

**BOARD OF COUNTY COMMISSIONERS**

**FEBRUARY 13, 2007**

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 Loftus, Commissioner Duffy, Commissioner Cummings, Commissioner D'Aprile, and Commissioner Moore. Also in attendance were County Administrator Loucks, County Attorney Knowlton, Internal Audit Director Byrne, Executive Assistant Gant, and Minutes Supervisor Nice. The following members were absent: None. The meeting was called to order at **9:00 A.M.**

The invocation was given by Pastor Mark Tyree, Suncoast Christian Church, followed by the Pledge of Allegiance to the flag.

**Change to the Agenda**

**Addition #1** - Z-2 - Administration - Additions and Changes to the Charlotte County Board of County Commissioners 2007 State Legislative Agenda.

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

**Special Recognition**

**Proclamations**

**COMMISSIONER CUMMINGS MOVED TO APPROVE PROCLAMATION FOR ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH - FRANK COLONNA, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.**

**COMMISSIONER CUMMINGS MOVED TO APPROVE PROCLAMATION FOR CHARLOTTE COUNTY HEALTH DEPARTMENT RE-OPENING, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.**

Steven Mitnick, Charlotte County Health Department Administrator, accepted the Proclamation and commented on the new facility.

**COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION FOR HAZARDOUS WEATHER AWARENESS WEEK, SECONDED BY COMMISSIONER CUMMINGS.**  
**Motion Carried 5:0.**

Wayne Sallade accepted the Proclamation, commented on the damage caused by central Florida tornados and current severe weather conditions in Florida, and referenced the Lightning Ledger publication.

**COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION FOR VOLUNTEER FLORIDA FOUNDATION DAY, SECONDED BY COMMISSIONER DUFFY.**  
**Motion Carried 5:0.**

Fonda Anderson accepted the Proclamation, commented on the need for agencies, volunteers, and the community to work together, and for funding decisions to be made at the local level.

**COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION FOR ROBERT "BOB" HEBERT DAY, SECONDED BY COMMISSIONER DUFFY.**  
**Motion Carried 5:0.**

Bob Hebert accepted the Proclamation and expressed appreciation.

**COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION FOR THOMAS "TOM" RICE DAY, SECONDED BY COMMISSIONER DUFFY.**  
**Motion Carried 5:0.**

Tom Rice expressed appreciation for the recognition and accepted the Proclamation.

Mr. Rice presented Certificates of Appreciation for the following Charlotte County Unmet Needs Committee members and affiliated agencies: Elizabeth Burdick, Housing Corporation of Charlotte County, Inc.; Vikki Carpenter, Charlotte County Human Services; Major Eugene Gessner, The Salvation Army; Cecy Glenn, United Way of Charlotte County; Robert Hebert, Charlotte County Government; Dr. David Klein; Ms. Julie Mathis; Bill Pretsch, St. Vincent de Paul, St. Charles Borromeo Parish; Paul Versnik, Charlotte Family Y.M.C.A.; Bill Wishard, The Gateway Group;

JoAnn VonderMuehll, Charlotte County Government; Lynette Herbert, United Way of Charlotte County; Megarie van Sickel, American Red Cross, Charlotte County Chapter; Ana Romillo, Charlotte County Homeless Coalition; Brenda Bala, Housing Corporation of Charlotte County, Inc.

Mr. Hebert acknowledged the efforts of all the agencies and volunteers.

**Employee Recognition**

Tammy Kane, 5 Years, Utilities; Richard Towne II, 5 Years, Building Construction Services; Donald Morley, 10 years, Fire/EMS; Sherman Doster, 15 Years, Parks, Recreation, & Cultural Resources; Jill Heffley, 15 Years, Parks, Recreation, & Cultural Resources; Wolfgang Soine, 15 Years, Human Services-Transit; Paul Ingegnere, 15 Years, Fire/EMS; Chester Reed, 15 Years, Fire/EMS; Chief Dennis DiDio, 20 Years, Fire/EMS; and Mark Biagoli, 20 Years, Fire/EMS.

**Presentations**

Charlotte County Health Department expression of appreciation to the Board of County Commissioners

Steven Mitnick, Charlotte County Health Department Administrator, and Team Members commented on the new facility in West County and its services and the grand reopening of the Punta Gorda facility. Mr Mitnick noted the cooperative agreement with the Board of County Commissioners to provide quality services, thanked Mr. Loucks and County staff for all of their efforts.

Presentation of Certificate of Appreciation to Caryn Lytle

Caryn Lytle, Project Manager, accepted the certificate presented by Mr. Mitnick in recognition of her efforts regarding the Punta Gorda and Englewood Health Department facilities.

