

**BOARD OF COUNTY COMMISSIONERS**

**JANUARY 9, 2007**

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Loftus, Commissioner Duffy, Commissioner Cummings, Commissioner D'Aprile, and Commissioner Moore. Also in attendance were County Administrator Loucks, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Stoner, and Deputy Clerk Manley. The following members were absent: None. The meeting was called to order at **9:00 AM**.

Invocation was given by Chairman Loftus, followed by the Pledge of Allegiance to the flag.

**CHANGES TO THE AGENDA**

**Deletion #1:** Consent Agenda, County Attorney's Office, E-1, Approve Settlement Agreement in the lawsuit captioned American Invest, LC v Charlotte County Board of County Commissioners, Civil Case No. 06-2041-CA.

**Addition #1:** General Services, Z-6, Award Bid #07-142, FY 2007 North/South County Paving Program, to Better Roads, Inc. of Naples, Florida in the amount of \$2,699,938.85.

**Change #1:** General Services, L-5, Change in verbiage - Award of Bid # 07-083, Lewis Creek Maintenance Dredge, to Florida Marine Construction, Inc, in the amount of \$179,462.06.

**COMMISSIONER D'APRILE MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.**

**Special Recognition** - No items

Proclamations

**COMMISSIONER D'APRILE MOVED TO APPROVE LEMON BAY FEST: ENGLEWOOD HISTORY WITH ZEST PROCLAMATION THE WEEK OF FEBRUARY 3 THROUGH FEBRUARY 10, 2007, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

The Proclamation was accepted by Charles Hicks.

**COMMISSIONER D'APRILE MOVED TO APPROVE HAZARDOUS MATERIALS AWARENESS WEEK, THE WEEK OF JANUARY 21-27, 2007, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

The Proclamation was accepted by Chief Didio.

**COMMISSIONER D'APRILE MOVED TO APPROVE GAIL ALLEN, ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH, THE MONTH OF JANUARY, 2007, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

The Proclamation was accepted by Gail Allen.

**COMMISSIONER D'APRILE MOVED TO APPROVE MARTIN LUTHER KING, JR. DAY "CREATING UNITY THROUGH THE DREAM", JANUARY 15, 2007, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

The Proclamation was accepted by Melody Washington.

Employee Recognition

5 Years: Colleen Anderson, Building Construction Services; Sandra Campbell, Human Services; 10 years: Mary Guthridge, Human Services; Sally Simmons, Human Resources, 15 Years: Wylie Seglem, Building Construction Services; 20 Years: Charles Jordan, Jr., Human Services; Bonnie Pabon, Fire/EMS, Deedra Travis, Human Services, Jeffrey Schultz, Fire/EMS.

Presentations - No items

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

B.J. Galberaith thanked the Board on behalf of Manasota Key Advisory Committee and Manasota Key MSTU.

Stephen R. Stump thanked the Board for reappointment to the Manasota/Sandpiper Key Advisory Committee.

Robert L. Moses addressed the Board requesting implementation of an Ordinance for removal of construction debris that is stacked beside homes and left for long periods of time.

Bill Welsh of Team Punta Gorda introduced Brenda Townsend, also from Team Punta Gorda, spoke in support of agenda item Z-3, and requested that ample time be allowed for public input in determining placement location of a Regional Library and Historical Archives Center at the Edison College Campus site.

## **II. COMMITTEE VACANCIES**

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

Boca Grande Street and Drainage Advisory Committee - is seeking six volunteers to serve on the advisory committee, five regular members and one alternate member. All members shall be residents of the Unit. The term of each of the five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.

Englewood East Street and Drainage Advisory Committee - is seeking two volunteers to serve three-year terms. Applicant must own land and reside within the boundaries of the Unit.

Grove City Street and Drainage Advisory Committee - is seeking one volunteer to fill a two-year term as an alternate member.

Harbor Heights Street & Drainage Unit Advisory Board - is seeking six volunteers (5 members and 1 alternate member). Volunteers shall be residents of the Harbor Heights Waterway Maintenance District. Initial terms shall be drawn by lot as follows: one (1) member shall be appointed for one (1) year; two (2) members shall be appointed for two (2) years; two (2) members shall be appointed for three (3) years; the

alternate shall serve a two (2) year term. After the initial term, members shall serve a term of three (3) years, except alternate members shall serve two (2) year terms.

Little Gasparilla Island Advisory Committee - is seeking one volunteer to represent the committee in an "at large" position, one volunteer to represent Hideaway Condominiums, and one volunteer to represent Gaspar's Hideaway Owners Association, each for a two-year term.

Manasota Key Street and Drainage Advisory Committee - is seeking two volunteers to serve as members to the committee - one regular member and one alternate member. The term of the regular member will be provided at the first scheduled meeting of the regular member, and the term of the alternate member shall be for two-years.

Northwest Port Charlotte Street and Drainage Advisory Committee - is seeking six volunteers to serve on the advisory committee, five regular members and one alternate member. All members shall be residents of the Unit. The terms of each of the five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.

Charlotte Ranchettes Street & Drainage Unit Advisory Board - seeking six volunteers to serve on the advisory committee, five regular members and one alternate member. All members shall be full time residents of Charlotte County and reside within the Unit. The terms of each of the five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.

Rotonda West Street and Drainage Advisory Committee - is seeking six volunteers to serve on the advisory committee, five regular members and one alternate member. All members shall be residents of the Unit. The term of each of the five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.

South Gulf Cove Street and Drainage Advisory Committee - is seeking one volunteer for the alternate position on the committee. The term is for two-years.

Tropical Gulf Acres Street & Drainage Unit Advisory Board - seeking six volunteers to serve on the advisory committee, five regular members and one alternate member. All members shall be full time residents of Charlotte County and reside within the Unit. The terms of each of the five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.

