

**BOARD OF COUNTY COMMISSIONERS**

**JANUARY 23, 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, Finance Director Navan, Executive Assistant Stoner, and Deputy Clerk Mitchell. The following members were absent: None. The meeting was called to order at **9:00 AM**.

Invocation given by Pastor Mike Zdorow, Trinity United Church of Northport, followed by the Pledge of Allegiance.

**CHANGES TO THE AGENDA**

**Addition #1:** Z-5 - BUDGET - RECOMMENDED ACTION: a) Approve the authorizing resolution which authorizes the issuance of bonds secured by Communications Services Tax Revenue to fund certain stadium and facility improvements; and b) Approve a resolution authorizing the issuance not exceeding \$29,500,000 of Charlotte County, Florida Capital Improvement Revenue Bond Series 2007 to provide funds for the principal purpose of financing the cost of capital improvements to the stadium and other Spring Training facilities and approving related agreements and documents as attached.

**Addition #2:** Z-6 - COUNTY ATTORNEY - RECOMMENDED ACTION: Adopt a Resolution that approves the establishment of the Babcock Ranch Community Independent Special District which does not include any portion of Lee County.

**Addition #3:** Z-7 - Set the first Tuesday of each month at 9:00 AM for an Administrative Overview to discuss the Board's topics in a workshop format.

**Change #1:** N-2 - Add the following at the end of the RECOMMENDED ACTION: ...and approve letter of agreement.

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

Special Recognition:

Proclamations:

COMMISSIONER D'APRILE MOVED TO APPROVE RON THOMAS DAY PROCLAMATION, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

Proclamation accepted by Ron Thomas.

COMMISSIONER D'APRILE MOVED TO APPROVE ST. CHARLES BORROMEO COUNCIL 5399 TOOTSIE ROLL PROCLAMATION, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

Proclamation accepted by member of the Knights of Columbus.

COMMISSIONER D'APRILE MOVED TO APPROVE HARRIET FRANKLIN'S RETIREMENT PROCLAMATION, SECONDED BY COMMISSIONER CUMMINGS.  
Motion Carried 5:0.

Proclamation accepted by Harriet Franklin.

COMMISSIONER D'APRILE MOVED TO APPROVE FISHERMAN'S VILLAGE MARINE DAY PROCLAMATION, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

Proclamation accepted by Jim Branch and Mel Staudmyer.

Employee Recognition - No items

Presentations - No items

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Tom Rice with Fawcett Memorial Hospital spoke in support of Agenda Item N-2.

David McCormick with Peace River Regional Medical Center voiced support of Agenda Item N-2.

Joe Clancy with Charlotte Regional Medical Center spoke in support of Agenda Item N-2.

Doug Wallace addressed Agenda Item C-1 and asked for Board support of his nomination.

Bob Johns with Family Health Centers of Southwest Florida voiced support for Agenda Item N-2.

Tom Strawson spoke in support of Agenda Item L-6.

## **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.

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.

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.

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.

Greater 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 full time 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.

Tropical Gulf Acres Street & Drainage Unit Advisory Board - is 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.

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.

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 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**

December 21, 2006, Minutes from CH-CRAAC Meeting

**IV. CONSENT AGENDA**

**Commissioner Moore** pulled Agenda Item D-2.

**Commissioner D'Aprile** said he wished to discuss Agenda Item N-2 at the appropriate time.

**COMMISSIONER D'APRILE MOVED TO APPROVE THE BALANCE OF THE CONSENT AGENDA, SECONDED BY COMMISSIONER MOORE.**

**Commissioner Cummings** addressed Agenda Items W-1 and W-2, and said both projects are examples for the use and support of reuse water storage projects.

