

BOARD OF COUNTY COMMISSIONERS

OCTOBER 24, 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 Deputy Clerk Mitchell. The following members were absent: None. The meeting was called to order at **9:00 AM**.

The invocation was given by Pastor David Weiss, Cleveland Baptist Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1 - Proclamation - Keep Charlotte Beautiful Fifth Anniversary

Addition #2 - Z-3, Administration - Provide direction to staff negotiating a Redevelopment Agreement for the Murdock Village Redevelopment Project as described in RFP No. 20060000119.

Addition #3 - Z-4, County Attorney - Appoint County resident to sit on the Board of Directors of Babcock Ranch, Inc.

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

Motion Carried 5:0.

Special Recognition:

Proclamations:

COMMISSIONER CUMMINGS MOVED TO APPROVE FRIENDS OF THE LIBRARY WEEK PROCLAMATION, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

Angie Patterson accepted the Proclamation.

COMMISSIONER D'APRILE MOVED TO APPROVE KEEP CHARLOTTE BEAUTIFUL FIFTH ANNIVERSARY PROCLAMATION, SECONDED BY COMMISSIONER DEBOER. Motion Carried 5:0.

Glenda Anderson accepted the Proclamation.

Employee Recognition - No items

Presentations:

(1) Award Presentation of the 2006 S.W.A.N.A. Gold Excellence Award for the Solid Waste Management System in North America to the Charlotte County Board of County Commissioners.

(2) Three employees within the Code Compliance Division of the Community Development Department have received formal certifications from the Florida Association of Code Enforcement. Mr. Shawn Horton, Code Compliance Supervisor has received his Level I, II, and III certifications. Ms. Rhonda Leonard has received her Level III certification. Ms. Tracey Jewell has received her Level I certification. The County would like to formally recognize these employees for their achievements.

(3) Recognition of award received by the Purchasing Department from the National Purchasing Institute, 2006, Achievement of Excellence in Procurement Award.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Bruce Pomeroy spoke in support of Agenda Item Z-1 - Construction of the Detoxification Facility.

Thomas Glaza spoke in support of Agenda Item Z-1 - Construction of the Detoxification facility.

Robert Berntsson addressed Agenda Item N-2 regarding Charleston Cay, requested the Board pull this for discussion, reviewed the changes they were requesting, apologized for this late request but said the information wasn't provided to him until late last Friday, and referred to his memorandum faxed to the Board yesterday.

II. COMMITTEE VACANCIES - No items

III. REPORTS RECEIVED AND FILED - No items

IV. [CONSENT AGENDA](#)

COMMISSIONER DEBOER MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS L-3, N-1, AND N-2, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

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 05/06
Memorandum #1A - Status of Contingency Reserves - FY 06/07
Memorandum #2 - Total Disbursements for the period October 3, 2006 through October 16, 2006 in the amount of \$19,877,489.81

B. Minutes Division

(1) RECOMMENDED ACTION: Approve minutes of:

9:00 AM 7/25/06 BCC Regular Meeting
12:30 PM 8/03/06 Special Meeting - Water Issues
9:00 AM 8/08/06 BCC Regular Meeting
9:00 AM 8/15/06 Land Use Public Hearings

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Set a Public Hearing on November 14, 2006 at 10:00 AM, or as soon thereafter as can be heard to consider an Ordinance revising the effective date of the fifth percent Tourist Development Tax levy. BUDGETED ACTION: None

(2) **RECOMMENDED ACTION:** Approve the appointment of Mr. Michael W. Jones as the Rural Land Use and Environmental Law Representative and the reappointment of Mr. Arnie Sarlo as Livestock Production Representative on the Agricultural and Natural Resources of Advisory Committee. Terms are for four years. **BUDGETED ACTION:** None

(3) **RECOMMENDED ACTION:** Appoint Mr. Edmund T. Hittson to serve on the Board of Zoning Appeals representing District #2 effective November 9, 2006. **BUDGETED ACTION:** None

(4) **RECOMMENDED ACTION:** Approve a two (2) year extension of the lease for a 15 x 30 foot office located on the 5th floor of the Administration Building for use by State Representative, Michael Grant. The rental rate will be \$628.00 per month which includes base rent and utility charges. **BUDGETED ACTION:** None

Resolution 2006-198 authorizing amendment to Agreement 2005-017

D. Administration

(1) **RECOMMENDED ACTION:** Approve Bid Award for CDBG Housing Project known as the Trabue Woods Housing Project and authorize the Chairman to sign. In order for this project to proceed the Board of County Commissioners is required to approve and execute the documents. CDBG Hurricane Recovery Grants require a bid process and the approval of the winning bidder by the local government unit. **BUDGETED ACTION:** None