Tourist Development Council - is seeking one volunteer to complete a vacated term through April 2008. The applicant must be an owner or operator of motels, hotels, recreational vehicle parks or other tourist accommodations located in the county and subject to the tax levied per the Code, or a person who is involved in the tourist industry and who has demonstrated an interest in tourist development, and be an elector of the county.

Town Estates Street & Drainage MSBU Advisory Committee - seeking six volunteers to serve on the advisory committee, five regular members and one alternate member. All members shall be full time residents of Charlotte County and reside within the unit. The terms of each of the five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.

**III. REPORTS RECEIVED AND FILED**

Charlotte Harbor Community Redevelopment Agency Advisory Committee meeting minutes: February 23, 2006, 10:00 am; March 23, 2006, 10:00 am; April 27, 2006, 10:00 am; June 15, 2006, 10:00 am; July 27, 2006, 10:00 am; August 24, 2006, 10:00 am; September 13, 2006, 10:00 am; October 26, 2006, 10:00 am; November 30, 2006, 10:00 am.

IV. CONSENT AGENDA

COMMISSIONER MOORE MOVED TO APPROVE CONSENT AGENDA, EXCEPT AGENDA ITEMS C-1, L-1, L-2, L-13, 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 05/06.  
Memorandum #1A - Status of Contingency Reserves - FY 06/07.  
Memorandum #2 - Total Disbursements for the period December 5, 2006 through December 29, 2006 in the amount of \$36,156,444.14.  
Memorandum #3 - Quarterly Report Unclaimed Excess Money.  
Memorandum #4 - Excess Funds on Tax Deed Applications.

B. Minutes Division - No Items

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Appoint the following volunteers to the Manasota Key Street and Drainage Advisory Committee Michael McClain, B.J. Galberaith, Betsy McCallum, and Steve Stump. The terms of each member shall be pulled by lot number at the first scheduled meeting of the committee. The vacancies have been duly advertised. After this appointment there will continue to be advertisement for two vacancies on the committee for one regular member and one alternate member, which have not been filled.  
BUDGETED ACTION: None

Commissioner Cummings reported that Betsy McCallum is withdrawing; that the Board should not appoint Ms. McCallum and then withdraw her name; and extended thanks to Ms. McCallum for her past work.

**COMMISSIONER CUMMINGS MOVED TO APPROVE VOLUNTEERS SUBMITTED,  
LESS BETSY MCCALLUM, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

(2) *RECOMMENDED ACTION*: Reappoint the following members to the Manasota/Sandpiper Key Advisory Committee. Member positions for Betty Sue Carroll and B.J. Galberaith expired on October 12, 2006. Both Mrs. Carroll and Mrs. Galberaith have requested to be reappointed. Member position for Stephen R. Stump expired on November 22, 2006. Mr. Stump has also asked to be reappointed. Member Wayne Largent resigned his position on September 20, 2006. One request to be appointed has been received from Mr. John M. Dubowik. All terms for appointment and reappointment are for three-year terms. All vacancies have been duly advertised. *BUDGETED ACTION*: None

(3) *RECOMMENDED ACTION*: Appoint the following volunteers as members to the South Gulf Cove Street and Drainage Advisory Committee: Karen Ireland, Lucille Consol, Ray Warner, Gloria Lee, and John Paine. The terms of each member shall be pulled by lot number at the first scheduled meeting of the committee. The vacancies have been duly advertised. *BUDGETED ACTION*: None

(4) *RECOMMENDED ACTION*: Approve the appointment of Mr. Daniel Ryals to serve as the Vegetable Production representative on the Agricultural and Natural Resources Advisory Committee (ANRAC) for a four-year term. The committee has approved this nomination to fill the position of Ann Ryals, who resigned. *BUDGETED ACTION*: None

(5) *RECOMMENDED ACTION*: Re-appoint Mr. Robert L. Pierce to be the Representative of the Florida Shore and Beach Preservation Association on the Beaches and Shores Advisory Committee. *BUDGETED ACTION*: None

D. Administration

(1) *RECOMMENDED ACTION*: Approve a resolution authorizing the Chairman to sign and execute a District Office Lease between U.S. Representative Tim Mahoney and Charlotte County. *BUDGETED ACTION*: None

**Resolution 2007-001**

**Agreement 2007-001**

(2) RECOMMENDED ACTION: Appoint Jeffrey L. Pearson to the position of Charlotte County Utilities Director. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve setting a Board Workshop for January 23, 2007, at 2:00 p.m. or as soon thereafter as may be heard, to discuss the Regional Waterway Management System (RWMS). BUDGETED ACTION: None

E. County Attorney

(1) RECOMMENDED ACTION: Motion to find all Bonds in compliance and full effect at this time. BUDGETED ACTION: None

F. Budget Office

(1) RECOMMENDED ACTION: Approve FY08 Budget Workshops and Public Hearings for the Board of County Commission per attached schedule. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Request approval of Clerk/Receptionist position for Justice Center and approve corresponding budget transfer 07-009 in the amount of \$44,200 to increase interfund transfer to the Clerk of Circuit Court to cover the cost of the new position. BUDGETED ACTION: Approve Budget Transfer #07-009 for \$44,200 to cover cost of new position.

G. Community Development

(1) RECOMMENDED ACTION: Adopt a resolution approving a Certification of a Sending Zone, CSZ-06-10-18, for property owned by Alligator Farms LLC. BUDGETED ACTION: None

**Resolution 2007-002**

(2) RECOMMENDED ACTION: Approve a resolution for a Certification of a Sending Zone, CSZ-06-10-19, for property owned by Lot Vestors, LLC, and an accompanying conservation easement. BUDGETED ACTION: None

**Resolution 2007-003**

H. Economic Development

(1) RECOMMENDED ACTION: Approve Program Application for UPS for the creation of 58 full time positions at 200% of Charlotte County's average annual wage, and \$3 million in capital investments. BUDGETED ACTION: None.