**COMMISSIONER D'APRILE MOVED TO APPROVE TAKING PRESENTATION AGENDA VII OUT OF ORDER, SECONDED BY COMMISSIONER CUMMINGS.  
Motion Carried 5:0.**

**VII. PRESENTATION AGENDA**

Presentation by Florida Civil Air Patrol Wing and Local Squadron requesting approval of the Memorandum of Understanding (MOU) by and between the Civil Air Patrol by the Florida Wing and the Charlotte County Board of County Commissioners

John Varsames, Vice Commander of the Florida Wing, commented on the work and flights conducted by the Civil Air Patrol, funding in disasters, including the work conducted at Lady Lake, and gave the U.S. Military/Homeland Security power point video presentation.

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

Park Wayne Pilikian stated he and his wife moved to Charlotte County for the prestine conditions and beauty, requested that the Board reduce taxes even though better roads are needed, and presented ideas and recommendations to the Board with a request for a response.

Sue Reske, citizen and Chairperson of the Greater Charlotte Harbor Group of the Sierra Club, expressed concerns on Agenda Item G-1, the 2007 Babcock Ranch Land Use Summary Map and advised of future meetings with Kitson.

Dennis Pastor commented on Agenda Item E-3 and urged the Board to approve demolition of the condominium and proceed with the lawsuit.

Joan Fischer commented on the high gas taxes in Charlotte County, legislative efforts for funding matches, and stated residents are fed up with increasing taxes and MSBU assessments. Mrs. Fischer commented on Agenda Item E-1 by questioning if this referenced Murdock Village and requested an update at the next regular meeting on the expenditures for Murdock Village.

Dixie Diana Sewell commented on Agenda Item E-3 and urged the Board to bring this matter to a conclusion and proceed with the lawsuit.

**VII. PRESENTATION AGENDA (continued)**

Presentation by Florida Civil Air Patrol Wing and Local Squadron requesting approval of the Memorandum of Understanding (MOU) by and between the Civil Air Patrol by the Florida Wing and the Charlotte County Board of County Commissioners

Vice Commander Varsames showed the U.S. Military/Homeland Security film, including the U.S. Air Force Auxiliary establishment a/k/a the Civil Air Patrol, staffing of Federal and State Emergency Management agencies, the World Trade Center, and part of the NASA team from Patrick Air Force Base search and rescue efforts.

**II. COMMITTEE VACANCIES**

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

Beaches & Shores Advisory Committee - is seeking one volunteer to represent District #5 for a four-year term.

Children's Services Council - three volunteers to serve on the Charlotte County Children's Services Council for a four-year term. Applicants must have demonstrated an interest in public service and be a resident of Charlotte County and maintained a residence in Charlotte County for the previous 24 months. Members will be appointed by the Governor from a list of nominees chosen by the Board of County Commissioners. Letters of intent to service and a resume will be accepted until March 21, 2007.

Gardens of Gulf Cove 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 landowners within the boundaries of the Unit. The terms of each of the five regular members shall be pulled by lot number as the first scheduled meeting of the committee. The term of the alternate member is for two years.

Greater Port Charlotte Street and Drainage Advisory Committee - is seeking six volunteers to serve on the advisory committee:

five regular members and one alternate. 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.

Harbor Heights Waterway Maintenance District Advisory Board - is seeking six volunteers (five members and one alternate member). Volunteers shall be residents of the Unit.

Charlotte County Housing Finance Authority - is seeking three members are needed to serve on this committee. This committee meets quarterly and members must have background in the areas of labor, finance, or commerce. Terms are for four years.

Lemon Bay Street and Drainage Advisory Committee - is seeking three volunteers to serve on the advisory committee, two regular members and one alternate member. All members shall be land owners of the Unit. The terms of each of the three regular members shall be chosen by lot number at the first scheduled meeting of the committee. The term of alternate member shall be for two years.

Manasota Key Street and Drainage Advisory Committee - is seeking one volunteer to serve on the advisory committee as an alternate member. Volunteer shall be an elector and landowner within the boundaries of the Unit. The term shall be two years.

Rotonda West Street and Drainage Advisory Committee - is seeking one volunteer to serve as an alternate member for a two-year term.

Tropical Gulf Acres Street & Drainage Unit Advisory Board - seeking six volunteers to serve on the advisory board, 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 board. The term of the alternate member shall be for two years.

III. REPORTS RECEIVED AND FILED - No Items

VII. PRESENTATION AGENDA (continued)

Presentation by Florida Civil Air Patrol Wing and Local Squadron requesting approval of the Memorandum of Understanding (MOU) by and between the Civil Air Patrol by the Florida Wing and the Charlotte County Board of County Commissioners

Vice Commander Varsames continued the film, commencing with the retrieval of a primary part of the Shuttle, the Sea Island Summit, mobilization efforts following Hurricanes Katrina and Rita, 911, deployment of ground teams to address food and medical needs, air support and mission bases, air patrols for illegal drugs growth and drops for smugglers, over 3,000 air patrols for search and rescue missions last year, and stated that 140 people are alive today because of the U.S. Military Auxilliary, Civil Air Patrol.

