

**BOARD OF COUNTY COMMISSIONERS**

**OCTOBER 10, 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, Commissioner DeBoer, and Commissioner Duffy. Also in attendance were County Administrator Loucks, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Gant, and Minutes Supervisor Nice. The following members were absent: None. The meeting was called to order at **9:00 AM**.

Invocation by Dr. David Blood, New Hope Christian Fellowship, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition # 1, Administration, C-3, Approval of a Surety Bond for Patricia M. Duffy

Addition #2, Community Development, Z-5, Continuation and conclusion of the discussion regarding the County's Sign Ordinance

Addition #3, County Attorney, Z-6, Discussion of Murdock Village options

**COMMISSIONER DEBOER MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

**COMMISSIONER DEBOER MOVED TO APPROVE TAKING AGENDA ITEM C-3 OUT OF ORDER, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

IV. CONSENT AGENDA

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve a Surety Bond for Patricia M. Duffy

COMMISSIONER DEBOER MOVED TO APPROVE A SURETY BOND FOR PATRICIA M. DUFFY, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.

Proclamations:

COMMISSIONER DEBOER MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH PROCLAMATION FOR KAREN WOOD, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.

Karen Wood thanked the Board for its support and accepted the proclamation.

COMMISSIONER D'APRILE MOVED TO APPROVE FAMILY HISTORY MONTH PROCLAMATION FOR OCTOBER 2006, SECONDED BY COMMISSIONER DEBOER.  
Motion Carried 5:0.

James Maloney, Genealogical Society President, thanked the Board and accepted the proclamation.

COMMISSIONER DEBOER MOVED TO APPROVE PUT THE BRAKES ON FATALITIES DAY PROCLAMATION FOR OCTOBER 10, 2006, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.

Sergeant Ken Roguska, Charlotte County Sheriff's Office, thanked the Board for the Proclamation and accepted on behalf of the Community Traffic Safety Team.

**COMMISSIONER D'APRILE MOVED TO APPROVE PALM ISLAND MARINA AND MARINEMAX DAY PROCLAMATION FOR OCTOBER 10, 2006, SECONDED BY COMMISSIONER DEBOER.**

**Motion Carried 5:0.**

*Jim Shepard, General Manager, and Pete Rose, Service Manager, of the Cape Haze MarineMax with Terry Lynch, Tim Lynch, and Dean Beckstead of Palm Island Resort, were present to accept the proclamation.*

Employee Recognition:

*5 Years: Tracie Baird, Animal Control; Christopher Goehle, Utilities; William Hanfelder, Utilities; Dennis Marlette, Parks, Recreation and Cultural Resources; 15 Years: Charles Oram Jr., Utilities; and 20 Years: Jon Miller, Fire/EMS.*

Presentations - No items

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

None.

**II. COMMITTEE VACANCIES**

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

*Board of Zoning Appeals - a volunteer to serve representing District #2. Must be a resident of Charlotte County and reside within the boundaries of District #2. Commissioner Cummings advised an individual from District #2 has volunteered to serve.*

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

**III. REPORTS RECEIVED AND FILED - No items**

IV. CONSENT AGENDA

COMMISSIONER DEBOER MOVED TO APPROVE CONSENT AGENDA, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve 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 September 19, 2006 through October 2, 2006 in the amount of \$16,269,110.05

Memorandum #3 - Quarterly Report Unclaimed Excess Money

Memorandum #4 - Two-Year Report Excess Funds on Tax Deed Applications

B. Minutes Division - No items

Board of County Commissioners

C. Commission Office

(2) RECOMMENDED ACTION: Buena Vista Area Waterway Committee - The terms of the following members have expired. Ted Boiman, Judith Barnosky and Charles Witzke have expressed the desire to be reappointed. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve the appointment of Michael Haymans as Member-at-Large on the Charlotte Harbor Community Redevelopment Agency Advisory Committee. This vacancy has been duly advertised. BUDGETED ACTION: None

D. Administration

(1) RECOMMENDED ACTION:

- a) Approve WCIND applications
- b) Approve WCIND agreements

**Grant 2006-051** for West Coast Inland Navigation District (WCIND) Project C-94, Punta Gorda Municipal Marina, within the City of Punta Gorda at Laishley Park, in the amount of \$59,399 from Boater Registration fees and the estimated total project cost is \$556,099.