**Commissioner Moore** addressed Agenda Item S-2 and said an additional exit is really needed.

**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 January 2,  
2007 through January 12, 2007 in the amount of \$11,849,647.82

**B. Minutes Division - No Items**

**Board of County Commissioners**

**C. Commission Office**

(1) RECOMMENDED ACTION: Appoint Mr. Douglas M. Wallace as a  
member of the Manasota Key Street and Drainage Advisory  
Committee. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Re-appoint to the Marine Advisory  
Committee Paul Marcuzzo, James Redding, Gerald Mechenberg, Tim  
Lynch and Ron Blago whose terms have expired. BUDGETED ACTION:  
None

**D. Administration**

(1) RECOMMENDED ACTION: Approve an interlocal agreement between  
the City of Punta Gorda and Charlotte County for the purchase of  
five parcels of property along the Peace River adjacent to  
Marion and Patty Avenues. BUDGETED ACTION: FY 07 Budget  
available for land acquisition is \$1,750,000 in the CDBG Fund.

**Agreement 2007-004** (refers to CDBG Grant 2005-022)

(2) RECOMMENDED ACTION: Approve the West Coast Inland  
Navigation District (WCIND)/Marine Advisory Committee (MAC)  
recommendations for funding. BUDGETED ACTION: None

**Commissioner Moore** said this was a procedural issue, they're  
having a workshop this afternoon on this very topic of regional

waterway management systems, he is very much in favor of this but felt he shouldn't be voting \$180,000 now before the actual presentation, so he would like to hold this until the workshop this afternoon and have the vote at that time. (**Board consensus.**)

E. County Attorney - No items

F. Budget Office - No items

G. Community Development

(1) **RECOMMENDED ACTION:** Adopt a Resolution approving a Certification of Sending Zone Density Units, CSZ-06-11-20, and accompanying Restrictive Covenant. **BUDGETED ACTION:** None

**Resolution 2007-014**

(2) **RECOMMENDED ACTION:** Approve Final Plat for Sawgrass Pointe at Riverwood Unit Five, FP-05-03-03. Approve Developer's Agreement and Surety Bond from Hartford Fire Insurance Group #46BSBED9837 in the amount of \$1,504.726, which is 110% of the construction cost estimate. **BUDGETED ACTION:** None

**Agreement 2007-005**

H. Economic Development

(1) **RECOMMENDED ACTION:** Set a Public Hearing for February 13, 2007 at 10:00 a.m., or soon thereafter as may be heard, to consider an amendment to the Economic Development Incentive Ordinance to provide that applicants who enter into an economic incentive program agreement with Charlotte County will be entitled to the Charlotte County Average Annual Wage in effect at the time of approval of the program agreement by the Board of County Commissioners. **BUDGETED ACTION:** None.

J. Environmental Services - No items

K. Facilities Construction and Maintenance - No items

L. General Services

(1) RECOMMENDED ACTION: Approve Award of Bid #07-146, West County Paving - 2007, to Ajax Paving Industries, Inc. at the unit prices bid for an estimated total cost of \$5,450,019.95. BUDGETED ACTION: Budget is available \$1,011,920.45 in project c410701, South Gulf Cove Phase 5 (project total \$1,669,000) and \$4,659,318 in project c410602 Englewood East Paving and Drainage Program (project total (\$23,902,000)).

(2) RECOMMENDED ACTION: a) Approve Award of Bid #07-159, Sign Materials - Annual Contract to the lowest responsive, responsible bidder for each group; Group A - Rolled Materials to 3M Company of St. Paul, MN; Group B - Pre-Formed Thermoplastic Markings to Flint Trading Inc. of Thomasville, NC; Group C - Raised Pavement Markers to Municipal Supply & Sign Company of Naples, Florida at the unit prices indicated on the attached Bid Tabulation; and b) Authorize the County Administrator to approve renewal options up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent. The contract period will be effective from date of award through and including December 31, 2007. BUDGETED ACTION: FY06 expenditures for these items totaled \$104,179.

