Robert Berntsson addressed Agenda Items G-5 and G-6, requested the deletion of Condition 2 from the proposed resolution for the Charleston Cay project, the extension of the development date on the Bella Via until December 31, 2011, the Board ask staff to bring back a \$250,000 loan for the Charleston Cay project as

soon as possible so the project can be built, and distributed a handout regarding affordable housing in the Rotonda area.

Jim Brogan addressed Agenda Item Z-3, and opined everyone who uses the stadium facilities should pay their fair share of the real costs.

Janice Lee addressed Agenda Item Z-3, and voiced opposition to the additional one-percent bed tax.

II. COMMITTEE VACANCIES

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

Buena Vista Area Waterway Committee is seeking three volunteers who are landowners and reside within the boundaries of the unit, to serve a three year term.

Code Enforcement Board is seeking one volunteer for the Architect position; this is a three (3) year term that will expire September 30, 2009. Candidate must be a resident of Charlotte County.

Deep Creek Non-Urban Street & Drainage Unit Advisory Committee is seeking two (2) volunteers who own property in Deep Creek. One is a three year terms that begins immediately and expires July 31, 2009, and the other term is effective immediately and will expire May 31, 2007.

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. Appointees on Agenda

Gulf Cove Street and Drainage Advisory Committee - is seeking one volunteer who owns land and resides within the boundaries of the Unit to serve a three-year term.

III. REPORTS RECEIVED AND FILED - No items

IV. CONSENT AGENDA

COMMISSIONER DEBOER MOVED TO APPROVE THE CONSENT AGENDA EXCEPT FOR ITEMS G-3, G-5, G-6, L-1 AND L-2, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve the 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 15, 2006 through September 1, 2006 in the amount of %16,000,543.87

B. Minutes Division - No Items

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Reappoint Mr. Fred H. Prather as the Architect to the Code Enforcement Board. The vacancy has been advertised and no letters of interest have been received. Mr. Prather is a resident of Charlotte County and has requested reappointment. If reappointed, the term will expire on September 30, 2009. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Barry Snider, Herb Eldredge, Lucius Anthony, Melody Shinner, Herb Koenig and Philip Graham to the Edgewater North Waterway Unit MSBU. Terms will be pulled by lot number at the first meeting to serve one to three years. The Board of County Commissioners will determine who will be chosen for the alternate member position; term will be two years. BUDGETED ACTION: None

D. Administration

(1) RECOMMENDED ACTION: a) Approve the Subrecipient Agreement and the Land Use Agreement for the Bernice Russell Community Development Corporation, Inc.; and b) Authorize the Chair to execute all related documents. BUDGETED ACTION: None

Agreement 2006-044 - Land Use Restriction Agreement; and Agreement 2006-045 - Subrecipient Agreement for Community Development Block Grant

E. County Attorney

(1) RECOMMENDED ACTION: Approve "Amendment to Use Agreement" allowing the Sheriff to use Florida Gulf Coast University Foundation (FGCU) property for training purposes. BUDGETED ACTION: None

Amends Agreement 2005-019

(2) RECOMMENDED ACTION: Set an Executive Session for September 12, 2006 at 2:00 PM, or as soon thereafter, in the County Attorney's Conference room to discuss Charlotte County vs. IMC/DEP (Mosaic) - Ona Mine. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve a settlement agreement and release with Better Roads, Inc. in the amount of \$1,716,000.00 to settle the suit filed against Charlotte County over retainage owed to Better Roads, Inc. for the County Road 775 and Pine Street Widening Project. As part of this settlement, Better Roads, Inc. has agreed to pay \$450,000.00 in liquidated damages to Charlotte County due to delays in the construction of the Project and will dismiss its suit against Charlotte County. The \$450,000.00 in liquidated damages to the County has already been deducted from the \$1,716,000.00 settlement figure. BUDGETED ACTION: None

Agreement 2006-046

(4) *RECOMMENDED ACTION*: Set an Executive Session for September 12, 2006 at 3:00 p.m., or as soon thereafter immediately following the Mosaic (Ona Mine) executive session, in the County Attorney's Office Conference Room to discuss Mudge vs. DEP, Charlotte County. *BUDGETED ACTION*: None

F. Budget Office - No Items

G. Community Development

(1) *RECOMMENDED ACTION*: Approve a Resolution and accompanying Restrictive Covenant for a Certification of a Sending Zone, CSZ-06-03-04. *BUDGETED ACTION*: None

Resolution 2006-160

(2) *RECOMMENDED ACTION*: Approve a resolution certifying a Sending Zone for Alligator Farms, petition number CSZ-06-07-17, and an accompanying Restrictive Covenant. *BUDGETED ACTION*: None

Resolution 2006-161

(3) *RECOMMENDED ACTION*: Set a Public Workshop on Wednesday, October 25, 2006, from 9 AM to 12 PM, to accept public input on the Don Pedro Community Plan . *BUDGETED ACTION*: None

Commissioner DeBoer said the goal of a community plan is to bring people together but in this case the island has been unintentionally torn apart during this process, he hoped they can work toward accepting receipt of the plan, and then spend their time trying to heal the community.