**Grant 2006-052** for WCIND Project C-95, Maintenance and Installation of Navigation Aids in Charlotte Harbor, in the amount of \$45,000 and the estimated total project cost is \$45,000.

**Grant 2006-053** for WCIND Project C-96, Total Year Abandoned Vessel Program, in the amount of \$130,000 and the estimated total project cost is \$130,000.

**Grant 2006-054** for WCIND Project C-97, Cattle Dock Boat Ramp on the Myakka River, in the amount of \$33,285 and the estimated total project cost is \$150,000.

**Grant 2006-055** for WCIND Project C-98, Stump Pass Alignment Monitoring, in the amount of \$150,000 and the estimated total project cost is \$200,000.

- c) Adopt resolution **BUDGETED ACTION**: Included in adopted Budget

**Resolution 2006-192**

E. County Attorney

(1) **RECOMMENDED ACTION**: Set a public hearing for October 24, 2006, at 10:00 a.m., or as soon thereafter as may be heard, to consider an ordinance creating the Charlotte County Industrial Development Authority. **BUDGETED ACTION**: None

F. Budget Office

(1) **RECOMMENDED ACTION**: Approve the acceptance of grant awards for two projects, the Standard Conditions, and authorize the Chairman to execute the necessary award documents. Project #1:

Contract No.2007-JAGC-CHAR-1-P3-089, GPS (Global Positioning System) Continuation and Traffic Safety, for \$56,623.00 and Project #2: Contract No. 2007-JAGC-CHAR-2-P3-057, In-Car Video Program, for \$6,292.00. BUDGETED ACTION: None

**Grant 2006-056** for Edward Byrne Memorial Justice Assistance funds in the amount of \$56,623 for the GPS, under Contract No. 2007-JAGC-CHAR-1-P3-089, as a continuation of outfitting each officer's patrol cruiser with the technology and purchase of a radar trailer to be used for directed traffic enforcement.

**Grant 2006-057** for Edward Byrne Memorial Justice Assistance funds in the amount of \$6,292 for the In-Car Video Program, under Contract No. 2007-JAGC-CHAR-2-P3-057, as a reimbursement to the City of Punta Gorda Police Department.

(2) RECOMMENDED ACTION: Approve extension of the 2006 Tax Roll from the Property Appraiser to the Tax Collector in accordance with Section 197.323 F.S. prior to the Value Adjustment Board completion of its final meetings. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve budget transfer #S06-002 in the amount of \$98,000 to align budgeted funds for year-end closeout. BUDGETED ACTION: Budget Transfer #S06-002 in the amount of \$98,000

G. Community Development

(1) RECOMMENDED ACTION: Adopt a Resolution approving a Certification of a Sending Zone, CSZ-06-05-10, and accompanying Restrictive Covenant for Amber and Linda Collins. BUDGETED ACTION: None

**Resolution 2006-193**

(2) RECOMMENDED ACTION: Approve the DRC-PD-90-6B Partial Final Detail Plan Resolution permitting Lennar Communities, Inc. to develop Tern Bay Resort, Phase II. BUDGETED ACTION: None

**Resolution 2006-194**

(3) RECOMMENDED ACTION: a) Approve FP 05-12-13 Final Plat for The Landings at Coral Creek and b) Approve Developer's Agreement

and Letter of Credit #3082731 drawn on Bank of America in the amount of \$2,659,601.98 which is 110% of the Engineer's probable cost estimate for construction. BUDGETED ACTION: None

**Agreement 2006-059**

H. Economic Development - No items

J. Environmental Services - No items

K. Facilities Construction and Maintenance - No items

L. General Services

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

(2) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #06-056, Design-Charlotte County Jail Expansion, with Strollo Architects, in the amount of \$575,000, for a total revised Contract Amount of \$2,937,370.11 and b) Authorize Chairman to sign the Amendment. BUDGETED ACTION: \$46,150,000 budgeted in the Capital Projects fund