**Agreement 2007-003**

J. Environmental Services - No Items

K. Facilities Construction and Maintenance - No Items

L. General Services

(1) RECOMMENDED ACTION: Award File #06-363, Comprehensive Surface Water Study, Phase I, Work Order #50, to Contract #05-042, Engineers of Record, with Malcolm Pirnie, Inc., in the amount of \$201,000. BUDGETED ACTION: Budgeted amount \$206,000, Capital Improvement Project c330601 Future Water Supply Alternative.

**COMMISSIONER MOORE MOVED TO APPROVE TABLING AGENDA ITEM L-1, SECONDED BY COMMISSIONER D'APRILE.**

**Chairman Loftus** confirmed that there is no discussion for tabled items.

**Motion Failed 2:3. Chairman Loftus, Commissioner Duffy, and Commissioner Cummings opposing.**

**Commissioners Duffy and D'Aprile** expressed a desire to comment; **Commissioner Cummings** explained that the matter was dispensed with, and requested the item be opened for discussion.

**Commissioner D'Aprile** requested clarification that tabling this issue would hinder the possibility of the Water Authority.

**Jim Schole** of Malcolm Pirnie, Inc. explained the purpose of doing the surface water study. **Commissioner D'Aprile** stated that his vote would have changed with the explanation given.

**Commissioner Duffy** asked if the Water Authority endorsed the study. Mr. Schole explained that the South Florida Water Management District (SFWMD) as part of the consumptive use water permitting process requires that availability of surface water is evaluated before it considers developing additional ground water resources. **Commissioner Duffy** indicated she believes the information is needed to make a better decision in the County's relationship with the Water Authority.

**COMMISSIONER CUMMINGS MOVED TO APPROVE DISPENSING WITH ROBERTS RULE OF ORDER WHEN TABLING A MOTION, AND TREATING THAT MOTION AS A REGULAR MOTION, SECONDED BY COMMISSIONER D'APRILE.**  
**Motion Carried 5:0.**

**COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM L-1, SECONDED BY COMMISSIONER D'APRILE.**  
**Motion Carried 4:1. Commissioner Moore opposing.**

(2) **RECOMMENDED ACTION:** (a) Approve the start of negotiations with the top-ranked firm, Boyle Engineering Corp, for Request for Proposal #07-053, Design - Burnt Store Water Reclamation Facility expansion; and (b) Authorize the Chairman to sign the contract after negotiations have been completed, as long as the fees do not exceed \$1,800,000. **BUDGETED ACTION:** Budgeted amount \$2,000,000 in CIP c350406 Burnt Store Water Reclamation Facility.

**Commissioner Moore** stated he hopes the design for Burnt Store, which does not have space considerations such as a similar project that Rotonda had, would not get us into the corner of proprietary technologies and limitation of vendors.

**COMMISSIONER MOORE MOVED TO APPROVE AGENDA ITEM L-2, SECONDED BY COMMISSIONER D'APRILE.**  
**Motion Carried 5:0.**

(3) **RECOMMENDED ACTION:** Award Bid #07-054, Midway Boulevard Sidewalk Construction, to Billy Hay Excavating Inc., of Port Charlotte, FL, for the total cost of \$283,846.50 to secure the services of a professional, licensed, and qualified Contractor for the Construction of a concrete sidewalk located in Charlotte County on Midway Boulevard from Lakeview Boulevard to Victoria

Avenue. BUDGETED ACTION: FY06/07 budget of \$346,500 is available in the 2002 Sales Tax Extension Fund. Project: Sidewalks/Schools and Missing Links.

(4) RECOMMENDED ACTION: Award Bid #07-076- Shell/Rock Material - Annual Contract as follows: (a) Award Limerock and Shell Material to Patco Contractors, Inc. of Coleman, FL, at the unit prices as indicated below; (b) Award Shell Rock to Florida Shell & Fill Company of Punta Gorda, FL, at the unit prices listed below; and (c) Authorize the County Administrator to approve the renewal options up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent. The Contract period will be effective from date of award through and including December 31, 2007. BUDGETED ACTION: FY05/06 purchases totaled \$203,916.

(5) RECOMMENDED ACTION: Award of Bid # 07-083, Lewis Creek Maintenance Dredge, to Florida Marine Construction, Inc., in the amount of \$179,462.06. BUDGETED ACTION: The FY07 budget has \$180,000 available in the Manchester WW MSBU, the Ackerman WW MSTU, the Buena Vista WW MSBU, and the Edgewater North WW MSBU.

**Chairman Loftus** acknowledged the revision on the amount for the Lewis Creek Maintenance Dredge, and requested that in the future meetings be held with the Advisory Committee Board, a formal vote taken, and copy of the Meeting Minutes attached to the goldenrod.

(6) RECOMMENDED ACTION: (a) Award Bid No. 07-090, Grounds Maintenance South County Annual, to the overall lowest responsive, responsible bidder, Amera-Tech, Inc., of Fort Myers, FL, at the unit costs submitted. Terms of the contract are to be from date of award through and including December 31, 2007, and (b) Authorize the County Administrator to approve renewal options for one (1) additional year at the same prices, terms and conditions by mutual consent. BUDGETED ACTION: Budgeted in various accounts.

(7) RECOMMENDED ACTION: (a) Award Bid #07-094, Articulating Dump Truck, to Nortrax Equipment Company SE LP, for the purchase of a John Deere 350D Articulating Dump Truck, in the amount of \$411,439, a guaranteed maximum cost of repairs of \$16,250, and a guaranteed buy-back price of \$129,450. (b) Approve upgrade of

Articulating Dump Truck to a John Deere 400D model, at no additional cost. BUDGETED ACTION: Budgeted amount is \$426,000, capital equipment.