COMMISSIONER DEBOER MOVED TO APPROVE AGENDA ITEM G-3, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(4) *RECOMMENDED ACTION*: Approve the DRC-PD-01-05(A) Partial Final Detail Plan Resolution permitting Southwest Land Developers, Inc. to develop Phase II of the SLD C&D Recycling & Disposal Facility. *BUDGETED ACTION*: None

Resolution 2006-162

(5) **RECOMMENDED ACTION:** Approve the DRC-PD-80-1D Partial Final Detail Plan Resolution permitting Wendover Housing Partners, Inc. to construct Bella Via Condominiums. **BUDGETED ACTION:** None

Commissioner DeBoer summarized Attorney Berntsson requested the item 12b of the resolution be changed to state - Buildout shall be substantially completed prior to December 31, 2011 instead of 2007, and this change seems pretty significant.

Buddy Braselton said the original buildout time was established at the request of the applicant and the requested change is approvable under Code 3-9-49.

COMMISSIONER DEBOER MOVED TO APPROVE TO CHANGE THE RESOLUTION TO STATE THAT THE BUILDOUT SHALL BE SUBSTANTIALLY COMPLETED PRIOR TO DECEMBER 31, 2011, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: District V Commissioner.

COMMISSIONER DEBOER MOVED TO APPROVE RESOLUTION 2006-169 AS AMENDED, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(6) **RECOMMENDED ACTION:** Approve the DRC-PD-80-1E Partial Final Detail Plan Resolution permitting Wendover Housing Partners, Inc. to construct Charleston Cay Apartments. **BUDGETED ACTION:** None

Commissioner DeBoer said he didn't know how to fix the problem of who pays for the traffic light.

Chairman Moore said he's having a problem asking them to pay for 50% of the light.

Commissioner D'Aprile commented on his phone call with the manager of Rolls Landing, agreed it is difficult to exit there, and a light would be a good safety measure.

Commissioner Cummings stated he's willing to approve this with the understanding they'll take another look at the trip generation and make any necessary adjustments at that time.

Commissioner Cummings asked the estimated cost. Thomas O'Kane said probably in excess of \$200,000. **Commissioner Cummings** said he had mixed feelings because this is the same area of code used to require Wal-Mart pay for the improvements on Sandhill. Mr. O'Kane noted a traffic study could be done and based on the result charge accordingly.

Commissioner Cummings said he wouldn't object to looking at this again but he'd want present value information before making decision.

Attorney Berntsson advised he'd given that information to Loraine Helber.

Commissioner DeBoer opined adding this cost to an affordable housing project they already support undermines it and maybe they could fund this out of the General Fund.

COMMISSIONER DEBOER MOVED TO TAKE THAT PARTICULAR ITEM OUT OF THE AGREEMENT AND ADDRESS FUNDING THE TRAFFIC LIGHT LATER, SECONDED BY COMMISSIONER D'APRILE.

Commissioner D'Aprile stated he didn't agree with all the comments, \$100,000 is not a significant amount weighed against potential profits of this project, all developers should pay for their share of any impacts to a particular area, they really should consider this because there are safety issues, and they should take preventive actions now.

Commissioner DeBoer noted leaving that paragraph in doesn't change the fact that the light won't be put in until it meets the warrants.

Motion Failed 2:2. Commissioner D'Aprile, and Commissioner Cummings opposing.

ABSENT: District V Commissioner.

Commissioner Cummings suggested they go back to Mr. O'Kane's suggestion to charge an assessment after the traffic study.

Commissioner D'Aprile stated he could agree with that if they can look at the safety issues more closely.

Attorney Knowlton stated they could put in cap. **Commissioner D'Aprile** said he just wants everyone to pay their fair share.

Attorney Knowlton suggested language that should a traffic signal be deemed necessary in the future based upon a vehicle count done after project completion, the developer will be required to commit a maximum of a specified percentage.

Commissioner DeBoer referred to the second paragraph on page 2 and suggested the following revised wording: Should a traffic signal be deemed necessary, the developer will be required to commit to pay it's proportionate share as determined by Public Works upon completion of the project and will be eligible to apply for County funding to maintain the project status as affordable housing.