(3) RECOMMENDED ACTION: a) Approve award of Bid #06-421, Water/Wastewater Treatment Operator Service, at the unit rate bid, to US Water Services Corporation, term of contract is October 1, 2006 through and including September 30, 2007 and b) Authorize the County Administrator to approve up to two additional one-year terms at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: Budgeted Amount \$270,000, Wastewater operations-contracts service-other; Budgeted Amount \$70,000, Burnt Store Water operations-contracts service other

(4) RECOMMENDED ACTION: a) Approve Award of Bid #06-422, Portable Toilet Service, at the unit prices bid to Amberjack Sanitation, Inc. Term of contract is to be from October 1, 2006 through and including September 30, 2007 and b) Authorize the County Administrator to approve the renewal options for up to two additional one-year terms, at the same prices, terms and

conditions, by mutual consent. BUDGETED ACTION: \$60,000 is budgeted within the Parks Division budget.

(5) RECOMMENDED ACTION: Approve Change Order #1 to File #06-105, Replacement Ambulances, increasing the cost by \$11,278 for a revised total cost of \$323,356. BUDGETED ACTION: \$324,000 budgeted for FY05/06 - funds to be carried over to FY06/07.

(6) RECOMMENDED ACTION: a) Approve negotiations for Request for Proposal #06-369 Land Development Regulations with the first ranked firm, Code Studio, Inc. of Austin, Texas and b) Authorize the Chairman to sign the contract upon successful negotiations by the Committee, provided the total amount does not exceed \$300,000. BUDGETED ACTION: None

M. Human Resources - No items

N. Human Services

(1) RECOMMENDED ACTION: Approve re-enrollment application for the Medicaid Waiver-Home and Community Based Services. BUDGETED ACTION: None

**Grant 2006-058**

P. Information Technology - No items

Q. Parks, Recreation & Cultural Resources - No items

R. Public Safety

(1) RECOMMENDED ACTION: Adopt the Comprehensive Emergency Management Plan (CEMP) by resolution. BUDGETED ACTION: None

**Resolution 2006-195**

S. Public Works - No items

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve the attached Resolution approving the release of portions of two (2) six-foot (6') wide utility and drainage easements located in Port Charlotte

Subdivision, Section Sixty and portions of two (2) twenty-foot (20') wide canal maintenance easements located in Port Charlotte Subdivision, Sections Seventy-One and Ninety-Three, respectively; and, further authorizing the Director of Real Estate Services to execute the County Deeds releasing said portions of said easements. (Owners: Vann D. and Bunny B. Johnson, Mercedes Homes, Inc., and, James L. and Bonnie V. Hipwell) BUDGETED ACTION: None

**Resolution 2006-196**

(2) RECOMMENDED ACTION: Approve the Restrictive Covenant at Bayshore Linear Park pursuant to the Department of Army Corps of Engineers permit authorization. BUDGETED ACTION: None

V. Tourism Development - No items

W. Utilities - No items

X. Building Construction Services - No items

Y. Constitutional - No items

**V. REGULAR AGENDA**

Z. Regular Business

(1) Commission Office - RECOMMENDED ACTION: Appoint by ballot, one volunteer to fill the vacant position of a regular member for a three-year term on the Gulf Cove Street and Drainage Advisory Committee. The vacancy has been duly advertised. BUDGETED ACTION: None

Mr. Loucks announced four votes for Robert R. Roberson and one vote for Christine W. Perry.

**COMMISSIONER DEBOER MOVED TO APPROVE APPOINTMENT OF ROBERT R. ROBERSON TO FILL THE VACANT POSITION OF A REGULAR MEMBER FOR A THREE-YEAR TERM ON THE GULF COVE STREET AND DRAINAGE ADVISORY COMMITTEE, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

(2) County Attorney's Office - RECOMMENDED ACTION: Approve appointment of Steven Mitnick as Charlotte County Health Department Administrator. BUDGETED ACTION: None

County Attorney Knowlton explained the State Department of Health has requested the Board's concurrence for appointment of Steven Mitnick as required by Florida Statutes and acknowledged an individual who wishes to make a presentation.