(3) RECOMMENDED ACTION: Approve award of Bid #07-093, Solid Waste Compactor, to Nortrax Equipment Company, in the amount of \$556,219, which includes a guaranteed maximum cost of repairs of \$8,000 and a trade in credit of \$180,000 for a County owned 2002 Caterpillar waste compactor. The guaranteed buy-back bid for this new piece of equipment is \$138,000. BUDGETED ACTION: FY06/07 Budgeted amount for the Solid Waste Compactor is \$650,000 in the Capital Equipment Account: C340202.640.0000 4011.363201.534.64.0001

(4) RECOMMENDED ACTION: Approve Award Bid #07-132, Supply and Install Chlorine/Ammonia Injection Station, to Odyssey Manufacturing Company of Tampa, Florida, in the amount of \$146,000. BUDGETED ACTION: Budgeted amount \$150,000 in CIP project Water Distribution Piping.

(5) *RECOMMENDED ACTION: Approve File #07-198, Internet-Ethernet Connections Upgrade, with Embarq Florida, Inc., for a 51-month term at the total monthly recurring rate of \$4,770. BUDGETED ACTION: Funds available in telecommunications account 0001.141807.519.41.0003.*

(6) *RECOMMENDED ACTION: Approve Award Bid #07-121 Signalization - US 41/Tamiami Trail at Tuckers Grade to the lowest responsive, responsible bidder, Road Runner Highway Signs, Inc. of Bradenton, Florida, for the project cost of \$220,151.16. BUDGETED ACTION: FY07 budget available is \$225,000 in the Road Improvements fund.*

M. Human Resources - No items

N. Human Services

(1) *RECOMMENDED ACTION: Approve Ana Romillo and Bob Johns as voting members to the Indigent Health Care Advisory Board (IHCAB) as recommended by IHCAB at its December 6, 2006 Advisory Board Meeting. BUDGETED ACTION: None*

(2) *RECOMMENDED ACTION: Approve Budget Transfer #07-011 in the amount of \$82,480, matching funds for Low Income Pool Project to improve access to care for the uninsured by expanding local capacity; reduce unnecessary hospitalizations and the inappropriate use of hospital emergency rooms; and link clients with appropriate services; and approve letter of agreement. BUDGETED ACTION: Approve Budget Transfer #07-011 in the amount of \$82,480.*

**Commissioner D'Aprile** asked for clarification on how they find those without insurance and those without enough insurance.

Mr. Rice explained this isn't a qualification process but rather recognition of those patients who find their way to the local hospitals, and the grant funds will help expand the office hours of the Health Department.

**COMMISSIONER D'APRILE MOVED TO APPROVE AGREEMENT 2007-006 AND BUDGET TRANSFER 07-011 IN THE AMOUNT OF \$82,480, SECONDED BY COMMISSIONER CUMMINGS.  
Motion Carried 5:0.**

P. Information Technology - No items

Q. Parks, Recreation & Cultural Resources - No items

R. Public Safety - No items

S. Public Works

(1) **RECOMMENDED ACTION:** Approve a Resolution authorizing the Chairman of the Board of County Commissioners to execute a Roadway Lighting System Maintenance Agreement with the Florida Department of Transportation (FDOT), and approve the Roadway Lighting System Maintenance Agreement with FDOT. The County will assume maintenance and energy costs for the proposed decorative lighting system on the north and south-bound bridges over the Peace River. **BUDGETED ACTION:** The FY07 budget contains \$2,000,000 for utility service to street lights in the Greater Charlotte Street Lighting District.

**Resolution 2007-015**

(2) **RECOMMENDED ACTION:** Approve a Resolution and Transportation Regional Incentive Program (TRIP) Agreement with the Florida Department of Transportation (FDOT) to design/build a four-lane segment of Winchester Boulevard. **BUDGETED ACTION:** The total project budget for Winchester South is \$47,391,000 in CIP project c419302, Winchester South - Phase 3.