Commissioner D'Aprile said he'll agree with that.

Attorney Berntsson said they can work with that, they did submit a traffic study showing a light was not warranted, and he wanted to make sure the language says 'immediately upon this project coming online' not one or more years from now or when it's deemed necessary.

Commissioner DeBoer reiterated 'upon completion' and said that's what they normally do.

Mr. O'Kane clarified the intent is to measure the actual traffic at completion of project. Attorney Berntsson responded with that understanding they're fine.

COMMISSIONER DEBOER MOVED TO APPROVE THE FOLLOWING REVISED LANGUAGE FOR PARAGRAPH 2 ON PAGE 2 - SHOULD A TRAFFIC SIGNAL BE DEEMED NECESSARY THE DEVELOPER WILL BE REQUIRED TO PAY IT'S PROPORTIONATE SHARE AS DETERMINED BY PUBLIC WORKS UPON COMPLETION OF THE PROJECT AND WILL THEN BE ELIGIBLE TO APPLY FOR COUNTY FUNDING TO MAINTAIN THE PROJECT'S STATUS AS AN HOUSING PROJECT, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

COMMISSIONER DEBOER MOVED TO APPROVE RESOLUTION 2006-168 AS AMENDED, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(7) **RECOMMENDED ACTION:** a) Approve Petition FP 04-09-20 - Final Plat for Sawgrass Pointe at Riverwood Unit Four; and b) Approve Developer's Agreement and Bond #6429433 from Safeco Insurance Company in the amount of \$2,371,641, which is 110% of the probable cost estimate provided. **BUDGETED ACTION:** None

Agreement 2006-047

(8) **RECOMMENDED ACTION:** Approve a Resolution adopting a Certification of a Sending Zone, CSZ-06-06-13, for Barbara Asbury and Royce Hyde. **BUDGETED ACTION:** None

Resolution 2006-163

(9) **RECOMMENDED ACTION:** Approve a Resolution adopting a Certification of a Sending Zone, CSZ-06-06-14, for Terry and Janell Norton. **BUDGETED ACTION:** None

Resolution 2006-164

H. Economic Development - No Items

J. Environmental Services

(1) **RECOMMENDED ACTION:** Recommend approval by Board of County Commissioners adopting the Solid Waste Services for Lee County residents on Gasparilla Island that were adopted by the Lee County Board of County Commissioners. **BUDGETED ACTION:** None

Resolution 2006-165

K. Facilities Construction and Maintenance - No Items

L. General Services

(1) **RECOMMENDED ACTION:** Approve Change Order #2 to Contract #05-126, 10 Inch Water Main - Cape Haze Boulevard to Fivelands, with Flow-Line, Inc. to increase the contract in the amount of \$12,500.22 with a revised total contract of \$157,012.24. **BUDGETED ACTION:** Budgeted amount for this change order \$12,500 for a total project budget of \$158,000 in CIP project Water Distribution Piping.

Commissioner D'Aprile noted this is the third change order and asked why multiple change orders continue to be necessary. Kimberly Corbett explained the \$12,500 was to cover relocating a water main which couldn't be tied in to the location shown on the plans.

Commissioner DeBoer said it used to be that change orders never exceeded 5% of a contract but now they're 30% to 40% of a contract, and opined staff needs to look at how contracts are managed because the County continues to be accused of under funding their Capital Improvements Program.

COMMISSIONER DEBOER MOVED TO APPROVE OF AGENDA ITEM L-1, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(2) **RECOMMENDED ACTION:** Approve award of File #06-004 (Work Order #32), to Contract #05-042, Engineers of Record, for Burnt Store Lift Stations, with Boyle Engineering Corp. of Sarasota, Fla., in the amount of \$277,860. **BUDGETED ACTION:** Budgeted Amount \$278,000, CIP project Wastewater Lift Stations

Commissioner D'Aprile opined there shouldn't be a need for change orders, said he understands the amount of money available for a project is public knowledge but bidders should have to adhere to what they bid or very close to it, and asked staff to consider this in the future because he doesn't have any sympathy for a process where the contractor can keep coming back for more money because he knows it's available.

COMMISSIONER DEBOER MOVED TO APPROVE OF AGENDA ITEM L-2, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(3) **RECOMMENDED ACTION:** a) Approve the negotiated scope and fee for Request for Proposal #06-231, Sidewalk Design-South County, with American Consulting Engineers of Fl, LLC for the total amount of \$92,621; and b) Authorize the Chairman to sign the Contract. **BUDGETED ACTION:** FY06 budget available is \$182,809.