Grant 2006-060

E. County Attorney - No items

F. Budget Office

(1) **RECOMMENDED ACTION:** Approve a Budget Transfer #06-043 in the amount of \$101,500 from the sheriff's contingency reserves to cover shortage in fuel in response to the letter received from Sheriff John Davenport to defray costs of fuel charges. Note there is only \$101,500 in Contingency Reserves. Funding for shortage in the fuel charges will come from contingency reserves within the Sheriff's cost center. **BUDGETED ACTION:** Approve Budget Transfer # 06-043 in the amount of \$101,500.

(2) **RECOMMENDED ACTION:** Approve the request for the following items: a) Appropriation of \$55,600 in Fees and Fines received by Sheriff's Office for the False Alarm Programs; b) Appropriate \$714,000 reimbursements from FEMA for security services at the FEMA trailer park; and c) Transfer \$284,000 from Capital Outlay to Operating Expenses. Funding necessary for the False Alarm Program will be made available from the appropriate fund where the fines are being collected. Funding for the security services is provided by from FEMA. (Budget Transfer #06-043 in the amount of \$284,000) **BUDGETED ACTION:** None

G. Community Development - No items

H. Economic Development

(1) **RECOMMENDED ACTION:** Approve the nomination of Ethan Adams to serve on the Southwest Florida Workforce Development Board. **BUDGETED ACTION:** None.

J. Environmental Services

(1) **RECOMMENDED ACTION:** Adopt a resolution amending the Conservation Easement Program Resolution. The action will correct and/or delete the following: 1) correct terminology by deleting the term "canals" and adding the term "storm water utilities". This change will clarify and correctly identify the assessment element; 2) delete "grantors must be natural persons". This deletion will enhance the conservation easement program to include business properties. This change will remove a limiting condition that was not intended with the adoption of the revised resolution implemented in March 2006. **BUDGETED ACTION:** None

Resolution 2006-199

K. Facilities Construction and Maintenance - No items

L. General Services

(1) **RECOMMENDED ACTION:** Approve the "piggyback" of File #07-035, the purchase of one (1) Menzi Muck Walking Excavator, from Menzi USA Sales, Inc. of Eaton Park, FL (Piggyback off Leon County, Florida Bid No. BC-10-11-05-03) in the amount of

\$254,815. BUDGETED ACTION: FY07 budgeted amount is \$275,000 in the Transportation Trust Fund. CIP project no. c410703 Excavator/Crawler/Menzi Muck.

(2) RECOMMENDED ACTION: Approve Change Order #6 to Contract #03-187, Michael Kosinski Bridge Replacement, with American Consulting Engineers of Florida, Inc., in the amount of \$278,246.32, for a total contract amount of \$669,479.38. BUDGETED ACTION: CIP project c410214 Kosinski Bridge Replacement. Project total \$4,481,000.

(3) RECOMMENDED ACTION: a) Approve Contract #06-373, Zeeward Membrane for the purchase of a membrane bioreactor to be utilized in the expansion of the Rotonda Water Treatment Facility, and; b) Authorize Chairman to sign the contract. BUDGETED ACTION: Budgeted amount \$3,468,000 in CIP c350102 Rotonda Water Reclamation Facility.

Commissioner DeBoer said when they start buying proprietary items like this he felt it just raises the cost to their constituents and he will continue his opposition to it.

Commissioner D'Aprile requested clarification on this membrane.

Jeff Pearson explained the Rotonda plant was currently being upgraded, the MBR system is the heart of the plant, commented on the system's technical aspects, and said they chose the MBR system based on that criteria and because it produces excellent reuse water.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM L-3, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:1. Commissioner DeBoer opposing.

(4) RECOMMENDED ACTION: Approve a "piggyback" purchase off the City of Jacksonville Contract SC-0511-06 and award File No. 07-051, Dugout Covers, to BP International, Inc. of DeLand, FL for the total cost of 244,875.22. BUDGETED ACTION: Budgeted within FEMA project worksheets for Carmalita Park, Capital Project Fund for Carmalita Architectural Improvements, North Charlotte Regional Park, and the Parks Division operating budget.