(8) RECOMMENDED ACTION: Award File #07-099 WO #60, Babcock Ranch Consumptive Use Permit, Contract 05-042, Engineers of Record-CCU, to Malcolm Pirnie, Inc. in the not-to-exceed amount of \$1,036,600. BUDGETED ACTION: In accordance with the Development Agreement dated April 20, 2006 (Section 2, 1-8) between MSKP III and the County, Kitson will pay all costs associated with the permitting process.

(9) RECOMMENDED ACTION: (a) Award Bid #07-135, Communications Infrastructure Services, to Black Box Network Services of Ft. Myers, FL, for the term from date of award up to and including December 31, 2007; and (b) Authorize County Administrator to approve two annual one-year renewals at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: \$40,000.00 budgeted for FY06/07-0001.141807.519.46.0031.

(10) RECOMMENDED ACTION: (a) Award Bid #07-137, Telecommunications Services-Annual to Integrated Services Corporation of Sarasota, FL, for the period from date of award up to and including December 31, 2007; and (b) Authorize County Administrator to approve two additional one-year renewals at the same prices, terms and conditions. BUDGETED ACTION: \$40,000.00 budgeted for FY 06/07 - 0001.141807.519.46.0031.

(11) RECOMMENDED ACTION: Award File #07-167 for the Purchase of One (1) Cyclone II Rescue / Pumper Fire Truck, to Emergency One, Inc. of Ocala, FL, at the purchase price of \$395,163.87. (Piggyback off Orange County Bid No. Y5-1072) BUDGETED ACTION: FY06/07 Budget is \$400,000.

(12) RECOMMENDED ACTION: (a) Approve the Guaranteed Maximum Price (GMP) for Contract #04-308D Design/Build Fire Stations with Mathews-Taylor Construction, LLC, in the amount of \$1,989,075 to construct Fire Station #7, to be located at the Charlotte County Airport; and (b) Authorize the Chairman to sign the Amendment to Contract #04-308D for the GMP. BUDGETED ACTION: Budgeted amount in FY07 is \$6,481,000 in CIP c229301 Renovation of existing Fire/EMS Stations.

(13) **RECOMMENDED ACTION:** a) Approve the negotiated proposal for Bid #07-001, Family Services Center Fire Suppression System, to WFL Properties, Inc., of Fort Myers, FL, for a negotiated fee of \$256,980; and (b) Approve Budget Transfer #07-010 for \$106,980. **BUDGETED ACTION:** Approve Budget Transfer #07-010 for \$106,980.

**Commissioner Moore** expressed concern with figures coming in over budget.

**COMMISSIONER MOORE MOVED TO APPROVE AGENDA ITEM L-13, SECONDED BY COMMISSIONER D'APRILE.**

**Commissioner D'Aprile** concurred with **Commissioner Moore**, indicated that Chief Didio had explained the reason why it occurred, and requested that staff be more considerate to the Board in making these decisions when approval for a different amount has already been made.

**Motion Carried 5:0.**

(14) **RECOMMENDED ACTION:** Approve award of Bid #07-141, Quasar Boulevard - Sidewalk Construction, to Peter A. Basile Sons, Inc., of Arcadia, FL, in the amount of \$240,051.82. **BUDGETED ACTION:** FY07 budget of \$326,400 is available in the 2002 Sales Tax Extension Fund. CIP project Sidewalks/Schools & Missing Links.

(15) **RECOMMENDED ACTION:** Award Bid #07-084, Englewood East Stormwater Pipe Replacement, to General Contracting Services, Inc., of Port Charlotte, Florida, in the base bid amount of \$1,357,496.70, and optional shell material of \$24,750, for a total amount of \$1,382,246.70. **BUDGETED ACTION:** FY07 budget of \$1,390,000 is available in the Englewood East Streets and Drainage MSBU. This is part of CIP project c410602, Englewood East Paving and Drainage Program.

(16) **RECOMMENDED ACTION:** Award Bid #07-077, US 41 Parking Lot - Conway Boulevard to Pompano Waterway, to Peter A. Basile Sons, Inc., of Arcadia, FL, in the amount of \$301,693.72. **BUDGETED ACTION:** FY07 budget of \$394,000 is available in The 2002 Sales Tax Extension Fund, CIP project US 41 Corridor Beautification.

(17) *RECOMMENDED ACTION:* Approve deletion of the property inventory items listed on the attached for the month of January 2007. *BUDGETED ACTION:* None

M. Human Resources - No Items

N. Human Services

(1) *RECOMMENDED ACTION:* Approve the annual Section 5310 Grant and resolution for FY 07/08 funding in the amount of \$113,500. *BUDGETED ACTION:* Grant will be reflected in FY 07/08 Budget for Transit Division.

**Resolution 2007-004**

**Grant 2007-002**

(2) *RECOMMENDED ACTION:* Approve the annual Section 5311 Grant and resolution for FY 07/08 funding in the amount of \$39,201. *BUDGETED ACTION:* Grant will be reflected in FY 07/08 Budget for Transit Division.

**Resolution 2007-005**

**Grant 2007-003**

P. Information Technology - No Items

Q. Parks, Recreation & Cultural Resources - No Items

R. Public Safety

(1) *RECOMMENDED ACTION:* (a) Approve agreement between Florida Department of Financial Services and Charlotte County for \$38,412 of grant funds for Florida Type II Hazardous Materials Teams. (b) Approve Budget Amendment # 07-A07 in the amount of \$38,412 to allow for grant-related expenditures by Fire/EMS Department. *BUDGETED ACTION:* None

**Grant 2007-004**

S. Public Works - No Items

T. Real Estate Services

(1) *RECOMMENDED ACTION:* Approve a Resolution that approves an Agreement for the Purchase and Sale of Real Property, described as Lot 10, Block 296, Punta Gorda Isles, Section Sixteen 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:* Amount Budgeted is in the Wastewater Lift Station Project.