(4) **RECOMMENDED ACTION:** Cancel Request for Proposal #05-429 CEI Services - Carmalita Street/Education Avenue Widening Project. **BUDGETED ACTION:** None

(5) **RECOMMENDED ACTION:** Award Bid #06-337, Gasoline & Diesel Fuels, Supply and Deliver, to the lowest responsive, responsible bidders as follows:

- a) J.H. Williams Oil Company of Bradenton, Florida for the gasoline tankwagon deliveries;
- b) Gator Petroleum of Punta Gorda, Florida for the transport deliveries of gasoline, and both the tankwagon and transport deliveries of Low Sulfur Diesel, High Sulfur Diesel, and Ultra Low Sulfur Diesel: and
- c) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year periods at the same prices, terms and conditions, by mutual consent. **BUDGETED ACTION:** FY06 year-to-date purchases through July have been: Diesel \$543,169 (248,456 gallons) and Unleaded \$568,873 (274,771 gallons).

(6) **RECOMMENDED ACTION:** Award Bid #06-338, Higgs Drive Lift Station Rehabilitation to the lowest responsive, responsible bidder, Governor Construction, Inc. of Miami, Florida in the amount of \$289,453.50. **BUDGETED ACTION:** Budgeted amount \$290,000 in CIP project Wastewater Lift Stations

(7) RECOMMENDED ACTION: a) Award of Bid #06-357, Safety Mowing Roadway Rights-of-Way, as follows: Section A (North County) to Florida Mowing and Landscape Services in the amount of \$534,455.40; Section C (West County) to Florida Mowing and Landscape Services in the amount of \$294,384; and Section B (South County) to Arbor One, Inc., in the amount of \$126,350 for the term October 1, 2006, up to and including September 30, 2007, with option to renew for two additional one-year terms; and b) Authorize the County Administrator to approve annual renewals at the same prices, terms, and conditions. BUDGETED ACTION: There is \$955,190 budgeted in FY07 mowing in the various MSBUs and Transportation Trust

(8) RECOMMENDED ACTION: a) Recommend Board award Bid #06-358, Guardrail Materials - Annual Contract, to Roadway Specialty Devices Inc. of Tampa, Florida, for the period of October 1, 2006, through and including September 30, 2007, at the unit prices listed on the bid form; and b) Request authorization for the County Administrator to have the authority to approve renewal options for two additional one-year terms at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: FY06 - No purchases to date - FY05 purchases of these materials totaled \$52,276.

(9) RECOMMENDED ACTION: a) Approve split "per package" award of Bid #06-361, Wastewater Collection System Rehabilitation, per the unit prices bid to the following firms: Package A - Insituform Technologies, Inc., Package B - American Water Services Underground Infrastructure and Package C - Miller Pipeline Corporation, with an initial contract term beginning October 1, 2006, through September 30, 2007; and b) Authorize the County Administrator to approve renewal options for up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: FY 07 Budget \$1,005,000. Amount available for this bid \$835,605 CIP Project Repair/Replace/Reline WW Collection System

(10) RECOMMENDED ACTION: a) Approve split "per item" award of Bid #06-382, Sand, Rock, and Rock Screening, to two firms--E.R. Jahna Industries, Inc., and Florida Shell and Fill Company - at the unit prices indicated below, with an initial contract term beginning October 1, 2006, through and including September 30, 2007; and b) Authorize the County Administrator to approve

renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: FY06 purchases to date of these materials are \$41,500.

(11) RECOMMENDED ACTION: a) Award of Bid No. 06-386, Water/Wastewater Chemicals, with the exception of Sulfuric Acid and Antiscalant, to various firms/prices as listed below for the period 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, by mutual consent; and b) Authorize Administrator to approve two additional one-year renewals. BUDGETED ACTION: FY07 budgeted amount is \$504,880

(12) RECOMMENDED ACTION: a) Award Bid #06-388, Rampart Blvd/Luther Rd Signalization Improvements, to Southwest Signal, Inc. of Tampa, FL, for a total cost of \$736,619.10; and b) Approval of CIP Amendment #06-C34 in the amount of \$586,620. BUDGETED ACTION: Approve CIP Amendment #06-C34. After approval of CIP Amendment #06-C34, the FY06 budget will have \$736,620 available in the Rampart/ Luther Signalization project.

(13) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of September, 2006. BUDGETED ACTION: None

(14) RECOMMENDED ACTION: Award File #06-427 for the Purchase of one Mobile Command Unit, to Emergency-One, Inc. of Ocala, Florida at the purchase price of \$549,873.00. (Piggyback off Orange County Bid No. Y5-1072) BUDGETED ACTION: \$550,000 is budgeted for this item in the 2002 Sales Tax Extension Fund.