**Resolution 2007-016**

(3) **RECOMMENDED ACTION:** Set a Public Hearing for the February 13, 2007, meeting of the Board of County Commissioners to consider an ordinance amending Ordinance No. 2000-019, to create an additional school speed zone for Deep Creek Elementary School. **BUDGETED ACTION:** None

T. Real Estate Services

(1) **RECOMMENDED ACTION:** Resolution approving and authorizing the Chairman to execute a grant of a ten-foot (10') wide utility easement to Florida Power & Light Company, to be located in a

certain portion of Section 12, Township 40 South, Range 23 East, for the development and management of Fire Station 16, located off US 17, on Palm Shores Boulevard. BUDGETED ACTION: None

**Resolution 2007-017**

(2) RECOMMENDED ACTION: Approve the request from the Attorney for the Englewood Water District requesting that the County execute a Corrective County Deed to clear title on land previously conveyed to the Englewood Water District by Charlotte County. The subject property is located in Sarasota County. In 1980, Charlotte County had conveyed the property to the Englewood Water District. The Deed of conveyance contained errors in the legal description. The Real Estate Services Department and the County Attorney's Office have reviewed the documents submitted for this request and have no objections to processing this request. A map showing the location of the subject property in Sarasota County is attached for reference. BUDGETED ACTION: None

**Resolution 2007-018**

V. Tourism Development - No items

W. Utilities

(1) RECOMMENDED ACTION: Approve the Chairman to execute the First Amendment to the Cooperative Funding Agreement between the Southwest Florida Water Management District and Charlotte County to revise the proposed project plan project utilization period and revise reporting and audit requirements for two reuse ponds and related appurtenances to provide diurnal storage at the Deep Creek and Kings Island golf courses. BUDGETED ACTION: None

**Amends Agreement 2006-035**

(2) RECOMMENDED ACTION: a) Approve the Chairman to execute the First Amendment to the Cooperative Funding Agreement between the Southwest Florida Water Management District and Charlotte County to revise the funding provisions, define the project utilization period and revise reporting and audit requirements for a new Aquifer Storage and Recovery; and b) Subsequent to approval, approve Budget Amendment 07-A08 and CIP Amendment 07-C07 in the

amount of \$45,450 (c350605). BUDGETED ACTION: Approve Budget Amendment 07-A08 and CIP Amendment 07-C07 in the amount of \$45,450.

**Amends Grant 2006-004**

X. Building Construction Services - No items

Y. Constitutional - No Items

**V. REGULAR AGENDA**

**Z. Regular Business**

(1) BOARD OF COUNTY COMMISSIONERS - RECOMMENDED ACTION: Select two (2) people by ballot for the open positions on the Deep Creek Non-Urban Street & Drainage Unit Advisory Committee.  
BUDGETED ACTION: None

Bruce Loucks announced Philip Palmer and John Biluk each received three votes.

**COMMISSIONER D'APRILE MOVED TO APPROVE PHILIP PALMER AND JOHN BILUK FOR THE APPOINTMENTS, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.**

(2) BOARD OF COUNTY COMMISSIONERS - RECOMMENDED ACTION: Appoint 7 members to the Environmentally Sensitive Lands Oversight Committee as part of the Environmentally Sensitive Lands Protection Program Referendum which was approved by the voters on November 7, 2006.  
BUDGETED ACTION: None

Mr. Loucks announced for Business/Land Development Ruth Bromberg received three votes and there was a tie between Jim Cooper, Richard Page and Douglas Tucker; for Environmental Expertise Alton Cheatham received four votes, and Clarke Keller and Gregg Klowden each received five votes; and for Community Representative Willard Coy received five votes and there was a tie between Jacqueline Church and Jim Cooper. Mr. Loucks said a second ballot was needed for Business/Land Development between Jim Cooper, Richard Page and Douglas Tucker; and for Community Representative between Jacqueline Church and Jim Cooper.