M. Human Resources - No items

N. Human Services

(1) RECOMMENDED ACTION: Allocate \$600,000 of 2002 Sales Tax Revenue proceeds for a County homeless shelter to the Homeless Coalition for construction of a 52-bed facility on Lullaby Street in Port Charlotte, and authorize the Chair to sign the necessary legal documents, after review by the County attorney's office. BUDGETED ACTION: Funds provided from 2002 Sales Tax Revenue Fund

Commissioner D'Aprile asked staff to look very carefully at who is approved because they want to help those who really need the help.

COMMISSIONER D'APRILE MOVED TO APPROVE AGENDA ITEM N-1 AMENDING AGREEMENT 2005-062, SECONDED BY COMMISSIONER DEBOER.

Motion Carried 5:0.

(2) RECOMMENDED ACTION: (2) RECOMMENDED ACTION: a) Approve SHIP multi-family loan of \$250,000 to Wendover Housing Partners, Inc., for increased site costs on Charleston Cay, 23390 Harborview Road in Port Charlotte, and b) Authorize the Chair to sign the necessary loan documents, after review by County Attorney's Office. BUDGETED ACTION: Funds are available in the SHIP fund.

Commissioner D'Aprile said he had no problem with giving a no interest loan but he does have a problem with no payment for 30 years, and he wants some kind of periodic payments because there are other programs that need monetary help.

Commissioner DeBoer said basically what the applicant is doing is taking out an advance against the appreciated value of the property which is one way to offset the payments over a period of time and effectively change the monthly payment to keep people down below the 30% of their income on a monthly payment basis, and he doesn't have a problem with the applicant's request if that's what's necessary to make the project work.

Chairman Moore said he favored the 30 year no interest loan with the balloon payment.

Commissioner D'Aprile asked Attorney Berntsson to explain the reason for requesting no payments for 30 years.

Attorney Berntsson explained they currently have a \$1.25 million loan, they were asking for an additional \$250,000 to make this project work, if payments are required for the \$250,000 it will limit their ability to get permanent financing, and reiterated this is absolutely imperative to enable the program to go forward.

Commissioner D'Aprile asked if it was possible the loan would be paid off sooner than 30 years.

Attorney Berntsson said yes, it is anticipated the project would be refinanced at 15 years.

COMMISSIONER D'APRILE MOVED TO APPROVE AGENDA ITEM N-2, SECONDED BY CHAIRMAN MOORE.

Commissioner DeBoer noted what was just moved was what staff proposed which is the semi-annual payments and he won't support that.

Commissioner D'Aprile said the Commissioner was correct and he wanted to make an amended motion.

COMMISSIONER D'APRILE MOVED TO AMEND HIS MOTION TO APPROVE THE SHIP MULTI-FAMILY LOAN OF \$250,000 TO WENDOVER HOUSING PARTNERS FOR INCREASED SITE COSTS ON CHARLESTON CAY WITH NO INTEREST AND A BALLOON AT 30 YEARS, SECONDED BY CHAIRMAN MOORE.

Motion Carried 5:0.

P. Information Technology - No items

Q. Parks, Recreation & Cultural Resources - No items

R. Public Safety

(1) **RECOMMENDED ACTION:** Approve of Budget Amendment 07-A03 in the amount of \$15,269. These funds are provided by the Citizen

Corps/CERT (Community Emergency Response Team) Grant 07-C1 previously approved by the Board 8/8/06. Funding is provided by the Federal Emergency Management Agency (FEMA). No County match is required. BUDGETED ACTION: Approve budget amendment 07-A03 in the amount of \$15,269. Budget Amendment # 07-A03

(2) RECOMMENDED ACTION: Approve of the Federally-Funded Subgrant Agreement Number 07-DS-5N-09-18-01 in the amount of \$30,959. The Agreement between Florida Department of Community Affairs and Charlotte County is funded from the Department of Homeland Security, Office of Domestic Preparedness. Request Board approval of budget amendment 07-A02 in the amount of \$30,959 to allocate these funds. BUDGETED ACTION: Approve budget amendment 07-A02 in the amount of \$30,959. Budget Amendment # 07-A02

Grant 2007-001

S. Public Works

(1) RECOMMENDED ACTION: Approve resolutions and the Local Agency Program (LAP) Termination Agreements with the Florida Department of Transportation (FDOT) and upon approval, authorize FDOT to reprogram the funding from the projects included in the termination agreements to sidewalk projects in the US 41 corridor. BUDGETED ACTION: Funding for the US 41 sidewalks is provided from the 2002 sales tax extension.