(15) RECOMMENDED ACTION: Approve Change Order #1 to Bid No. 05-393, South Gulf Cove Lock Refurbishment, in the amount of \$19,269.26 for a revised total cost of \$337,744.34. BUDGETED ACTION: FY06 budget available is \$19,270

(16) RECOMMENDED ACTION: a) Approve Contract #04-308E Design/Build Fire Station(s) with Mathews-Taylor Construction, LLC, for the design phase of Fire Station # 5 located on Rockford Avenue in Englewood at the cost of \$183,018; and b) Authorize the Chairman to sign the Contract. BUDGETED ACTION: \$1,421,000 is budgeted in the Sales Tax Extension fund

M. Human Resources - No Items

N. Human Services - No Items

P. Information Technology - No Items

Q. Parks, Recreation & Cultural Resources

(1) *RECOMMENDED ACTION:* Approve Agreement for the delivery and use of reclaimed water between Englewood Water District and Charlotte County. *BUDGETED ACTION:* None

Agreement 2006-048

(2) *RECOMMENDED ACTION:* Approve appointment of Jamie Reynolds and Deborah C. Jamieson to the Historical Advisory Committee. Approve the reappointment of James A. Marshall, Lynn A. Harrell and Dr. Martha Bireda to the Historical Advisory Committee. *BUDGETED ACTION:* None

(3) *RECOMMENDED ACTION:* Approve a grant application from the Department of State for the County's participation in the State Aid to Libraries Program and one application from the Department of State for the County's participation in the multi-county library system for the fiscal year 2006-2007. *BUDGETED ACTION:* The budgeted amount for FY 2006/2007 is \$189,000.

Grant 2006-029 - Aid to Libraries; and Grant 2006-030 - Multi-County

R. Public Safety

(1) *RECOMMENDED ACTION:* Approve Agreement for Continuing Education between Charlotte County and Fawcett Memorial Hospital. *BUDGETED ACTION:* None

Agreement 2006-049

(2) *RECOMMENDED ACTION:* Board approval to Set Public Hearing on September 26, 2006 at 10:00 am to consider Amendment of Animal Control Ordinance. *BUDGETED ACTION:* None

(3) *RECOMMENDED ACTION*: Approve the renewal of the contracts with Animal Welfare League and Suncoast Humane Society.
BUDGETED ACTION: None

Agreement 2006-050 - Animal Welfare League; and Agreement 2006-051 - Suncoast Humane Society

S. Public Works

(1) *RECOMMENDED ACTION*: Approve setting a public hearing on September 26, 2006, at 10:00 a.m., or as soon thereafter as it may be heard, to consider action on the proposed Solomon Drive road construction project. *BUDGETED ACTION*: If the decision is made to continue, the new rates will be assessed in the FY07/08 budget cycle.

(2) *RECOMMENDED ACTION*: That the BCC consider & approve a Transportation Regional Incentive Program (TRIP) grant from FDOT and authorize the Chairman of the BCC to sign the agreement between the BCC and the Florida Department of Transportation (FDOT) in the amount of \$3,401,000. *BUDGETED ACTION*: None - approval of agreement only

Resolution 2006-185 and Grant 2006-031

(3) *RECOMMENDED ACTION*: Request that the Board of County Commissioners consider and approve a resolution and an agreement with the Florida Department of Transportation (FDOT) to provide ornamental lights on the US 41 bridges (see attachment). Approval will authorize the payment of \$139,000 for one-half the cost for these lights (an equal amount will be paid by the City of Punta Gorda). The County and City will assume maintenance responsibility for these non-standard lights. *BUDGETED ACTION*: FY06 budget available is \$139,000.

Resolution 2006-166 and Agreement 2006-052

T. Real Estate Services

(1) *RECOMMENDED ACTION*: a) Approve the Amendment terminating the real estate purchase agreement dated August 27, 2004 between JBD Family Partnership, LC and Charlotte County; and b) Authorize

the Chairman to execute the termination agreement. BUDGETED ACTION: None

Resolution 2006-167

(2) RECOMMENDED ACTION: A.) Approve the attached Resolution authorizing the Chairman of the Charlotte County Board of County Commissioners to execute an amendment to the exchange agreement between the County and the Charlotte County School Board. B.) Approve Budget Amendment #06-A41 in the amount of \$1,464,000. BUDGETED ACTION: Budget Amendment #06-A41 in the amount of \$1,464,000

Amends Resolution 2005-234

V. Tourism Development - No items

W. Utilities - No items

X. Building Construction Services - No Items

Y. Constitutional - No Items

RECESS: 10:27 AM - 10:36 AM

VI. PUBLIC HEARING AGENDA - (Proofs of Publication were in Order.)

(1) RECOMMENDED ACTION: Continue the August 22, 2006 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. 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.