Mr. Loucks announced for Community Representative Jim Cooper received four votes and Jacqueline Church received one vote; for Business/Land Development there is a tie between Douglas Tucker and Jim Cooper with two votes each and Richard Page received one vote, but since Jim Cooper received more votes for Community Representative the Board could decide to exclude him from this category since he's already been appointed.

**Commissioner Moore** said he like Mr. Loucks' logic that if Mr. Cooper has been selected for Community Representative then he falls out of the Business/Land Development voting and it then falls to Douglas Tucker.

**COMMISSIONER D'APRILE MOVED TO APPROVE THE SEVEN MEMBERS AS VOTED BY THE BOARD, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.**

(3) BOARD OF COUNTY COMMISSIONERS - RECOMMENDED ACTION: Appoint 5 members and 1 alternate member to the Town Estates Street & Drainage Unit Advisory Board. Length of terms will be determined at their first meeting.  
BUDGETED ACTION: None

**Commissioner Cummings** pointed out the ballot lists Robert Smith but it should read Robert South as shown on his resume.

Mr. Loucks announced Mary Barnt and Dorothy Bennett each received four votes, and Nancy Parker, Robert South and Linda Wilson each received five votes; and for alternate George Walker received three votes, and Mary Barnt and Dorothy Bennett each received one vote.

**COMMISSIONER CUMMINGS MOVED TO APPROVE THE FIVE MEMBERS SELECTED WITH GEORGE WALKER AS ALTERNATE, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.**

(4) BOARD OF COUNTY COMMISSIONERS - RECOMMENDED ACTION: Appoint 5 members and 1 alternate member to the Charlotte Ranchettes Street & Drainage Unit Advisory Board. Length of terms will be determined at their first meeting.  
BUDGETED ACTION: None

Mr. Loucks announced Ruth Cudzilo, William Faris, Robert Schaffer and Michael Szuba each received four votes; there was a tie between James Howarth, Nigel Morris and Elizabeth Richardson with three votes each; and a second vote was needed which would determine the fifth member as well as the alternate.

Mr. Loucks announced the fifth member would be Nigel Morris with four votes and the alternate would be James Howarth with three votes.

**COMMISSIONER CUMMINGS MOVED TO APPROVE THE SLATE AS READ INTO THE RECORD BY MR. LOUCKS, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.**

(5) BUDGET - RECOMMENDED ACTION: a) Approve the authorizing resolution which authorizes the issuance of bonds secured by Communications Services Tax Revenue to fund certain stadium and facility improvements; and b) Approve a resolution authorizing the issuance not exceeding \$29,500,000 of Charlotte County, Florida Capital Improvement Revenue Bond Series 2007 to provide funds for the principal purpose of financing the cost of capital improvements to the stadium and other Spring Training facilities and approving related agreements and documents as attached.

Raymond Sandrock reviewed the purpose of the two proposed resolutions.

**COMMISSIONER CUMMINGS MOVED TO APPROVE STAFF RECOMMENDATION OF RESOLUTION 2007-019 AND RESOLUTION 2007-020, SECONDED BY COMMISSIONER DUFFY.  
Motion Carried 5:0.**

(6) COUNTY ATTORNEY - RECOMMENDED ACTION: Adopt a Resolution that approves the establishment of the Babcock Ranch Community Independent Special District which does not include any portion of Lee County.

Attorney Knowlton stated she was bringing back to the Board the proposed legislation for the Babcock Ranch Independent Special District, recalled this Board previously approved the proposed resolution and adopted a resolution of no objection, minor changes were needed due to the fact that Lee County had not yet acted on the legislation, so in an abundance of caution they

were asking the Board to reapprove the resolution of no objection, and clarified the changes were minor in nature.

**Commissioner Cummings** referred to his conversation yesterday with Mr. DeSanti, and said he still had concerns regarding the different types of things that could be charged like assessments because he thought those were supposed to be fixed but what he found in the document was those things would be set on an annual basis which implies they would vary.