Vice Commander Barsames explained advanced imaging technology sensors are utilized in aircraft to create spector images, the use of digital technologies in conjunction with satellites for transmission of information, security and reconizance activities, reviewed additional patrols that could be performed, the volunteers and team members. Vice Commander Varsames acknowledged the efforts of Charlotte County Commander Captain Jim Kaletta.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items

IV. CONSENT AGENDA

COMMISSIONER D'APRILE MOVED TO APPROVE CONSENT AGENDA EXCEPT FOR AGENDA ITEMS G-1 AND N-1, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

Clerk of the Circuit Court

A. Finance Division 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 16, 2007 through February 5, 2007 in the amount of \$22,703,966.53

B. Minutes Division

9:00 AM 9/26/06 BCC Regular Meeting

5:01 PM 9/28/06 Final Budget Public Hearing

9:00 AM 10/10/06 BCC Regular Meeting

2:00 PM 10/10/06 Executive Session - America Invest

9:00 AM 10/13/06 BCC/City of Punta Gorda Joint Meeting

9:00 AM 10/17/06 Land Use Public Hearings

9:00 AM 10/24/06 BCC Regular Meeting

**Board of County Commissioners**

C. Commission Office

(1) **RECOMMENDED ACTION:** Re-appoint to the Affordable Housing Advisory Committee Ms. Charlotte Johnson and Ms. Earline Oliver, whose terms have expired. **BUDGETED ACTION:** None

(2) **RECOMMENDED ACTION:** Approve reappointments to the Agricultural and Natural Resources Advisory Committee as follows: Mr. Andy Dodd as the Flora/Ornamental Nursery Production representative and Mr. Harry "Orrin" Webb as the Rural Land and Environmental representative. These are four-year terms, expiring in December 2010. These nominations for reappointment have been approved by the Committee. **BUDGETED ACTION:** None

(3) **RECOMMENDED ACTION:** Approve the appointments to the Northwest Port Charlotte Street and Drainage MSBU Committee: Debra Manna, Hubert Daniely, Jr., Paul Pilch, John "Jack"

Fawsett, and Nancy Razvoza as regular members and David Rubin as alternate. Terms of members will be drawn by lot at first meeting. This committee was formed by the Board of County Commissioners on December 12, 2006 and advertising for members has been completed. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Reappoint Robert C. Aspery to the Englewood East Street and Drainage Advisory Committee. The position has been duly advertised with no other requests being received. The term is for three years. Once appointment is approved there will continue to be one vacancy on the committee of which we will continue to advertise until filled. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Appoint Marshall Hall, Roger A. Gallant and Richard Lyons to the Lemon Bay Street and Drainage Advisory Committee. Terms for each will be pulled by lot number at the first scheduled meeting of the committee. There will continue to be three vacancies on the committee for two regular members, and one alternate member. Advertisements will continue for those vacancies until filled. All vacancies have been duly advertised. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Appoint Wayne Largent as a member to the Manasota Key Street and Drainage Advisory Committee. The term shall be pulled by lot number during the first scheduled meeting. There will continue to be one vacancy for the alternate position which we will continue to advertise for until filled. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: Re-appoint to the Marine Advisory Committee Richard Anderson and Len Harris whose terms have expired. Appoint Skip Mansfield to the Marine Advisory Committee to replace Roger Strube who has resigned. BUDGETED ACTION: None

(8) RECOMMENDED ACTION: Reappoint Alyssa Pollizzi to the Recreation and Parks Advisory Committee representing District Two. Length of term is three years. BUDGETED ACTION: None

(9) RECOMMENDED ACTION: Appoint the following persons to the Rotonda West Street and Drainage Advisory Committee: Connie Volpe, John Peszko, Willard A. Coy, Charles Dodd, and David R. Hollomon. All positions have been duly advertised. During the

first scheduled meeting of the committee, lot numbers shall be pulled to determine member terms. This action will leave one vacated position for an alternate member, which advertisement will continue until this position is filled. BUDGETED ACTION: None.

(10) RECOMMENDED ACTION: Appoint Ronald J. Bick as an alternate member to the South Gulf Cove Street and Drainage Advisory Committee. The term will be for two years. BUDGETED ACTION: None.