David Schlobohm addressed the outstanding Board questions from the August 22, 2006 public hearing.

Henry Thomas with Public Resources Management Group, Inc. gave a slide presentation that paralleled the materials titled Water and Wastewater Rate Study.

(Discussion ensued regarding bond issues and the requirement for a rate increase to meet the bond covenant.)

Susan Graham said her concern was connection and impact fees, opined at this rate affordable housing won't be affordable anymore, and asked if this will be on all contracts or only new ones.

Mike Saunders commented on his e-mails with County staff, and voiced objection to the proposed increase.

Al Arena opined the County has lost it's collective mind and asked the Board to please rescue the residents.

John Bednarek voiced concerns that if adopted this increase would be in effect for five years and asked if the large health insurance increase was due to an expected large staffing increase.

COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Commissioner DeBoer said he's disturbed because they delayed this public hearing for so long and he hasn't seen any new information.

Commissioner DeBoer noted the existing customer base is paying for the growth because it's clear past growth hasn't paid for itself. Mr. Thomas agreed.

Commissioner DeBoer asked the impact if they were an exclusive user. Mr. Thomas said none.

Commissioner DeBoer asked the number of additional employees in the budget. Debra Smith responded 28 new positions in the Fiscal 07 budget and the current number of employees is 217.

Chairman Moore stated he felt rates do have to change, and he has a lot of issues with CCU but they can't ignore the need to raise rates.

Commissioner D'Aprile said he hates raising rates, if they hadn't lowered rates in the past they wouldn't be in this predicament today, and his biggest concern is the debt coverage but from what he's heard he doesn't see any other choice other than raising rates.

Commissioner DeBoer said if this is only for the bonds when will it have to be approved and how much will it have to be to maintain the status of the bonds based on the coverage.

Tommy White stated the current debt is over \$100 million, they can meet the coverage for September 30, 2006 but it's doubtful they'll meet the coverage for September 30, 2007 and definitely not beyond that. Mr. White stated the immediate effect of not approving these today was they won't be able to do the bond issue tomorrow, and they'll have to make a termination payment which was basically giving back what was given to them three years ago. Mr. White suggested the Board approve the rates today to protect the bond covenants so they can execute the swaption savings which helps CCU, the Board could then do whatever they wanted to make CCU efficient and come back in the future and reduce these rates.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2006-170 FOR THE ACROSS THE BOARD RATE INCREASE OPTION, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 3:1. Commissioner DeBoer opposing.

ABSENT: District V Commissioner.

(2) **RECOMMENDED ACTION:** Request the Board of County Commissioners to consider and adopt an ordinance that establishes an Environmentally Sensitive Lands Protection Program. The ordinance creates an Environmentally Sensitive Lands Oversight Committee, defines the committee's roles and duties, land acquisition criteria, and the environmentally sensitive land program. **BUDGETED ACTION:** None

Julie Morris gave a brief slide presentation of the proposed ordinance.

Perry Cook spoke on behalf of the Lemon Bay Conservancy endorsement and support of the proposed ordinance.

Joe Fleming spoke in support of the ordinance but opined more flexibility may be needed in the selection criteria.

Ed Freeman spoke in support of the proposed ordinance.

COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

COMMISSIONER DEBOER MOVED TO APPROVE ORDINANCE 2006-077, SECONDED BY COMMISSIONER D'APRILE.

Chairman Moore said he thought this was a very good program that has been very successful in surrounding counties, and opined it will be very good for this County but without getting the public behind this it just won't happen.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(3) **RECOMMENDED ACTION:** Request the Board of County Commissioners to consider an ordinance dissolving the Environmental Land Acquisition Advisory Committee (ELAAC), Ordinance No. 91-29. **BUDGETED ACTION:** None

Andrew Stevens explained the proposed ordinance would dissolve the Environmental Land Acquisition Advisory Committee.

COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

COMMISSIONER DEBOER MOVED TO APPROVE ORDINANCE 2006-078, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(4) RECOMMENDED ACTION: BCC to hold a public meeting on September 12, 2006, at 10:00 a.m., or as soon thereafter can be heard, to consider an Ordinance increasing the County's Tourist Development Tax by one percent (1%). BUDGETED ACTION: None

Becky Bovell stated the proposed ordinance will result in the levy of an additional one percent Tourist Development Tax effective February 1, 2007 bringing the total tax to the maximum of five percent, the estimated proceeds were \$450,000 annually, and Board approval of this proposed ordinance requires a super majority or four votes.

Rex Rowley said the Englewood Chamber of Commerce was deeply involved in bringing baseball to the County, the current stadium is a liability but this is an opportunity to turn it into a tremendous asset, what this team has offered is far and away more than anything in the past, and asked for approval.

