

BOARD OF COUNTY COMMISSIONERS

MARCH 27, 2007

A regular meeting 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 Attorney Knowlton, County Administrator Loucks, Chief Deputy White, Executive Assistant Blair, and Deputy Clerk Manley. The following members were absent: None. The meeting was called to order at **9:00 AM**.

The invocation was given by Chairman Loftus, followed by the Pledge of Allegiance.

Changes to the Agenda:

Deletion #1: L-2 - General Services - Recommended Action: a) Approve ranking of firms for Request for proposal #07-199, Master Space Plan-Architectural/Engineering Services: 1st-Harvard Jolly, Inc.; 2nd-BSSW Architects; and 3rd-Spillis Candela; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations, for phase I of the design process; to include conceptual master site planning and programming for the buildings referenced below (providing that fees do not exceed \$300,000.) Budgeted Action: Budgeted amount in FY07 is \$3,707,000 in CIP Master Space Plan.

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

Special Recognition

Proclamations

**COMMISSIONER CUMMINGS MOVED TO APPROVE PEACE RIVER WATERSHED AWARENESS WEEK THE WEEK OF APRIL 14 TO APRIL 21, 2007, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.**

Terri Behling of the Water Management District accepted the Proclamation.

Commissioner Cummings commented on a product that has the potential to allow the utility to have a program to reduce the peak water.

COMMISSIONER D'APRILE MOVED TO APPROVE FLORIDA'S WATER CONSERVATION MONTH THE MONTH OF APRIL 2007, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Charlotte County Utilities Director Jeff Pearson accepted the Proclamation.

COMMISSIONER MOORE MOVED TO APPROVE FLORIDA SURVEYORS' WEEK PROCLAMATION THE WEEK OF MARCH 13 THROUGH 19, 2007, SECONDED BY COMMISSIONER DUFFY.
Motion Carried 5:0.

Steve Ford, President of the Charlotte Harbor Chapter of the Florida Surveying and Mapping Society (FSMS), accepted the Proclamation.

Employee Recognition - None

Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Bill Dryburgh commented on agenda item Z-1, and commended the Board of County Commissioners (Board) on bringing back the grey line regarding the use of potable water for irrigation.

Cindy Aubin, of Automated Consulting Services, Inc., commented on agenda item Z-2.

Park Wayne Pilikian commented on Public Works, real estate, dredging projects, and agenda item F-6.

Commissioner Cummings questioned that Mr. Pilikian's comments were appropriate to agenda item F-6. **Commissioner Moore** stated Mr. Pilikian's comments would be more appropriate if addressed

at Citizens Input - Any Subject. Mr. Pilikian was allowed to continue.

Alton Cheatham commented on watershed protection and water conservation, and thanked the Board for its efforts.

II. COMMITTEE VACANCIES

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

Boca Grande Street and Drainage Advisory Committee - seeking one volunteer to serve as the alternate member. The term is for two-years. Volunteers must be landowners within the boundaries of the Unit.

Children's Services Council - seeking four volunteers to serve on the Children's Services Council for a four year term. Applicants must have a demonstrated interest in public service, 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 serve and a resume will be accepted until April 15, 2007.

Construction Board of Adjustments and Appeals - seeking three volunteers to serve, one general building contractor, one mechanical contractor, and one member-at-large; terms are three years.

Gardens of Gulf Cove Street and Drainage Advisory Committee - seeking five volunteers to serve; four regular members and one alternate member. The terms for regular members shall be pulled by lot number at the first scheduled meeting, and the term for the alternate member is for two-years. Volunteers must be landowners within the boundaries of the Unit.

Greater Port Charlotte Street and Drainage Advisory Committee - seeking one volunteer to serve as the alternate member on the advisory committee for a two-year term. Must be a resident of the Unit.

Harbour Heights Waterway Maintenance District Advisory Board - seeking two volunteers (one regular member and one alternate). Volunteers shall be residents of the Harbor Heights Waterway Maintenance District. The term for the regular member shall be pulled by lot number at the first scheduled meeting and the alternate member shall serve a term of two years.