D. Administration - No Items

E. County Attorney

(1) RECOMMENDED ACTION: Approve increase to the contract with Bryant, Miller and Olive in the amount of \$80,000 to assist in the negotiation and drafting of a redevelopment agreement with Kitson and Partners and to provide legal and technical assistance in drafting the mixed use redevelopment district zoning ordinance and the development of a land use matrix. BUDGETED ACTION: None

**Work Order 2007-001 to Agreement 2003-025**

(2) RECOMMENDED ACTION: Approve the Settlement Agreement in the case captioned American Invest, LC v. Charlotte County; Civil Case No. 06-2041-CA. BUDGETED ACTION: None

**Agreement 2007-017 and restrictive covenant**

(3) RECOMMENDED ACTION: Approve filing a lawsuit against Edgewater 2000, LLC to enforce the Developer's Agreement ("Agreement") entered into between Charlotte County and Edgewater 2000, LLC ("Edgewater") regarding the building owned by Edgewater 2000, LLC that was being constructed at 1460 Maryknoll in Englewood, Florida. BUDGETED ACTION: None

**Commissioner D'Aprile** requested an update on the status. County Attorney Knowlton summarized the recommendation. **Commissioner D'Aprile** accepted the explanation.

F. Budget Office

(1) RECOMMENDED ACTION: Approve the transfer of \$57,000 from the Crimes Prevention Fund to the Sheriff department in pursuant to F.S. 775.083 (2), Florida Statutes. BUDGETED ACTION: FY 07 Budget amount is \$57,000

(2) RECOMMENDED ACTION: Approve the transfer of \$14,700 from the Criminal Justice Education Fund to the Sheriff department in pursuant to F.S. 318.18 (11) (c), Florida Statutes. BUDGETED ACTION: FY 07 Budget amount is \$14,700

(3) RECOMMENDED ACTION: Approve a resolution authorizing the Charlotte County Sheriff to utilize \$29,450 from the Drug Abuse Trust Fund to assist in funding a three-pronged approach to substance abuse prevention. BUDGETED ACTION: FY 07 Budget Amount is \$29,450

**Resolution 2007-023**

(4) RECOMMENDED ACTION: Approve the transfer of \$40,958 from the County Law Enforcement Trust Fund to the Sheriff's Law Enforcement Trust Fund checking account. BUDGETED ACTION: FY 07 Budget amount is \$40,958

(5) RECOMMENDED ACTION: Approve funding for Charlotte County Civil Air Patrol Satellite Digital Imaging System in the amount of \$28,000.00 and approve Budget Transfer 07-012. BUDGETED ACTION: Approve Budget Transfer 07-012

G. Community Development

(1) RECOMMENDED ACTION: Approve an agreement with Babcock Property Holdings, LLC and the Southwest Florida Regional Planning Council with respect to a Master DRI Agreement. BUDGETED ACTION: None

Michael Konefal explained that one of the maps may need to be updated through the process, but that a master agreement is being approved today and does not change any maps. **Commissioner Cummings** questioned changes in the maps on incremental development in conjunction with the development agreement. Mr. Konefal expressed uncertainty for the specific

maps and suggested the Babcock attorney respond. Chuck DeSanti of Kitson and Partners stated the maps referenced in number 9 are the various support maps for wetlands, soils, etc., that are found within the AMDA application, for different topics to be addressed. **Commissioner Cummings** referenced the phasing of the project to be done by Kitson as set out in Exhibit B, determining the size, boundaries, land uses and timing of each increment, providing that the entire project reflected in the approved master development of regional impact order may not be submitted in only one increment, and that any one increment can not be more than 50% of the entire development program. **Commissioner Cummings** suggested erring on the side of caution with larger increments to track results of development to better refine the needs, and indicated support for the phased development in lieu of a one-time Planned Development. **Commissioner Cummings** advised he would still like to see the financials for Babcock Property Holdings.

**COMMISSIONER CUMMINGS MOVED TO APPROVE AGREEMENT 2007-018, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.**

(2) **RECOMMENDED ACTION:** Approve the DRC-PD-06-02 Final Detail Plan Resolution permitting Goodwill Industries of Southwest Florida, Inc. to construct Goodwill of Port Charlotte. **BUDGETED ACTION:** None

**Resolution 2007-024**

(3) **RECOMMENDED ACTION:** Approve the DRC-PD-80-4PPP Partial Final Detail Plan Resolution permitting David Weekley Homes to develop the David Weekley Homes Model Center. **BUDGETED ACTION:** None

**Resolution 2007-025**

H. Economic Development - No Items

J. Environmental Services - No Items

K. Facilities Construction and Maintenance - No Items

L. General Services

(1) RECOMMENDED ACTION: Approve Addendum #16 to Contract # 01-125, Sarasota-Charlotte County Beach Restoration Study, with Coastal Technology Corp. in the not to exceed amount of \$255,853. BUDGETED ACTION: FY 07 budget of \$240,000 is available in the Stump Pass Beach Renourishment MSBU/MSTU.