Bonnie Sorenson, Deputy State Health Department Officer, who oversees county health departments, commented on statutory requirements, Charlotte County Health Department recovery efforts following Hurricane Charley, Mr. Mitnick's experience and background credentials to serve as Administrator, and requested the Board's concurrence.

**COMMISSIONER DEBOER MOVED TO APPROVE APPOINTMENT OF STEVEN MITNICK AS CHARLOTTE COUNTY HEALTH DEPARTMENT ADMINISTRATOR. BUDGETED ACTION: NONE, SECONDED BY COMMISSIONER D'APRILE. Motion Carried 5:0.**

Mr. Mitnick stated he has a lot of plans for what can be done in Charlotte County.

(3) County Attorney's Office - RECOMMENDED ACTION: Request the Board of County Commissioners hear an appeal from the Charlotte County Construction Industry Licensing Board (CILB) by Jesse D. Lore, Jr. in the case of Charlotte County v. Jesse D. Lore, Jr., Case No. 2006-008. BUDGETED ACTION: None

Deputy County Attorney Daniel Gallagher asked if Mr. Lore was present. Mr. Lore was not present. Attorney Gallagher provided the background of the case, stated Mr. Lore was charged with several violations of the Charlotte County Code and Florida Statutes of which the CILB found him guilty of 7 of the violations at a hearing on August 3, 2006 to which Mr. Lore filed an appeal on August 18, 2006, he was served by certified mail/return receipt requested with notification of the hearing today, and recommended dismissal of the appeal.

**COMMISSIONER DEBOER MOVED TO UP HOLD THE ORDER ISSUED BY THE CILB IN THE CASE OF CHARLOTTE COUNTY V. JESSE D. LORE, JR., CASE NO. 2006-008, DISMISS THE APPEAL BASED ON MR. LORE'S NOT**

ATTENDING THIS HEARING AND PROVIDING EVIDENCE, AND REVIEW OF THE EVIDENCE SHOWS THAT THE CILB DID NOT EXCEED ITS JURISDICTION, THE DECISION WAS MADE ON COMPETENT SUBSTANTIAL EVIDENCE, AND THE CILB COMPLIED WITH ALL REQUIREMENTS OF THE LAW, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

(4) County Attorney's Office - RECOMMENDED ACTION: Hold an Executive Session at 2:00 PM to discuss litigation strategy regarding the lawsuit captioned American Invest LC v. Charlotte County Board of County Commissioners, Case No. 06-2041-CA.  
BUDGETED ACTION: None

**Chairman Moore** announced the Executive Session would be held at 2:00 PM.

(5) Continuation and conclusion of the discussion regarding the County's Sign Ordinance.

Nicole Dozier explained proposed revisions to the sign ordinance made pursuant to direction of the Board and asked for acceptance of the text amendment in order to move forward, during the next two to four months, to obtain approval from the Department of Community Affairs (DCA) to allow the requested signs to be done.

**Commissioner D'Aprile** recalled "intermittent" lights were not mentioned in the Code subsection but "flashing" lights were. Ms. Dozier responded both types of lights are in the Code. **Commissioner D'Aprile** confirmed the options e.g. the applicant may appeal the decision of the Zoning Official to the Board of Zoning Appeals (BZA), amend subsection (k)7, or deny the request. Ms. Dozier stated prior Board direction was to amend subsection (k)7. **Commissioner D'Aprile** stated the Board needs to make a decision on the definition of "flashing" light signs and the number of flashes in order to allow Dr. Levy to move forward with signage as long as they are in compliance with size requirements. Ms. Dozier stated Dr. Levy requested three signs, two wall signs exceed the maximum coverage allowed under the Code and one is a post or directory sign that staff is verifying compliance. Ms. Dozier explained a variance would be required to allow the oversized signs but one stagnant sign might be released at the Board's discretion until amendment of the Code.