Resolution 2006-200 (FM 198482-1)

Resolution 2006-201 (FM 209868-1)

Resolution 2006-202 (FM 409873-1)

Resolution 2006-203 (FM 408076-1)

Resolution 2006-204 (FM 312572-1)

Resolution 2006-206 (FM 417656-1)

(2) RECOMMENDED ACTION: Set a public hearing for 10:00 a.m or as soon thereafter as may be heard for the November 14, 2006 meeting of the Board of County Commissioners to consider an ordinance creating an advisory board for the Manasota Key MSTU. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Set a public hearing for 10:00 a.m or as soon thereafter as may be heard for the November 14, 2006 meeting of the Board of County Commissioners to consider an ordinance creating an advisory board for the Harbor Heights Street and Drainage MSBU. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Set a public hearing for 10:00 a.m or as soon thereafter as may be heard for the November 14, 2006 meeting of the Board of County Commissioners to consider an ordinance creating an advisory board for the Lemon Bay MSBU. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Set a public hearing for 10:00 a.m or as soon thereafter as may be heard for the November 14, 2006 meeting of the Board of County Commissioners to consider an ordinance creating an advisory board for the South Gulf Cove Waterway MSBU. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Set a public hearing for 10:00 a.m or as soon thereafter as may be heard for the November 14, 2006 meeting of the Board of County Commissioners to consider an ordinance creating an advisory board for the Tropical Gulf Acres MSBU. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: Set a public hearing for 10:00 a.m or as soon thereafter as may be heard for the November 14, 2006 meeting of the Board of County Commissioners to consider an ordinance creating an advisory board for the Gardens of Gulf Cove MSBU. BUDGETED ACTION: None

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve the attached Resolution approving the release of a portion of a twenty-foot (20') wide maintenance easement located in Port Charlotte Subdivision, Section Seventy-Three, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easement. (Owners: McCall Road Office Park, L.L.C., a Florida limited liability company) BUDGETED ACTION: None

Resolution 2006-207

(2) **RECOMMENDED ACTION:** Approve the attached Resolution that approves an Agreement for the Purchase and Sale of Real Property, described as Lot 2, Block B, Unit 2, Pirate Harbor, and Authorizes the Chairman of the Board of County Commissioners to execute the Agreement and authorizes the exercise of due diligence and the closing of the acquisition. **BUDGETED ACTION:** None

Resolution 2006-205

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) **BUDGET - RECOMMENDED ACTION:** Consider funding the design and construction of a Detoxification facility to provide services to Charlotte County residents. **BUDGETED ACTION:** None

Ray Sandrock explained this was a \$1.2 million funding request from Charlotte Community Mental Health Services Executive Director Jay Glenn for construction of a detoxification facility to be located in Charlotte County, and if this is approved staff would recommend bringing back the necessary budget amendments as well as an agreement with Charlotte County Mental Health Services.

Commissioner DeBoer said he felt this was a necessity, his only concern is the need for an agreement that first time clients always receive priority over repeat clients, and there should also be a policy that three strikes and you're out which may seem harsh but they have limited resources.

COMMISSIONER DEBOER MOVED TO DIRECT STAFF TO BRING FORWARD THE FUNDING FOR THE CONSTRUCTION OF A DETOXIFICATION FACILITY TO PROVIDE SERVICES TO CHARLOTTE COUNTY RESIDENTS WITH A \$600,000

APPROPRIATION IN THIS FISCAL YEAR AND \$600,000 IN THE FOLLOWING, SECONDED BY COMMISSIONER D'APRILE.

Commissioner D'Aprile said it's difficult to kick a bad habit, he hopes this center will work with agencies like AA, agreed on the need for regulations as **Commissioner DeBoer** suggested, and asked if there were client follow-ups after treatment.

Jay Glenn responded yes they have a very active out-patient substance abuse program.

Chairman Moore commended everyone for their efforts, and said he hoped to see this as a partnership.

Commissioner Cummings voiced support but said he didn't support the three strikes and you're out approach because he felt that decision needs to be left to the experts.

Motion Carried 5:0.

VI. PUBLIC HEARING AGENDA

10:00 A.M. (Proof of Publication was in Order.)

(1) COUNTY ATTORNEY - RECOMMENDED ACTION: Consider an ordinance creating the Charlotte County Industrial Development Authority.
BUDGETED ACTION: None

Deputy County Attorney Gallagher explained the purpose of the proposed ordinance.

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

Motion Carried 5:0.