(2) RECOMMENDED ACTION: a) Approve Amendment #2 to Contract #02-080, NPDES Phase II Permit, with Giffels-Webster Engineers, Inc. in the amount of \$45,566.72, for a total revised Contract of \$287,358.72; and b) Authorize Chairman to sign Amendment. BUDGETED ACTION: FY 07 Budget is \$50,000 divided evenly between the Mid, South, and West Stormwater Utility Units. CIP project National Pollution Discharge Elimination Program.

(3) RECOMMENDED ACTION: Approve Change Order #3 in the amount of \$143,902.20 to Bid No. 05-375, Tom Adams Bridge Rehabilitation, with Coastal Marine Construction, Inc., for a revised total cost of \$2,697,619.39. BUDGETED ACTION: FY 07 budget of \$1,334,966 is available in the Tom Adams Bridge Rehabilitation CIP project.

(4) RECOMMENDED ACTION: Approve Change Order #1 to Contract #06-219, Rotonda & Gulf Cove Water Booster Station Tank Repair/Rehabilitation, with Service Painting of Florida to increase the contract in the amount of \$59,955.00 with a revised total contract of \$953,662.50. BUDGETED ACTION: Budgeted available \$62,000 in CIP c339701 Water Pumping Station Improvements

(5) RECOMMENDED ACTION: a) Rescind award of Contract #07-051, Dugout Covers with BP International, Inc. in the amount of \$244,875.22; and b) Award the Contract #07-051 to Ball Fabric Structures, Inc. for the total cost of \$268,784. 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.

(6) RECOMMENDED ACTION: a) Approve renewal option on Contract #04-060, Solid Waste Engineer of Record with SCS Engineers, Inc., of Tampa, FL, extending their contract through and including December 31, 2007; and b) Authorize the County

Administrator to approve renewal options for up to one additional one-year terms, at the same terms and conditions, by mutual consent. BUDGETED ACTION: This item is budgeted in the Sanitary Landfill's contract services line for Engineering in the amount of \$303,000 for FY 06/07.

(7) RECOMMENDED ACTION: a) Approve the negotiations for Request for Proposal #07-174 Aerial Photography Services with the first-ranked firm, Pinnacle Mapping Technologies, Inc. of Indianapolis, IN; b) Authorize the Chairman to sign the contract after negotiations have been completed, as long as the negotiations fees/services do not exceed annual expenditures of \$200,000; and c) Authorize the County Administrator to approve renewal options for up to two additional one-year terms, at the same terms and conditions, by mutual consent. BUDGETED ACTION: None

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

M. Human Resources - No Items

N. Human Services

(1) RECOMMENDED ACTION: a) Review and approve assistance from the State Housing Initiative Partnership (SHIP) program to the Charlotte County Homeless Coalition, Inc. for \$100,000 for increased construction costs on Genesis Bishop House which received primary finance funding from Hurricane Housing Recovery (HHR) funds in the amount of \$406,800; and b) Authorize Chair to sign the contracts with recipient. BUDGETED ACTION: SHIP FY 2006-2007 \$100,000 -- Rental New Construction

**Chairman Loftus** expressed dissatisfaction with the need for additional funding and the lack of due diligence. Lorraine Helber explained several projects that received additional funding. W. Kevin Russell, President of the Homeless Coalition, reviewed the zoning standards for parking and the need to acquire the adjacent lot for additional parking spaces approved under the special exception. **Chairman Loftus** stated the true cost of the total project should have been brought to the Board at the onset and expressed opposition.

**COMMISSIONER MOORE MOVED TO APPROVE AGENDA ITEM N-1, SECONDED BY COMMISSIONER CUMMINGS.**

**Motion Carried 4:1. Chairman Loftus opposing.**

**Commissioner D'Aprile** stated it was an oversight and the Board still needs to support this important project.

(2) **RECOMMENDED ACTION:** Approve Letter of Agreement between Charlotte County Board of County Commissioners and Agency for Health Care Administration (AHCA). **BUDGETED ACTION:** None

**Agreement 2007-006**

(3) **RECOMMENDED ACTION:** Approve extending the commitment of Hurricane Housing Recovery (HHR) funds to The Carlisle Development Group and Picerne Development Group for construction of Charlotte Crossing and Hampton Point Apartments, respectively. Both affordable housing projects are to provide housing for very low income (60% AMI) families and individuals. **BUDGETED ACTION:** Funds provided in Hurricane Housing Recovery (HHR) Funds

(4) **RECOMMENDED ACTION:** Approve attached form Use Agreement and related fees for rental of common areas in the Family Services Center and approve Budget Amendment #07-A09 to recognize the additional revenue. **BUDGETED ACTION:** Budget Amendment #07-A09 in the amount of \$3,500.