Robert Skidmore voiced opposition to the levy of the additional one percent tax.

COMMISSIONER DEBOER MOVED TO APPROVE CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

COMMISSIONER DEBOER MOVED TO APPROVE ORDINANCE 2006-079, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

Commissioner DeBoer opined the Board needs to go back and look at the objectives of the bed tax prior to this action, they need to decide what to do about funding for events because it hasn't been effective, and recalled he supported the tax because it was supposed to pay off the debt but now he felt there's a better way to do this.

V. REGULAR AGENDA

Z. Regular Business

(1) RECOMMENDED ACTION: Request the board approve the relocation of the Supervisor of Elections to the Old Courthouse in Punta Gorda once construction / renovation is completed. BUDGETED ACTION: None

Andrew Baker briefly reviewed the packet material.

Commissioner D'Aprile asked if the layout for Courthouse renovations included space for the Supervisor of Elections. Mr. Baker said yes, the entire bottom floor.

Commissioner DeBoer asked the preliminary cost estimates on this project. Mr. Baker responded it's currently out to bid.

Commissioner DeBoer suggested they look into doing the envelope of building until such time as they decide how to utilize the building and how they were going to fund what will probably end up being an enormous cost.

Commissioner Cummings commented on the history of this project, said he wants to get the courthouse renovated as quickly as possible because he's tired of going in circles, they have a program, we're three months from turning dirt, there is a need for the ground floor, the second floor can be used for courts, the need to stay on track, the Supervisor of Elections is the only one who has responded, and he supports the request.

COMMISSIONER CUMMINGS MOVED TO APPROVE RELOCATING THE SUPERVISOR OF ELECTIONS TO THE OLD COURTHOUSE IN PUNTA GORDA ONCE CONSTRUCTION AND RENOVATION IS COMPLETED, SECONDED BY COMMISSIONER D'APRILE.

Commissioner D'Aprile said he's not opposed to the Supervisor of Elections occupying this area, and agreed they haven't gotten off the ground but said they need to have cost estimates.

Mr. Baker said they do have a cost estimate, explained an additional \$500,000 has been added to the budget to cover cost escalations, and he'd be very surprised if the bids come back in excess of the monies they have.

Commissioner D'Aprile summarized with the additional monies there was \$5.9 million CIP dollars allocated for this project and asked what monies are being contributed from the City of Punta Gorda. Mr. Baker responded the City has an agreement to pay up to 50% of the design costs or \$250,000, and he thought the amount they'd received so far was approximately \$190,000.

Commissioner DeBoer stated he'd supported this from the beginning but this has dragged on so long he felt when it comes back the Board will balk at the costs, and recalled suggesting the Board move in there but noted he won't be here when they decide.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(2) **RECOMMENDED ACTION:** Provide Staff direction on the future use of the County owned property at 22425 Edgewater Drive, which contains the YMCA site, the Fire/EMS building and a County park. Two options to consider: The YMCA remains at their current site and rebuilds or they relocate to the Fire/EMS building; and remodel and expand that facility to meet their needs. **BUDGETED ACTION:** None

Debrah Forrester explained the Board was being asked for direction on the future use of the Edgewater site in the Charlotte Harbor CRA; the site was the former home of the YMCA destroyed by Hurricane Charley as well as the Fire/EMS building and the Edgewater Park; referred to YMCA's requests detailed in their letter to Mr. Loucks which was in the packet material; and reviewed the two options for the Board to consider.

(Board discussion ensued regarding associated costs, possible use of the Dotzler property, and Legal's opinion it was the YMCA's responsibility to rebuild.)

Chairman Moore asked if the Board wanted this to be delayed to the next meeting.

(Finance Director Navan replaced Chief Deputy Board Services White for this portion of the meeting.)

(Board consensus for this to be brought back.) Mr. Loucks indicated he would take care of it.

(3) RECOMMENDED ACTION: Request the Board of County Commissioners to review and approve - a) Usage Agreement of the Tampa Bay Devil Rays using the Charlotte Sports Park; and b) Approve Budget Amendment #07-A01, effective October 1, 2006, to approve funding plan and allow staff to begin the Request for Proposal process. BUDGETED ACTION: Approval of Budget Amendment #07-A01 in the amount of \$27,188,920

Laura Kleiss-Hoft reviewed the goldenrod and the key points in the proposed agreement.

Ray Sandrock reviewed the financial elements.

Mrs. Hoeft advised they were working on completing the state grant documents, and they will meet the October 1st deadline.