COMMISSIONER DEBOER MOVED TO APPROVE ORDINANCE 2006-088, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

RECESS: 10:03 AM - 10:13 AM

V. REGULAR AGENDA (Continued)

Z. Regular Business

(2) ADMINISTRATION - RECOMMENDED ACTION: Request direction regarding Charlotte County and the City of Punta Gorda Interconnect Agreement language, and the issue of County efforts towards allowing the Water Authority to be an exclusive provider. BUDGETED ACTION: None

Roger Baltz told the Board he'd spoken with SWFWMD Executive Director David Moore this morning and confirmed he'd agreed with the removal of the reference to 'emergency' in paragraph 5 of the interlocal agreement with the City of Punta Gorda dealing with the purchase of water.

Attorney Knowlton suggested changing the first sentence of paragraph 5 to read: The City can only sell water to the County when the Peace River/Manasota Regional Water Supply Authority is unable to meet the County's present and/or future demands.

COMMISSIONER DEBOER MOVED TO APPROVE THE CHANGE TO PARAGRAPH 5, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

Commissioner Cummings said the change is fine but it doesn't substantively change the result because they were still handing the WA the very veto power they asked the County to give up and they would be the only member of the Authority with that requirement imposed upon them.

Commissioner Duffy opined ultimately what they need to do is protect Charlotte County, said she believed wholeheartedly in regionalism but she was concerned with the idea of the Authority dictating to the County what they can or cannot do with Punta Gorda, and opined there were two parts to this issue - are they going to do the interconnect with Punta Gorda and are they going to agree to become an exclusive customer of the Authority.

Commissioner DeBoer agreed those were two separate issues, opined this was the first step in securing water sources for this County, it was time to get on with securing the future water source for the people of Charlotte County, and they need to go ahead with approving the agreement.

COMMISSIONER DEBOER MOVED TO APPROVE AGREEMENT 2006-061 AS AMENDED, SECONDED BY COMMISSIONER D'APRILE.

Commissioner Cummings said this doesn't create any new sources they couldn't get without this agreement, opined it only limits their abilities to develop other sources, and if the WA pursues developing those other sources the County would bear those costs.

Chairman Moore said he wanted to move forward, noted that SWFWMD is their funding source whether they like it or not, said he wants to see proper water management, and recalled this Board voted 3:1 to have the WA be this County's sole provider.

Motion Carried 4:1. Commissioner Cummings opposing.

(3) ADMINISTRATION - RECOMMENDED ACTION: Provide direction to staff regarding negotiating a redevelopment agreement for the Murdock Village Redevelopment Project as described in RFP No. 2006000119. BUDGETED ACTION: None

Bruce Loucks explained Stock Development has elected to withdraw, the remaining two developers were contacted, their responses were in the packet material, and reviewed the Board's options. Attorney Knowlton commented on the legal aspects, followed by Board discussion.

COMMISSIONER DEBOER MOVED TO DIRECT STAFF TO START NEGOTIATING WITH KITSON & PARTNERS, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:1. Commissioner Cummings opposing.

(4) COUNTY ATTORNEY - RECOMMENDED ACTION: Appoint County resident to sit on the Board of Directors of Babcock Ranch, Inc.

Attorney Knowlton explained the Governor has requested the County make this appointment by November 14, 2006.

COMMISSIONER DEBOER MOVED TO SET A SPECIAL MEETING FOR NOVEMBER 2, 2006 FROM 9:00 AM TO 10:00 AM IN ROOM 119 TO DECIDE THIS MATTER, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.

VII. PRESENTATION AGENDA - No items

VIII. PUBLIC WORKSHOP AGENDA - No items

IX. BOARD WORKSHOP AGENDA - No items

X. CITIZEN INPUT - ANY SUBJECT - No items

AA. County Administrator

As requested by Mr. Loucks, Mike Konefal updated the Board on his meeting last night regarding their Community Plan, distributed a resolution passed by the Palm Island/Don Pedro Island/Knight Island/Thornton Key Island Advisory Committee which they asked the Board to simply accept, and the entire Advisory Committee resigned but asked the Board to resolve the inconsistencies between the Comprehensive Plan and Zoning in the near future.

Mr. Loucks suggested setting a workshop for this in the future.

BB. County Attorney - No items

CC. Commissioner Comments

Commissioner Cummings explained his primary concern with Kitson was with the financial package but otherwise he liked their proposal.

Commissioner DeBoer said he wished to express his heartfelt condolences to the family of City Councilman Dr. David Phelen who passed away; his leadership and consensus building will be greatly missed by everyone; and he truly was a good, compassionate public servant.

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MEETING ADJOURNED: 12:20 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