P. Information Technology - No Items

Q. Parks, Recreation & Cultural Resources

(1) **RECOMMENDED ACTION:** Approve setting a Public Hearing on February 27, 2007 at 10:00 AM, or soon thereafter as may be heard, to amend County Code 1-11-71(b), changing the number from six to five to make a quorum on the Historical Advisory Committee. **BUDGETED ACTION:** No budget action required.

R. Public Safety

(1) **RECOMMENDED ACTION:** Approve an agreement between Motorola and Charlotte County for Reconfiguration Planning Phase services

under the 800 Mhz Radio System Rebanding project. BUDGETED ACTION: No budget action required by the County.

S. Public Works

(1) RECOMMENDED ACTION: Approve setting a public hearing on February 27, 2007, at 10:00 a.m. or as soon thereafter as may be heard, to consider an ordinance, pursuant to the authority granted in Section 316.189, Florida Statutes, to set the speed limit on Toledo Blade Boulevard, from U.S. 41 to the Sarasota County line at 45 miles per hour. BUDGETED ACTION: The estimated cost of \$800 for changing the speed limit signs is available in the Transportation Trust Fund.

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve 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 23 East, also known as the Charlotte County Public Works Division Compound. BUDGETED ACTION: None

**Resolution 2007-026**

V. Tourism Development - No Items

W. Utilities - No Items

X. Building Construction Services - No Items

Y. Constitutional - No Items

**RECESS: 10:30 AM TO 10:40 AM**

**VI. PUBLIC HEARING AGENDA - 10:00 A.M.**

(1) Public Works, RECOMMENDED ACTION: Conduct a public hearing to consider an ordinance amending the present School Zone Ordinance to add a school zone on Rio de Janeiro Avenue for Deep Creek Elementary School.

Thomas O'Kane explained the purpose of the public hearing is to amend the present School Zone Ordinance to establish a school

zone on Rio de Janeiro for Deep Creek Elementary School. **Chairman Loftus** opened the public hearing. There was no citizen input.

**COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS.**  
**Motion Carried 5:0.**

**COMMISSIONER CUMMINGS MOVED TO APPROVE ORDINANCE 2007-002, SECONDED BY COMMISSIONER D'APRILE.**  
**Motion Carried 5:0.**

(2) Economic Development, RECOMMENDED ACTION: Conduct a Public Hearing at 10:00 a.m., or as 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 may, at the County's option, receive the Charlotte County Average Annual Wage in effect at the time of approval of the program agreement by the Board of County Commissioners.

Betty Williams explained the Ordinance amendment. **Commissioner Cummings** asked what the typical time frame was for the agreements between time signed and completion. Ms. Williams explained each agreement is on an individual basis.

**Commissioner Cummings** stated each agreement should specify the total dollar amount for each year and the cost of living index for 75% should be utilized for the maximum inflationary amount a business should pay and for businesses to have specific targeted salaries to meet the Board's goals and objectives for incentive development. **Commissioner Moore** questioned the overage of the average wage required. Ms. Williams stated that the applicant must exceed the average wage by at least 15% to qualify for incentives. **Chairman Loftus** opened the public hearing. There was no citizen input.

**COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.**  
**Motion Carried 5:0.**

COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2007-003, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:1. Commissioner Cummings opposing.

V. REGULAR AGENDA

Z. Regular Business

(1) Commission Office, RECOMMENDED ACTION: Select by ballot six people to serve on the Board of the Harbour Heights Street & Drainage Unit Advisory Committee. Five are to serve as regular members and one person to serve as the alternate member. All members shall be residents of the Unit. The terms of each member shall be pulled by lot number at the first scheduled meeting of the committee and the term of the alternate member shall be two years. These vacancies have been duly advertised.

Board Members marked ballots. Mr. Loucks announced Vicky Fleming, Suzanne T. Graham, Joan T. Hayes, Margaret "Maggie" Scott, and Brad L. Wasmus were selected as the regular members, and William D. Moyer was selected as the alternate member.

(2) Administration, RECOMMENDED ACTION: Review previously adopted 2007 State legislative Agenda and discuss any desired changes to the agenda.

Deena Bosworth, Director of Governmental Relations, reviewed legislative priorities, funding requests, and property taxes, including increasing the homestead exemption to \$50,000 and the recommendation to remain at \$25,000, the portability of the Save Our Homes cap tax rate and opposing the unrestricted portability of the Save Our Homes, limiting revenue and expenditures for each county, and requested direction. Ms. Bosworth pointed out that if all five property tax reforms are implemented, there would be a reduction of \$72.8 million in the General Fund Budget.