**Resolution 2007-006**

(2) *RECOMMENDED ACTION:* Approve the attached Resolution authorizing the Chairman of the Charlotte County Board of County Commissioners to accept a fifteen foot (15') wide drainage easement for drainage purposes to be located in a certain portion of Section 25, Township 40 South, Range 23 East (Owner: Michael F. Hovanec) *BUDGETED ACTION:* None

**Resolution 2007-007**

(3) *RECOMMENDED ACTION:* Board approve resolution and authorize Chair to execute a grant of a utility easement to Florida Power and Light Company to be located in a certain portion of Section 9, Township 41 South, Range 20 East, also known as Oyster Creek Regional Park. *BUDGETED ACTION:* None

**Resolution 2007-008**

(4) *RECOMMENDED ACTION:* Approve the attached Resolution approving the release of a portion of a twenty-foot (20') wide canal maintenance easement located in Port Charlotte Subdivision, Section Ninety-Three, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easement. (Owner: Kevin A. Locher) *BUDGETED ACTION:* None

**Resolution 2007-009**

V. Tourism Development - No Items

W. Utilities

(1) *RECOMMENDED ACTION:* Set a Board Workshop on Tuesday, January 23, 2007 at 10:00 a.m., or as soon thereafter as may be heard, to present to the Board of County Commissioners a resolution adopting a Uniform Extension Policy for Charlotte County Water and Sewer District No. 1, District No. 2, Burnt Store, and including the Pirate Harbor Service area. *BUDGETED ACTION:* None

X. Building Construction Services - No Items

Y. Constitutional - No Items

**V. REGULAR AGENDA**

Z. Regular Business

(1) *Commission Office - RECOMMENDED ACTION:* Select by ballot one volunteer to serve as a member on the Gulf Cove Street and Drainage Advisory Committee. The term shall be for three years. The vacancy has been duly advertised, and three requests have been received seeking appointment to the committee, 1) Bette Lyttle, 2) Frank Callahan, and 3) Christine Perry. *BUDGETED ACTION:* None

Mr. Loucks announced that Bette Lyttle received 3 votes, Frank Callahan received 2 votes, and Christine Perry received 0 votes.

**COMMISSIONER CUMMINGS MOVED TO APPROVE SELECTION OF BETTE LYTTLE TO SERVE AS A MEMBER ON THE GULF COVE STREET AND DRAINAGE ADVISORY COMMITTEE, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

(2) *Commission Office - RECOMMENDED ACTION:* Select by ballot five volunteers to serve as regular members and one volunteer to serve as an alternate member for South Gulf Cove Waterway Advisory Committee. The terms of the regular members will be pulled by lot numbers at their first scheduled meeting, and the term of the alternate member is for two-years. The positions have been duly advertised. *BUDGETED ACTION:* None

**Commissioner Moore** clarified voting procedure for the alternate member.

Mr. Loucks announced that for the regular member, Richard Rhodes received 5 votes, Richard W. Stinson received 5 votes, Joseph Jaax received 3 votes, Richard Redican received 4 votes, Clarence Brosmer received 5 votes, Ray Warner received 3 votes. Mr. Loucks announced that for the alternate, Joseph Jaax received 1 vote, Ronald J. Bick received 1 vote, Richard Redican received 1 vote, and Ray Warner received 2 votes. Mr. Loucks stated that the highest votes are for Richard Rhodes, Richard W. Stinson, Clarence Brosmer, and Richard Redican, and that a runoff decision is required between Joseph Jaax and Ray Warner as either an alternate and/or regular committee member.

**COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF RICHARD RHODES, RICHARD W. STINSON, CLARENCE BROSMER, AND RICHARD REDICAN, AND HAVE A RUNOFF VOTE BETWEEN JOSEPH JAAX AND RAY WARNER FOR THE FINAL ACTIVE SEAT VERSUS THE ALTERNATE SEAT, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

**Commissioner Cummings** stated he voted for Mr. Jaaks as the alternate member, and that since two others voted for Mr. Warner as the alternate member, suggests that Mr. Jaaks be the active member and Mr. Warner the alternate member.

**COMMISSIONER CUMMINGS MOVED TO APPROVE JOSEPH JAAX AS A REGULAR MEMBER, AND RAY WARNER AS AN ALTERNATE MEMBER, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

(3) Parks, Recreation and Natural Resources - **RECOMMENDED ACTION:** Request direction from the Board of County Cultural Resources Commissioners on site location, creation of an agreement and a feasibility study for the development of a Regional Library and Historical Archives Center to be located on the Edison College - Charlotte County Campus. **BUDGETED ACTION:** None

Laura Kleiss-Hoeft presented an update, stated that Edison is still the favored site, requested approval to move ahead with the feasibility study, and direction from the Board.

**Commissioner Cummings** advised there has been concern for the site to be farther south, and believes over the lifetime of the library that the Edison site would be more favorable because of the considerable growth out U.S. 17.

**Commissioner D'Aprile** stated he is in favor of this type library, and for the feasibility study, pointed out that this is supported by ad valorem taxes, believes the location is favorable, and expressed concern that the library and continuing to run it is affordable at this time.

**Commissioner Moore** advised he likes the location and components; explained that the reason for the college to partner is for the archive; stated the money would be found to build the library, but expressed concern with the cost of the archive portion; and agrees the feasibility study is needed.