**COMMISSIONER D'APRILE MOVED TO ALLOW DR. LEVY TO PUT UP ONE STAGNANT SIGN UNTIL A NEW ORDINANCE IS APPROVED AND THE CODE IS AMENDED, SECONDED BY CHAIRMAN MOORE.**

**Commissioner D'Aprile** read language at the end of the agenda summary "due to nature of these businesses, an exception may be considered by the Board in instances where the LED signs are located in amusement parks, sports complexes and/or civic centers." **Commissioner D'Aprile** pointed out the existing business is an "amusement park" and Dr. Levy is requesting to be allowed to put up the type of sign that is currently allowed. Ms. Dozier explained a stagnant sign of a maximum of 100 square feet is acceptable but the sign in Permitting exceeds the maximum by four feet. **Commissioner D'Aprile** stated that Dr. Levy wants to put up an LED sign but the requested signs exceed the maximum and requested one sign be allowed until it comes back for public hearings and after approval of the overage by BZA.

**Commissioner Duffy** requested clarification. Ms. Dozier explained the process. Attorney Knowlton cautioned if a letter is sent to Dr. Levy, it needs to specify that a variance may not be approved. **Commissioner Cummings** sympathized with Dr. Levy's situation but expressed concern about circumventing the legal process by designating specific businesses when some businesses might prefer changes to signage requirements and enforcement versus grandfathering in of such signs. **Commissioner Cummings** agreed consideration needs to be given to the sign ordinance and expressed uncertainty about the proposed language change.

**Commissioner D'Aprile** requested verification on the legality of a lighted sign. Ms. Dozier stated a lighted sign is acceptable but not a flashing light sign. **Commissioner D'Aprile** stated the motion is for approval of a stagnant LED sign and noted **Commissioner Cummings's** concern about changing the sign from a stagnant to a flashing light sign in the future.

**Commissioner DeBoer** expressed concern about Commissioners making decisions on the best use of signage and suggested additional public input. **Commissioner DeBoer** questioned the legality of the proposed signage. Ms. Dozier stated the issue is LED versus

stagnant signage until the text amendment is done. Commissioner DeBoer questioned the normal process. Ms. Dozier stated the request has not gone before the Board of Zoning Appeals. **Commissioner DeBoer** expressed opposition to the motion because it would circumvent the quasi-judicial process. Ms. Dozier pointed out staff will be seeking public input and bringing the sign ordinance back but it may take as much as a year. Commissioner DeBoer stated circumventing the quasi-judicial process will put the Board in a very precarious position. Ms. Dozier explained the request could have been brought to the Board via three different options and suggested the proposed amendment although denial and/or sending it back to the BZA are options. **Commissioner Duffy** suggested Dr. Levy go before BZA, this Board consider LED signs in the future, and expressed opposition to the motion.

**Motion Carried: 5:0.**

(6) Discussion of Murdock Village options.

Mr. Loucks suggested additional information be brought back by Forest City and Kitson regarding original and current financial positions. **Chairman Moore** suggested October 24, 2006. Mr. Loucks expressed uncertainty of two weeks being sufficient. Attorney Knowlton stated issues need to be resolved with Stock Development and another public hearing is required prior to final decision on the developer. Attorney Knowlton clarified the entire Request for Proposal (RFP) process is an option and 30-days is required prior to a final decision being made as part of the process. **Commissioner DeBoer** commented on the amount of money being spent every day and stated a decision needs to be made as soon as possible.

**Commissioner DeBoer** suggested public uses for the Murdock Village site including a Florida Gulf Coast site, Administrative County Offices, the Event Center, and other commercial uses; enumerated six questions to ask developers; and stated answers from developers would help him make a decision.