Discussion ensued on doubling the homestead exemption during which Commissioner D'Aprile opposed it and Raymond Sandrock offered to perform an economic impact study to project impacts on the budget and revenues. Chairman Loftus announced a consensus on opposing the doubling of the homestead exemption.

**Commissioner Cummings** stated a more aggressive form of taxation is needed for infrastructure especially since the State is taking more money from counties and there should be a hold harmless for counties to prevent bankruptcy of counties. **Commissioner Cummings** stated loopholes must be eliminated. **Chairman Loftus** concluded **Commissioner Cummings** supports the document as it stands. **Commissioner Cummings** reiterated the need to establish a mechanism to prevent counties from going into bankruptcy. **Chairman Loftus** announced there is a consensus on the five topics. **Commissioner Duffy** expressed support for portability within a county and no restriction on one-time only.

**Commissioner Duffy** commented on difficulties of property appraisers tracking exemptions' portability from county-to-county. **Commissioner Cummings** opined all five of the proposals will have long-term impacts and expressed support for the basic language. **Chairman Loftus** indicated support for portability on a one-time basis within the county. Ms. Bosworth requested direction on one-time only as well as portability within the county. **Commissioner D'Aprile** reiterated support for one time only, concurred in by **Commissioner Duffy**.

**Commissioner Moore** stated small businesses need help and suggested discussion on how properties are appraised. **Commissioner D'Aprile** expressed dissatisfaction on how businesses are appraised and stated a 15% cap on businesses would be reasonable. Ms. Bosworth commented on the 3% cap. **Commissioner Cummings** stated limiting tax increases will open up a new problem.

Ms. Bosworth explained the Board does not have to take a position on all of the priorities. **Commissioner Cummings** stated it is not worth fighting over item 3. **Commissioner Duffy** stated something has to be done to help new residents and suggested a 5% cap. Mr. Loucks explained people moving to Charlotte County are issued a homestead exemption when filed for. **Commissioner Duffy** stated she receives complaints from people who have homes up north and visit here during the winter months. Ms. Bosworth pointed out rental units cannot be homesteaded. **Commissioner D'Aprile** stated a 3% cap on non-homesteaded properties including commercial, businesses, would be too little but a 15% cap would be reasonable.

**Commissioner Moore** requested the impact of a 25% cap. Mr. Sandroock reported the \$41 million would be across all funds impacted by ad valorem taxes and offered to conduct a 25% impact study extracting businesses and non-homestead properties. **Chairman Loftus** concluded that in order to maintain the current levels of service in compliance with Senate Bill 360, a millage rate increase will be necessary.

**Commissioner Moore** stated he would support a 25% cap even though it is too high. **Commissioner D'Aprile** referenced the "flat tax" mentioned sometime ago, stated a lot of business people in the area have gone bankrupt, property values have increased and so have taxes and insurance. **Commissioner D'Aprile** advised something has to be done to control taxes on non-homestead properties and indicated support for a 25% cap.

Mr. Loucks stated this cap will only apply to businesses, commercial, and rental properties not vacant residential properties. **Commissioner Cummings** stated the proposal represents a band aid for a tax system that does not work and commented on his standing based on his income tax filing.

Ms. Bosworth stated item 5 is for the Legislature to limit revenues and spending for counties. **Commissioner Cummings** stated the millage would have to go up. Ms. Bosworth asked for clarification of the 25% cap. **Chairman Loftus** concluded the 25% cap would apply to commercial and rental properties on an annual basis not a seasonable basis. Mr. Loucks reiterated the cap would not be applicable to vacant residential and vacant agricultural properties. **Commissioner Duffy** indicated support for a cap, above the 3% proposed, for non-homestead properties.

Ms. Bosworth requested direction on item 5. **Commissioner Moore** opposed a cap. Mr. Loucks pointed out the Sheriff's budget is the biggest portion of the General Fund and explained the calculation of the millage impact. Mr. Sandroock stated 51% of the General Fund supported by ad valorem taxes are allocated to Constitutional Officers and Reserves have been built up to cover some shortfalls including the Capital Improvements Fund. Mr. Sandroock stated caps on revenues and expenditures would force consideration of core services. Mr. Sandroock reported Polk County has a 1.2 mill for road projects and it may be necessary for Charlotte County to implement a millage rate for road

projects in order to maintain concurrency level of service requirements.

Mr. Sandrock stated the extension of the \$.01 sales tax has enabled construction of some road projects. **Commissioner Moore** opposed the proposed caps. Ms. Bosworth requested direction on the proposed policy on the Department of Transportation. Ms. Bosworth stated the deadline for a new Bill was January 26, 2007 but the lobbyists might support a Bill for next year. Mr. Loucks pointed out Charlotte County is a member of the Tri-County Consortium. Ms. Bosworth offered to update the Board on any new Bills drafted on this topic. Ms. Bosworth stated a Bill on restricting counties from limiting mining operations is in the works. **Commissioner Cummings** related conversations with individuals in Sarasota and Lee Counties indicated concern about this Bill. Ms. Bosworth advised the deadline for a Bill in this Session is March 5, 2007. **Commissioner Moore** expressed support for working through the local Legislative Delegation.