**Commissioner Duffy** stated she has concerns with the cost, believes the feasibility study would look at all options, agrees that the location is good, indicated there would be growth further south, but believes the Edison site is centrally located, and would support the feasibility study.

**Chairman Loftus** expressed concern with the cost, agrees this is the property location, and supports the feasibility study.

**COMMISSIONER D'APRILE MOVED TO APPROVE FEASIBILITY STUDY, SECONDED BY COMMISSIONER CUMMINGS.**

**Commissioner Cummings** explained that the Board wants to be careful with cost, but look at enhancements also, because it falls into economic development for more than just a second regional library.

**Commissioner Duffy** pointed out that the new Event Center would provide meeting space, which should not be duplicated.

**Motion Carried 5:0.**

**RECESS: 10:00 AM - 10:15 AM**

(4) Administration - RECOMMENDED ACTION: Evaluation of County Administrator BUDGETED ACTION: None

**Commissioner Loftus** indicated the evaluations were received, and that a minimum of a 7.42% increase is proposed. **Commissioner Cummings** suggested an 8.5% increase.

**Commissioner Duffy** asked if it could be afforded. **Commissioner D'Aprile** stated that Mr. Loucks has tried very hard, is aggressive, and above average for an Administrator.

**COMMISSIONER CUMMINGS MOVED TO APPROVE AN 8.5% INCREASE AND ADOPT THE EVALUATIONS SUBMITTED BY THE CHAIRMAN, EFFECTIVE ON THE ANNIVERSARY DATE, SECONDED BY COMMISSIONER MOORE.**  
**Motion Carried 5:0.**

(5) Utilities - RECOMMENDED ACTION: Approve Resolution to update schedule of daily related gallonage for various occupancies (Replace Table 6-4 in Resolution 2006-170 in each one of the five years). BUDGETED ACTION: None

Jeffrey L. Pearson thanked the Board for his appointment as Charlotte County Utilities (CCU) Director.

Terry Kesner presented an update of the procedures for gallonage flows and recommendation for update to table 6-4 "Schedule of daily related gallonage for various occupancies.")

**Commissioner Duffy** commended the restaurant owners for their research and efforts.

Mr. Pearson advised that the rates would not be retroactive to any previous utility agreements.

**Commissioner Moore** requested clarification on single-family, townhouse or condo unit descriptions as to how they are treated and handled.

**Commissioner D'Aprile** commented on hospital rates and usage. Ms. Kesner explained it is within the range of what the hospitals currently use.

**Commissioner Duffy** inquired if rates for hospitals are based upon a monthly or annual average. Mr. Pearson said it is a monthly average based upon the number of beds in the hospital, and explained how ERCs, which is level of service, is calculated on a utility agreement. **Commissioner Duffy** clarified that hospital rates are based upon a yearly average from the previous year's usage. Mr. Pearson replied affirmatively.

**Commissioner Moore** explained that CCU must provide services on an annual basis and that the rates include reservation of capacity.

**COMMISSIONER D'APRILE MOVED TO APPROVE RESOLUTION 2007-010, SECONDED BY COMMISSIONER MOORE.**  
**Motion Carried 5:0.**

(6) General Services - RECOMMENDED ACTION: Award Bid #07-142, FY 2007 North/South County Paving Program, to Better Roads, Inc. of Naples, Florida in the amount of \$2,699,938.85. BUDGETED ACTION: FY07 budget of \$2,724,895 is available in the Transportation Trust Fund, the Punta Gorda Non-Urban Streets and Drainage Unit and the Northwest Port Charlotte Streets and Drainage Unit.

Thomas O'Kane advised this agenda item is to award a contract to Better Roads for paving; that there is an element of this project to do repair work on the 7 railroad crossings in the Punta Gorda area and work must coincide with the railroad's timeframe. Mr. O'Kane explained that the County pays the railroad the cost of the crossing itself, and must pay a contractor for the roadway work that leads up to the rail.

**Commissioner D'Aprile** inquired if this project was bid out, and if the amount of \$2,724,895 was budgeted prior to the bids being received. Mr. O'Kane reported that this is the lowest of three bids received, that the budgeted amount was prior to the bids, and is a combination of the Punta Gorda Non-Urban Streets and Drainage Unit, the Transportation Trust Fund, and the Northwest Port Charlotte Streets and Drainage Unit. **Commissioner D'Aprile** inquired if the budget amount was known publicly prior to the bid. Mr. O'Kane replied affirmatively. **Commissioner D'Aprile** expressed his displeasure in that requirement.

**Commissioner Duffy** inquired if there was a state law requiring this. Mr. O'Kane stated there was, but an effort in this legislative session is being made for changes.

**Commissioner Moore** asked if there is a time element and a penalty clause. Mr. O'Kane said there is a date certain and penalty clauses for the entire project; that the railroad crossings are more indefinite because of working within the timeframe of the railroad; that hopefully all 7 crossings will be done in the timeframe anticipated; and that he does not know the exact number of days, but it is normally a year. **Commissioner Duffy** pointed out that the bid form reflects 196 days from commencement.

**COMMISSIONER CUMMINGS MOVED TO APPROVE AWARD OF BID #07-142, FY 2007 NORTH/SOUTH COUNTY PAVINGS PROGRAM, TO BETTER ROADS, INC. OF NAPLES, FLORIDA IN THE AMOUNT OF \$2,699,938.85, SECONDED BY COMMISSIONER D'APRILE.**  
Motion Carried 5:0.