**Chairman Moore** requested Mr. Loucks and Attorney Knowlton ascertain financial and development commitments of the firms and challenged staff to bring back the information for the October 24, 2006 meeting. **Commissioner D'Aprile** stated it is staff's

responsibility to re-evaluate and talk with Forest City and Kitson and bring back information to the Board to make an informed decision on the best developer for the project. **Commissioner Duffy** stated she has reviewed both Forest City and Kitson proposals and suggested their current financial commitments be ascertained and brought back to the Board. Attorney Knowlton requested direction. **Commissioner Cummings** questioned if both developers will be asked to update their proposals. Attorney Knowlton stated it is fair to ask them what their intentions are. **Commissioner Cummings** stated their commitments need to be updated and confirmed. **Commissioner Cummings** recalled Forest City offered more upfront money contingent on the progress of development versus Kitson had a better land use plan and long term financial commitment. **Commissioner Cummings** expressed an interest in Florida Gulf Coast University but not on 40 acres. **Commissioner Duffy** pointed out Kitson's proposal will utilize local contractors.

**COMMISSIONER DEBOER MOVED TO APPROVE STAFF VERIFYING FOREST CITY AND KITSON'S PROPOSALS AND BRING BACK THE INFORMATION FOR THE OCTOBER 24, 2006 MEETING, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.**

**Chairman Moore** stated this is a big project and expressed the belief that issues will be resolved and the project will move forward. **Commissioner Cummings** pointed out the possible need for a referendum if the ballot question on eminent domain is approved by voters and this project would become even more valuable. **Commissioner DeBoer** agreed.

**VI. PUBLIC HEARING AGENDA - No items**

**VII. PRESENTATION AGENDA - No items**

**VIII. PUBLIC HEARING AGENDA - No items**

**IX. BOARD WORKSHOP AGENDA - No items**

**X. CITIZEN INPUT - ANY SUBJECT**

Kendall Leach thanked the Board for fast tracking sewers in Rotonda, requested the bid be expedited, stated Charlotte County Utilities staff is in Rotonda Villas uncovering water lines, and it is imperative that water and sewer lines be done because of increased development in the area.

Doug Holland, of 3396 Port Charlotte Boulevard, commented on adverse septic and drainage problems in his area especially when it rains during the last three summers. Mr. Holland recalled certain sections of the County had sewers installed but the program was stopped; requested why the program was stopped; stated sewers are necessary; and questioned the amount of the target area that had sewers installed. Mr. Loucks suggested the resident speak with David Schlobohm.

Hugh Harrington, who moved to Florida about 18 months ago, questioned who will pay the \$390,000 over the 30-day delay in the Murdock Village project; people cannot afford the almost \$400,000 every month; stated he and others cannot afford the increased taxes; a performance bond would cover the interest payment; pursue a contract with Kitson to move forward and, if not, put it back out to bid.

AA. County Administrator

Mr. Loucks stated the Board set a workshop to review the Don Pedro Community Plan and requested cancellation in order to have a facilitator obtain more public input prior to bringing the Plan to the Board. **Commissioner DeBoer** suggested the cancellation be put on the next meeting agenda. Mr. Loucks stated it would be placed on the Land Use meeting agenda.

BB. County Attorney - No items

CC. Commissioner Comments

**Commissioner DeBoer** stated a large number of emails are anticipated regarding the South Gulf Cove lock situation, expressed uncertainty on procedures to expedite the change order and the \$70,000 expenditure to dewater the lock and ascertain the problem, and suggested placing it on the land use agenda. **Commissioner Cummings** related a conversation with Kelly Shoemaker about the problem and placing it on the land use

agenda. Mr. Loucks suggested the expenditure be done as an emergency and bring back for an after-the-fact approval on the land use agenda. (**Board consensus.**)

**Commissioner DeBoer** commented on property purchased by STAR many years ago by stating if the land was purchased at the market price, it should be transferred to STAR no matter what the value is today. **Commissioner Cummings** agreed. **Chairman Moore** suggested the topic be brought at the next regular meeting. **Commissioner DeBoer** stated he was looking for consensus for staff to bring the item back as soon as possible.