COMMISSIONER DEBOER MOVED TO APPROVE AGREEMENT 2006-053 AND BUDGET AMENDMENT #07-A01 IN THE AMOUNT OF \$27,188,920, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: District V Commissioner.

(4) RECOMMENDED ACTION: Approve changes and additions to the existing Animal Control Resolutions. BUDGETED ACTION: None

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2006-171, SECONDED BY COMMISSIONER DEBOER.

Motion Carried 4:0.

ABSENT: District V Commissioner.

X. CITIZEN INPUT - ANY SUBJECT

Thomas Strawson distributed a handout regarding increases to the Tropical Gulf Acres Street and Drainage MSBU, reported Mr. O'Kane wouldn't meet with them, and asked the County to do their job and work with them as promised.

Commissioner D'Aprile recalled being told the prices were going to stay the same as last year until they come up with a solution, said he's surprised by increases and surprised Mr. O'Kane wouldn't meet with them, and he will follow up.

Chairman Moore asked if the rates changed or was there some other adjustment that resulted in the increase.

Thomas O'Kane clarified he was present when staff met with Mr. Strawson and one of his neighbors, it was the first time he'd seen the notices, and Mr. Sandrock is looking into this matter because this is now handled through Budget and not Public Works.

Mr. Loucks said he would have more information later today.

Chairman Moore said it appears something has shifted and they do need an explanation.

Commissioner Cummings recalled the residents requested a change to the assessment methodology.

RECESS: 1:12 PM - 2:04 PM

VII. PRESENTATION AGENDA

(1) **RECOMMENDED ACTION:** That the BCC consider approval of the proposed roadway alignment for the Burnt Store Road Widening Project and receive an update on current project status.
BUDGETED ACTION: None

Dan Quick briefly reviewed the goldenrod and purpose of today's presentation.

Robert Zachery with Wilbur Smith & Associates gave a slide presentation that paralleled the materials titled Burnt Store Road Alternative Alignment Study.

Mr. Quick asked for a motion.

Commissioner DeBoer noted this was listed as a presentation item not a Board action item, and if a vote was going to be required today his answer would be no.

Mr. Loucks responded this would be brought back to the Board on September 26, 2006.

Commissioner DeBoer pointed out it appeared all three presentation items require Board action.

(2) **RECOMMENDED ACTION:** Approve Change Order #4 to Contract #03-447, Design-Burnt Store Road Improvements with Wilbur-Smith Associates for the preparation of engineering/construction plans for the widening of Burnt Store Road to four (4) lanes in the amount of \$2,793,263.24 and a revised contract amount of \$3,550,100.70 **BUDGETED ACTION:** FY06 amount available for this change order is 2,793,264 in project # c419901, Burnt Store Road. Project total is \$39,012,000.

Kim Corbett recommended this item be deferred to September 26, 2006 because it goes with the previous item.

(3) **RECOMMENDED ACTION:** Update Board on Status of Event Center including: design, schedule and budget. **BUDGETED ACTION:** None

Andrew Baker explained the purpose of this item was to update the Board on the Event Center design.

Ward Friszolowski and Phil Trezza with Harvard-Jolly gave a slide presentation that paralleled the materials titled Charlotte County Event Center CRA Presentation August 16, 2006.

Commissioner Cummings opined this was a step in the right direction, this is an important amenity to the City and County, people want to be involved, and they should give people the opportunity to provide some input.

(Chief Deputy Board Services White replaced Finance Director Navan for the remainder of the meeting.)

Commissioner D'Aprile asked if the City had any input on the building design and did they agree with what was presented. Mr. Friszolowski said he felt the City was pretty satisfied with the presentation.

Commissioner D'Aprile asked if the City had been approached regarding contributing to the cost of the proposed changes. Mr. Loucks clarified the City was meeting with the CRA, and after the next City meeting on September 21st staff will get their opinions and that will be part of the October joint meeting.

Commissioner D'Aprile opined the design exterior presented today was great.

VIII. PUBLIC WORKSHOP AGENDA - No items

IX. BOARD WORKSHOP AGENDA - No items

AA. County Administrator

Mr. Sandrock commented on the Tropical Gulf Acres issue from earlier this morning and clarified the increase was due to the re-calculation of the number of ERUs.

Jim Evetts commented on the issue of expired permits.

Robert Hebert updated the Board on the issue of the FEMA temporary housing units.

BB. County Attorney - No items

CC. Commissioner Comments

Commissioner DeBoer commented on dual water meters for fire suppression, impact fees for Murdock Village, the El Jobean park purchase, and his memorandum to the Board on Hillsborough County's grant program to help offset property taxes for military personnel on active combat duty.

MEETING ADJOURNED: 3:31 PM

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

/ksm