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

**VII. PRESENTATION AGENDA - No Items**

**VIII. PUBLIC WORKSHOP AGENDA - Public input permitted. - No Items**

**X. CITIZEN INPUT - ANY SUBJECT**

Kendall Leach commented on the need for a stop sign on Ingraham Boulevard where it intersects with Calumet Boulevard, and on Keystone Boulevard where it intersects with Calumet Boulevard; stated that South Gulf Cove has safety issue concerns due to heavy traffic, construction, and visitors; indicated that the funds would come from the MSBU, that the stop signs could be installed within a couple of days, and requested Board support.

Mike Post stated there is a need to install something to help safety on the corner of Calumet and Ingraham Boulevards, and suggested that rumble strips be installed also because at certain times the sun prevents seeing a stop sign.

Dick Miller commented on the need for additional safety features at the intersection of Calumet and Ingraham Boulevards in South Gulf Cove.

**Commissioner Moore** asked Mr. O'Kane for options, and inquired if the Board had the authority to make Calumet and Ingraham Boulevards intersection a 4-way stop. Mr. O'Kane advised that staff were at the intersection today to review options, and indicated that rumble strips or some type of reflective tape are a possibility, but that re-installing a 4-way stop would not solve the problem.

**Commissioner Moore** pointed out there is no electricity convenient for flashing lights. Mr. O'Kane said solar flashing lights might be an option, and could be done without the Board taking action; that visibility may be the issue, and that there are other things that can be done to enhance visibility of the stop signs; and indicated that 4-ways stops should not be used unless warranted.

**Chairman Loftus** stated that rumble strips on the roadway are very effective. **Commissioner Duffy** agreed that rumble strips and "Stop Ahead" signs are good possibilities. Mr. O'Kane explained the need for caution using rumble strips because residents hear the noises also, and indicated that his staff would review the options and report back to the Board.

#### AA. County Administrator

Mr. Loucks reported on a request by the School Board to install a crosswalk at Rio de Janeiro Avenue for the Deep Creek Elementary School students.

Mr. Loucks advised that issues raised by citizens at the recent townhall meeting of a sinkhole between houses on a county easement and dead pine trees on county-owned property, are being taken care of; that the sinkhole will be repaired within the next week or so, and the dead pine trees on county-owned property are being removed. Mr. Loucks stated that at the last Board meeting **Commissioner D'Aprile** raised the issue of abuses with tent sales, and indicated that is being addressed administratively.

Mr. Loucks advised that the Tentatorium would remain on site until August; that the City has requested approval to find a location and pay the cost for moving the Tentatorium; and explained the County would continue to staff and provide the services out of the Tentatorium.

Mr. Loucks commented on a developer who wants to develop near Tuckers Grade, outside the City service area, indicated that it would come back before the Board in the form of a Developer's Agreement, and stated that Mr. Pearson would explain details to the Board.

Mr. Pearson summarized the location of the area where Realmark wants to develop 800-900 units, and reviewed discussions Charlotte County Utilities (CCU) has had with developer for its needs and routes. Mr. Pearson advised that RealMark elected to approach the City of Punta Gorda for water service, and intends to build a wastewater treatment plant for its needs. Mr. Pearson stated that there are other things required to support a package plant in that area, and pointed out that for the developer to go with the City of Punta Gorda for its water needs is outside the County's uniform extension policy requirements.

Mr. Pearson advised the area is in the County, not the City, certified area; commented on the differences of the development going with Punta Gorda versus the County; and indicated that if and when the County is able to serve the development with water and wastewater, the developer would abandon its wastewater package plant and connect to the County systems. Mr. Pearson explained concerns CCU has, and the need for a Utility Agreement at this time, and indicated that based upon current adopted level of services, the County has the capacity to serve this development because 900 homes would not be built in one year.

Mr. Loucks advised that because of the inability to provide RealMark services for quite some time, the County suggested RealMark talk with the City, but it was not part of the negotiations. Mr. Loucks indicated he wanted the Board to be informed of the issues because there had been stories in the newspaper about it.

**Commissioner Moore** clarified the discussion; stated it is a matter of who has the best economics; and indicated he does not want to see another package plant put in that area, and would like to negotiate around that.

**Commissioner Cummings** indicated a review on the legal history would be needed to determine if this is the County or City service area; and recalled that once a utility gives up service within its service area, it is permanent unless there is some pre-arranged agreement ahead of time.

**Commissioner Cummings** recalled that the long-term plans for Phase II and Phase III interconnect passes that area, and that it was anticipated that this developer contribution was expected to make the linkage work. Mr. Pearson replied affirmatively.

**Commissioner Cummings** indicated that in looking at approval of the development, consideration should be given to be certain sewer and water extended simultaneously in accordance with the County Comprehensive Plan.

**BB. County Attorney**

Attorney Knowlton commented on mandating property owners to cleanup vacant lots to prevent fire damage to nearby homes; expressed concerns and legal obligations of the Board adopting such an ordinance for cleanup; advised that there is a private cause of action to sue a neighbor for nuisance; and stated that legal does not recommend the Board adopting such an ordinance.

Chief Didio advised he was requested by the Board to look into the matter when Mr. Moses indicated there was fire damage next to his home; indicated an ordinance would be hard to enforce because of so many vacant lots, scrub jay and tortoise turtle issues. Chief Didio presented a slide presentation in support of the Board issuing authority to the Fire Chief to enforce a burn ban at times he deems necessary.

**Commissioner D'Aprile** stated he believes everyone is responsible for their own actions and for what they own, that the owner of the property next to Mr. Moses should be responsible for eliminating the problem at his own expense if it is a threat to another home, and that the County should not be involved.

Chief Didio advised he spoke to the owner of the lot next to Mr. Moses and was told that the lot will be cleared.