Chuck DeSanti Senior Managing Partner for Kitson & Partners explained the bond principal and interest for the Series A bond which is the bond that is passed through to the ultimate land owner is set one time and they have put a \$1,500 cap per unit; and clarified the only variable is the annual maintenance fee because the district maintains the facilities that it builds.

**Commissioner Cummings** and Mr. DeSanti discussed the issues of qualified electors and non-voting members.

Mr. DeSanti said they would be willing to reinstitute the non-voting seat appointed by the Lee County Board of County Commissioners subject to the Charlotte County delegation approving that.

**Commissioner D'Aprile** said since Babcock Ranch will have an effect on Lee County they should have some sort of input to the development area, he understands Lee County isn't in a hurry right now but when we come to that point they can talk to Lee County once again, it shouldn't impact what is going to happen at Babcock Ranch right now since Charlotte County owns the entire process, and reiterated he didn't see the relevance of having them involved in this situation at this particular point.

**Commissioner Duffy** agreed.

**Commissioner Moore** asked legal to clarify what the Board needs to do.

Attorney Knowlton clarified what's before the Board today is simply a resolution of no objection on the document that's in front of them, and according to Mr. DeSanti's earlier statement

Babcock is willing to add in the Lee County non-voting seat subject to the legislative delegation approval if the Board wants to make that change but from what she's heard it appears three of the Commissioners don't feel that's required.

**Commissioner Moore** said he supports having Lee County at the table.

**COMMISSIONER MOORE MOVED TO APPROVE RESOLUTION 2007-021 AND TO INCLUDE IN THE DOCUMENTATION LEE COUNTY'S NON-VOTING SEAT ON THE BOARD SUBJECT TO STATE LEGISLATIVE APPROVAL, SECONDED BY COMMISSIONER D'APRILE.**

Attorney Knowlton said she wanted to make sure everybody was clear that Charlotte County's seat at the table is also a non-voting seat, and apparently what they're going to do now is add back in a provision giving Lee County a non-voting seat.

Mr. DeSanti said as a point of clarification he wanted to make sure the language 'subject to the legislative delegation approval' was included.

**Chairman Loftus** said yes, positively.

**Commissioner Cummings** said he has reservations about what they're doing but he appreciates Kitson's willingness to pursue reinstating the Lee County seat, he hoped they would also consider the proportionate reduction in the vote, as a gesture of that appreciation he will support the motion but he'll be looking to see how aggressively Kitson pursues getting the Lee County seat past their local delegation, and encouraged them to try to get the proportionate changes in the number of electors so that it at least reflects the reduction in base because he didn't believe they'll ever get to the buildout level when all of those seats are turned over to the citizens.

**Motion Carried 5:0.**

**RECESS: 10:20 AM - 10:35 AM**

(7) COUNTY ADMINISTRATOR AGENDA CLERK - RECOMMENDED ACTION: Set the first Tuesday of each month at 9:00 AM for an Administrative Overview to discuss the Board's topics in a workshop format.

Mr. Loucks explained this item was discussed and approved at the Board's retreat and these meeting will continue until the Board decides they are no longer needed.

**COMMISSIONER CUMMINGS MOVED TO APPROVE SETTING THE FIRST TUESDAY OF EACH MONTH AT 9:00 AM FOR AN ADMINISTRATIVE OVERVIEW TO DISCUSS THE BOARD'S TOPICS IN A WORKSHOP FORMAT, SECONDED BY COMMISSIONER D'APRILE.**

**Commissioner Moore** asked if there would be public input.

Mr. Loucks said our recommendation is not to have public input.  
**(Board consensus.)**

Attorney Knowlton asked if these meetings would be televised. Mr. Loucks said he expected they would be televised but it was the Board's pleasure.

**Commissioner Moore** said he hoped so. **Commissioner Cummings** said these kinds of policy debates are perhaps most important to be televised.