**Commissioner DeBoer** advised it appears there has not been any significant change in FEMA's position on the Event Center site; suggested the Board consider co-locating Florida Gulf Coast University on the Anson property; the City of Punta Gorda should look at annexing the entire airport overlay area; the I-75 and Harborview Boulevard area is under one ownership; and siting of Florida Gulf University should be placed on the land use meeting agenda; and the County and City should work together on the University siting. **Chairman Moore** stated the Site Committee is confused on issues for siting the University but it all hinges on what the County will be willing to do for them and agreed with **Commissioner DeBoer**. **Commissioner DeBoer** indicated potential sites need to be identified at the onset of the process in conjunction with the City. **Commissioner Cummings** suggested consideration be given to the Anson and/or Edison sites for the regional library.

**Chairman Moore** commented on issues raised concerning FEMA's rejection of the Event Center on the Punta Gorda waterfront site. **Commissioner DeBoer** suggested more public debate be brought back regarding Florida Gulf Coast University and the Event Center and potential impact on the Murdock Village project.

**Commissioner Duffy** stated she has asked many people about the Event Center; 95% of them are in favor of keeping the Event Center in Punta Gorda on the original site; the former Auditorium was on that site for years with parking adjacent to the waterfront; and her second choice would be to move the Event Center back from the water. **Commissioner Cummings** explained he was baffled by newspaper articles since the Board voted to

proceed and move the building back from the water. Mr. Loucks recalled staff was directed to bring back options and advised such an option among others will be discussed at the joint meeting on Friday.

**Commissioner D'Aprile** stated the location has been outgrown, it is sad the County does not have one location for a large graduation, according to FEMA's decision, the Event Center will need to be moved back from the water, and he is not happy about this decision. **Commissioner DeBoer** stated it is good for the Board to have open discussions during business meetings; opined wherever the Event Center goes it will be fine; options need to be discussed; and suggested co-locating the Event Center and bringing in other funding options.

**Chairman Moore** requested verification from **Commissioner Cummings** about a motion before the Water Authority. **Commissioner Cummings** commented on the language forwarded to the City that the County would only be allowed to purchase water from the City under emergency situations e.g. when the Authority could not meet the County's demand and declares an emergency. **Commissioner Cummings** pointed out Charlotte County would be the only member in that situation; Sarasota County Commissioner Staub agreed to send a letter to the Authority; he had staff draft a letter for the Authority's consideration; and he needs to bring the letter back for this Board's approval. **Commissioner Cummings** stated the letter would indicate Charlotte County should be treated the same as other Authority members. **Chairman Moore** stated the Authority would be the County's sole provider for water, approval of a separate line to the City and funding was done, there was a 3:1 vote on Charlotte County having the Authority as the sole water provider. **Commissioner Cummings** recalled the motion was for staff to pursue the County becoming an exclusive customer of the Authority contingent upon four conditions being met; the County would drop its first right of refusal and become an exclusive customer; and objected to the language because there is no point in building a pipeline that can never be used and exercising grant funding. **Chairman Moore** questioned **Commissioner DeBoer's** recollection of the motion and the County's status.

**Commissioner DeBoer** indicated staff was to pursue the County becoming an exclusive customer contingent upon certain

conditions being met and he offered to bring back the information at the next meeting. **Commissioner Cummings** stated the draft letter would be presented to Board Members. **Commissioner DeBoer** explained he would review the minutes of the meeting and talk with certain people regarding the conditions. **Commissioner Cummings** stated "exclusive provider" or "regional partner" has not been defined; the County becoming an exclusive provider now would not guarantee a level playing field; indicated support for the regional approach; and commented on the importance of all members being equal in the partnership. **Commissioner Cummings** stated some cultural issues need to be addressed at the staff level of the Authority on local matches being used to pay for interconnects e.g. Charlotte County paying 70% versus Manatee County paying 0%; a bias has long existed regarding proposals; and reiterated the need for an objective level playing field. **Commissioner DeBoer** suggested inducements be created to establish a level playing field and stated more time is needed to obtain additional information. **Commissioner Cummings** pointed out the Authority is renegeing on the one aspect. **Commissioner DeBoer** recalled the Authority was willing to move forward with the pipeline without Charlotte County's consent. **Commissioner Cummings** stated that did not occur. **Chairman Moore** requested the issue be brought back at the October 24, 2006 meeting.

**MEETING ADJOURNED: 11:10 AM**

**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**

**djn**