**Chairman Loftus** stated he would like the Board to consider giving the Fire Chief the authority to implement a fire ban at certain times of the year. **Commissioners D'Aprile** and **Duffy** agreed. **Commissioner Cummings** said he has no problem exploring the idea, but doesn't know enough to make a decision at this time, and would like to find a way to get more control burns done in those areas where they are most needed. Chief Didio explained that 3 nuisance complaints are required before a control burn must be stopped. **Commissioner Moore** indicated he has no objections to giving a discretion of time and condition for a burn ban on the lots Chief Didio reviewed in the slide show, but there is a lot he does not know about for county-wide. **Chairman Loftus** indicated there is a consensus to move forward with it.

Attorney Knowlton stated that legal has been requested by the Sheriff's Office to draft an open container ordinance prohibiting possession of open containers of alcohol throughout the county; that under the Board rules, it requires 3 Commissioners to back it, and direction on how expansive it should be. Attorney Knowlton advised that Lee County has a very restrictive ordinance, and that Sarasota County has none. Attorney Knowlton advised there are costs involved for notification and enforcement; indicated there are operational concerns, and concerns as the ordinance would apply to Parks and Recreation; that there could be exceptions, such as weddings, but indicated that Parks and Recreation are struggling with several issues.

**Commissioner Cummings** stated he has a fundamental concern with the proposal; that there cannot be discrimination; that if there is difficulty enforcing laws that prohibit illegal behavior, the Board should be made aware of how it can help make enforcement of those laws easier, and deal with the problem specifically.

**Commissioner Loftus** agreed with **Commissioner Cummings**, and stated that the fundamental problem of the homeless needs to be addressed. **Commissioner Cummings** stated that everyone, including the homeless, has the right to open a beer or have a

glass of wine and watch the sunset, but if anyone is doing something illegal under certain scenarios, that is what should be addressed. **Commissioner D'Aprile** pointed out that large consumption of liquor is the problem, and that getting drunk and urinating on streets should be prohibited. Attorney Knowlton stated there is a statute for urinating in public, and for disorderly conduct. Attorney Aleksandr Broksner said the topics discussed so far are covered by Florida Statute, and are prosecuted by the State Attorney's Office.

**Commissioner Moore** stated the Sheriff is making an effort to provide the services expected by his department, and he will discuss the issue further with the Sheriff.

#### CC. Commissioner Comments

**Commissioner Duffy** advised there was a good turnout at the townhall meeting sponsored by the Curmudgeon Club; that she went with a member to review some areas of concern in his neighborhood, she made a list, and reported that Code Compliance is investigating those concerns. **Commissioner Duffy** said she has had reports of residents waking to homeless persons asleep on their porches, and indicated the issue of the homeless needs to be addressed.

**Chairman Loftus** advised that the Civil Air Patrol would like to install Advanced Technology Digital Satellite Imaging System in their planes, which would allow flying the planes low and take pictures; and indicated the cost request is approximately \$28,000.

Mr. Loucks said this is part of a two-part request that came through the Marine Advisory Committee for funding; advised that if the Board wants to fund this issue, it would be a general fund reserve cost going to the not-for-profit agencies, and believes it is viable. There was consensus of the Board to bring this issue back. **Commissioner Moore** inquired if it was time-sensitive, or if there was some reason to take it out of budget cycle. **Commissioner Duffy** said she thought it was because the Civil Air Patrol wanted to have it available by hurricane season.

**Commissioner Cummings** indicated this type of enhancement helps spot small things that are out in the water, and believes it would be a powerful tool for the small amount of money for what it provides.

**RECESS: 12:00 PM to 3:00 PM**

(Chief Deputy White and Executive Assistant Stoner were not present, and Deputy Clerk Mitchell replaced Deputy Clerk Manley, for the remainder of the meeting.)

**IX. BOARD WORKSHOP AGENDA - No public input - 3:00 PM**

(1) Utilities - **RECOMMENDED ACTION:** Hold Board Workshop on Tuesday, January 9, 2007 at 3:00 p.m., or soon thereafter as may be heard, at the Environmental Campus, to present to the Board of County Commissioners an overview of Charlotte County Utilities operations, goals and strategies. **BUDGETED ACTION:** None

Jeff Pearson explained the purpose of this workshop is to update the Board on the department's operations, goals and strategies.

Robert Baltz stressed the CCU debt is substantial and they have to pay that debt back.

**Commissioner Cummings** noted the Water Authority was doing a rerating of the plant this year. Mr. Baltz agreed and added that during the rewrite, the allocations will be revised.

Mr. Baltz referred to Column 4 on page 8 of the material, explained the column "Supplied by Other Sources" hasn't been identified yet but by the year 2013/2014 the concern for where the additional water sources will come from begins, the County is were very dependent on the plant expansion, important strategic decisions will be needed, and staff will eventually need Board direction on this policy.

Mr. Pearson gave a PowerPoint presentation titled Charlotte County Utilities - Serving Our Community that paralleled the packet material and detailed the following: Products & Services; Organizational Structure; Water Resources; Peace River Authority; Water Allocation & Costs; Demand Projections; CCU

Water Supply & Demand; Booster Stations; Water Distribution; Wastewater Collection; Water Reclamation Facilities; Fire Suppression; Finance/Budget; Rate Study/Debt Service; Our Average Customer; Capital Improvement Program; West County Priorities; West County Strategies; West County: MSBUs; South County Priorities; South County Strategies; South County: Interconnects; South County: Babcock Ranch; Central County Priorities; Plant Expansions; Countywide: Biosolids; Countywide Reclaimed Water; Countywide: RO & Surface Water; Countywide: Water Sources; Countywide: Water Conservation; Countywide: Communications; Countywide: Partnerships; and Emergency Management.

ADJOURNED: 5:23 PM

Signature on file in Commission Minutes  
Chairman Loftus

ATTEST:

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

By: Signature on file in Commission Minutes  
Deputy Clerk

gm