**Motion Carried 5:0.**

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

**VII. PRESENTATION AGENDA**

(1) COUNTY ATTORNEY - RECOMMENDED ACTION: Board presentation on status of DEP Cumulative Impact Study on the Peace River Basin.  
BUDGETED ACTION: None

Attorney Knowlton recalled last year DEP performed their cumulative impact study on the Peace River Basin, last summer this Board appointed Chip Fletcher from the de la Parte firm and our expert ecologist Tony Janicki as the County's official representatives to serve on the DEP Stakeholders Committee, stated those meetings have concluded, and she felt it would behoove us to bring the appointed members back to the

Board to give a brief presentation on how the study is progressing and where DEP is on their resource plan.

Attorney Charles Fletcher and Tony Janicki, PhD gave a PowerPoint presentation to the Board that paralleled the material titled Peace River Cumulative Impact Study and Management Plan Update.

Attorney Knowlton stated if the Board wishes once the Resource Management Plan does come out she will have Mr. Janicki come back with an update on the plan. **(Board consensus.)**

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

**IX. BOARD WORKSHOP AGENDA - 10:00 AM**

(1) CCU - RECOMMENDED ACTION: 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; and b) Subsequent to the Board Workshop; approve the Resolution as stated above. BUDGETED ACTION: None

Jeff Pearson reviewed the packet material which detailed the final draft of the Uniform Extension Policy (UEP).

**Commissioner Moore** and Malcolm Pirnie discussed the issues of lag time and phasing.

**COMMISSIONER D'APRILE MOVED TO APPROVE RESOLUTION 2007-022, SECONDED BY COMMISSIONER CUMMINGS.  
Motion Carried 5:0.**

**X. CITIZEN INPUT - ANY SUBJECT**

Kendall Leach commented on two very dangerous intersections - Calumet & Ingraham and Calumet & Keystone, reiterated the need for 4-way stop signs, and presented the Board with over 200 signatures in support of the installation of these due to the number of accidents.

April Chattinger agreed with Mr. Leach and said she hoped the Board will follow-up on these dangerous intersections.

**AA. County Administrator**

Mr. Loucks advised they will start advertising for candidates for appointment by the Board for the 25 members for the Charlotte Assembly Steering Committee.

**BB. County Attorney**

Attorney Knowlton referred to the 2005 federal court jury trial with Mission Unity and James Byrom regarding a fair housing act case and an Americans With Disabilities Act Case, advised the court concluded the County did not discriminate against Mission Unity, Mission Unity and James Byrom then appealed the matter to the 11th Circuit Court of Appeals, staff had argument on that case just last week with a three judge panel, and the court upheld the trial court's finding in the County's favor. Attorney Knowlton said she didn't believe they really have a basis for our attorney fees but they will be seeking costs against Mission Unity and Mr. Byrom.

Deputy County Attorney Gallagher referred to the Manchester Waterway and Buena Vista Waterway MSBUs and their existing sitting advisory boards, explained they've been formalizing and creating advisory boards for a number of MSBUs in the last few months, and asked the Board for direction on how to bring these two boards into compliance with the procedures with all the other MSBUs.

**Commissioner Moore** said he felt staff needs to be present on occasion, these groups must meet under Sunshine, there is a need for everyone to be more diligent in communications with the advisory boards, and he would support rotating people but using the existing members at this time.

Attorney Gallagher clarified as far as he knew they have been complying with the Sunshine Law but there's been no requirement to rotate.

**Commissioner D'Aprile** noted the fact remains there are no time limits on any of the board members at the present time, suggested if the existing boards are happy with each other why don't we just leave them and then put time limits on when turnover must take place for each member.

**Commissioner Cummings** summarized the goal is to standardize terms of office, the number of members, and what to do with the existing members.