**Chairman Loftus** asked Attorney Knowlton to look into this. Ms. Bosworth concluded the Board is not taking a position since a proposed Bill does not exist.

(1) Commission Office, **RECOMMENDED ACTION:** Select by ballot six people to serve on the Board of the Harbour Heights Street & Drainage Unit Advisory Committee. Five are to serve as regular members and one person to serve as the alternate member. All members shall be residents of the Unit. The terms of each member shall be pulled by lot number at the first scheduled meeting of the committee and the term of the alternate member shall be two years. These vacancies have been duly advertised.

**COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENTS FOR REGULAR MEMBERS AND ALTERNATE AS ANNOUNCED PREVIOUSLY, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

(3) Administration, **RECOMMENDED ACTION:** Discuss and approve the FY 2008 Federal Legislative Agenda.

Ms. Bosworth reviewed the Federal legislative priorities list that has the greatest potential for approval. **Commissioner Duffy** asked for clarification on private funding for U.S. 41.

Mr. Loucks stated it is the segment north of Charlotte State Bank where U.S. 41 is two lanes and recalled developer private funding is being utilized on Burnt Store Road improvements.

**X. CITIZEN INPUT - ANY SUBJECT**

Kendall Leach reiterated concerns about the lack of stop signs at specific locations as denoted by petitions submitted to the Board three weeks ago, referenced a letter from **Commissioner Moore** that Public Works had been directed to install the stop signs. Mr. Leach advised Public Works has not responded to his calls and emails during the last two weeks and requested a date certain for the installation of the stop signs.

Mr. Pilikian thanked Board Members for their decisions regarding State and Federal legislative priorities and stated constructive and beneficial taxes for roads and schools are needed.

Tom Strawson expressed concern about increased taxes, stated infrastructure is needed for new growth, Charlotte County is the mining capital, advised residents will end up paying for damage to roads caused by the trucks and for infrastructure, and people who can afford two houses can afford the taxes.

Marvin Edlestein and Clyde Pryor thanked the Board and Mr. Loucks for their efforts on the town hall meeting at which over 150 people attended and invited all Board Members to attend the next town hall meeting on April 4, 2007 from 6:00 to 8:00 PM in Room 119.

Gary Frommer, General Manager for Coral Rock, stated problems exist in Permitting; no one has visited the mining site; offered to provide an economic impact statement on mining operations and mining materials used to build road and bridge infrastructure; a lot of materials are imported from Lee County since there are not sufficient materials in Charlotte County; Coral Rock has been providing materials for over 25 years; commented on flooding controls and on-line storage; and asked that communications be made to Coral Rock for information and statistics on aggregate rock mining.

AA. County Administrator - No Items

BB. County Attorney - No Items

CC. Commissioner Comments

**Commissioner Cummings** commented on the City of North Port being allowed to be a member of the Water Authority and requested input for the next Water Authority meeting. **Commissioner D'Aprile** agreed with the City of North Port becoming a member. **Chairman Loftus** suggested North Port as a non-voting member and Punta Gorda in the future for relative issues. **Commissioner Cummings** suggested North Port as a non-voting member and the possibility of allowing Punta Gorda the same status in the future. **Commissioner Duffy** agreed with **Commissioner Cummings**. **Commissioner Moore** indicated no objection to North Port having a non-voting seat and **Commissioner Cummings** should indicate he looks forward to a Water Authority plan to incorporate other cities in the future.

**Commissioner Cummings** stated the position he will take to the Water Authority is no objection to North Port having a non-voting seat.

**Commissioner Duffy** commented on Southwest Florida Water Management District's efforts to encourage farmers with water conservation and use. **Commissioner Duffy** stated she has submitted damage estimates to Attorney Knowlton. **Commissioner Moore** related Kelly Shoemaker has indicated the stops signs will be installed by the end of the month and he will send a letter to that effect.

**Commissioner D'Aprile** stated the Marine Advisory Committee is discontinuing attendance at the Southwest Florida Water Management District since most topics discussed relate to land uses. **Commissioner D'Aprile** stated some farmers are using pits in lieu of wells and, if mines are used for irrigation, a use deadline should be established. **Commissioner Cummings** stated the use percentage needs to be based on the land size. **Chairman Loftus** related his helicopter tour reflected how fragile the Peace River water shed is and suggested all commissioners go on such a tour.

ADJOURNED: 12:40 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

djn