**COMMISSIONER CUMMINGS MOVED TO APPROVE KEEPING THE EXISTING FIVE ACTIVE MEMBERS ON THE MANCHESTER WATERWAY MSBU MAKING IT A FIVE MEMBER COMMITTEE LIKE ALL THE OTHERS, ALLOWING THE EXISTING SEVEN ACTIVE MEMBERS ON THE BUENA VISTA WATERWAY MSBU TO REMAIN BUT SHOULD THEIR PARTICIPATION LEVEL DROP THE BCC COULD REDUCE THE NUMBER OF MEMBERS TO FIVE, CREATING TERMS OF OFFICE FOR EACH WITH THE OPTION TO SEEK REAPPOINTMENT AT THE END OF THEIR EXISTING TERM, AND BRINGING THESE BACK TO THE BOARD FOR APPOINTMENT ALONG WITH AN ALTERNATE, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

**CC. Commissioner Comments**

**Commissioner D'Aprile** commented on past and future mining problems, the need to review the County's permitting process, and suggested people who should be appointed to an advisory committee they need to set-up.

Mr. Loucks said this will be one of the topics of discussion on February 6, 2007.

**Commissioner Cummings** asked when they will be reviewing the Comp Plan. Mr. Loucks responded he would make that a topic for the next month.

**RECESS: 11:50 AM - 2:00 PM**

**(Finance Director Navan and Executive Assistant Stoner were not present for the remainder of the meeting.)**

**IX. BOARD WORKSHOP AGENDA - 2:00 PM**

(2) ADMINISTRATION - RECOMMENDED ACTION: a) Discuss the Regional Waterway Management System (RWMS); and b) Direct staff on Charlotte County's involvement in the RWMS. BUDGETED ACTION: None

Robert Hebert briefly explained the purpose of the workshop, reviewed the packet materials, and stated presentations would be given by Bob Swet PhD who is the Sea Grant Agent representative from the University of Florida, and Michael Poff from Coastal Engineering who is under contract with WCIND as well as the County for a number of projects we're doing.

Dr. Swet gave a slide presentation titled The Regional Waterway Management System - A Comprehensive Planning Framework for Managing Inland Waterways that detailed the packet material.

Michael Poff gave a presentation titled Regional Waterway Management system that detailed the packet material.

**(Discussion ensued on the permitting process, examples of the types of waterway channels that qualify, repair of damage from hurricanes and storms, aquatic preserve dredging, channel depth versus boat draft, and the need for a blue belting survey/study.)**

**Chairman Loftus** said he feels very strongly about the Comp Plan but he also has the same concerns expressed by the other Commissioners, and he hopes they would incorporate those concerns and address them because they are major issue

**Commissioner Moore** said what he likes about this program is at the end it will provide actual data and facts.

**COMMISSIONER MOORE MOVED TO APPROVE THE MARINE ADVISORY COMMITTEE RECOMMENDATIONS FOR WCIND FUNDING AND AGREEMENTS 2007-007 THROUGH 2007-016, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

**Commissioner Duffy** recalled at the Board retreat the goal for the Administrative Overview Workshops was to improve communications but it should be done in a very relaxed atmosphere, said she doesn't think they're going to accomplish those goals if these are televised and she was hoping they could do it in the same room they do pre-agenda.

**Commissioner D'Aprile** said he somewhat agreed with her.

**Commissioner Duffy** said of course these workshops would be open to the public like the retreat, they got so much accomplished that day because of the way they communicated as a team, and she doesn't want to lose that momentum.

**Commissioner Moore** said because of his feelings about the Sunshine laws he personally preferred having these workshops televised to give the public the right to watch them on television.

**Commissioner Cummings** said he's inclined to agree with **Commissioner Moore** because it's that very learning process the public needs to see.

**Commissioner D'Aprile** said both sides have good points, recalled these particular meetings were to be specifically for our benefit to discuss things a little bit more openly but said he was okay with having them televised if that's the Board's desire.

**Commissioner Duffy** said okay lets compromise by televising these workshops but set the tables set up in a square like they did at the retreat. (**Board consensus.**)

**MEETING ADJOURNED: 3:00 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**

/ksm