Lemon Bay Street and Drainage Advisory Committee - seeking three volunteers to serve; two regular members and one alternate member. The terms for regular members shall be pulled by lot number at the first scheduled meeting, and the term for the alternate member is for two-years. Volunteers must be landowners within the boundaries of the Unit.

Little Gasparilla Island Advisory Committee (Community Plan) - seeking one volunteer to fill a vacant position on the Committee representing Hideaway Beach Club Owner's Association. The term will be for three-years.

Manasota Key Street and Drainage Advisory Committee - seeking one volunteer to serve as the alternate member. The term is for two-years. Volunteers must be landowners within the boundaries of the Unit.

South Gulf Cove Advisory Committee (Community Plan) - seeking one volunteer to fill a vacated position on the committee. The term will expire on June 14, 2007.

III. REPORTS RECEIVED AND FILED

Charlotte Harbor-CRAAC Minutes for December 2006 and February 2007, and Murdock Village CRAAC Minutes from November 17, 2006.

IV. CONSENT AGENDA

**COMMISSIONER CUMMINGS MOVED TO APPROVE THE CONSENT AGENDA, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Memoranda

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 March 6, 2007
through March 19, 2007 in the amount of \$15,762,626.67

B. Minutes Division

01/09/07 9:00 a.m. Board of County Commissioners Regular Meeting

01/12/07 9:00 a.m. Board of County Commissioners Retreat

01/16/07 9:00 a.m. Land Use Public Hearings

01/23/07 9:00 a.m. Board of County Commissioners Regular Meeting

02/06/07 9:00 a.m. Administrative Overview Workshop

02/13/07 9:00 a.m. Board of County Commissioners Regular Meeting

02/20/07 9:00 a.m. Board of County Commissioners Regular Meeting
and Land Use Public Hearings

02/27/07 9:00 a.m. Board of County Commissioners Regular Meeting

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the appointment of Melissa Doyle as the Labor Building Representative on the Affordable Housing Advisory Committee to fill the unexpired term of Thomas LeGros who has resigned. This term will expire March 8, 2009. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint David Rubin representing the Port Charlotte Yacht Club to the Marine Advisory Committee to

replace Jim Alexander who has resigned. This term will expire December 31, 2009. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve the reappointment of Grace Amodeo as an Alternate Member on the Construction Board of Adjustments and Appeals for a three-year term. BUDGETED ACTION: None

D. Administration

(1) RECOMMENDED ACTION: Approve setting a Public Hearing for April 10, 2007 at 10:00 a.m. or as soon thereafter as may be heard to discuss amending the Community Development Block Grant Contract Number 06DB-3C-09-18-01-W 05 to shift funding from the Stormwater and Engineering line items to the Sewer/Wastewater line item. BUDGETED ACTION: None

E. County Attorney

(1) RECOMMENDED ACTION: Approve the Memorandum of Understanding with the Civil Air Patrol (Florida Wing). BUDGETED ACTION: None

Agreement 2007-023

F. Budget Office

(1) RECOMMENDED ACTION: a) Approve Budget Transfers # 07-015 and 07-016 to adjust carry over balances for various account lines for the FY2006/2007; and b) Approve Budget Amendments 07-A10, 07-A011, 07-A012, 07-A013, 07-A015, 07-A016, 07-A019, 07-A020, 07-A021, and 07-A022 to adjust carryover balances for various account lines for the FY2006/2007 budget. BUDGETED ACTION: These budget transfers and amendments are to "carryover" prior year unspent budget amounts that relate to Capital Projects or purchases of Capital Equipment. The amounts were anticipated to be spent in the prior year but for various reasons were not, usually they are timing issues. The most typical example is with a major capital project such as the construction of a building, park or roadway where it is necessary to "carryover" these unspent budgeted amounts in order to have the proper total budget to complete a project. These are not new budget items.

(2) **RECOMMENDED ACTION:** Approve to set a Public Hearing for April 10, 2007 at 10:00 A.M., or as soon thereafter as it may be heard, to consider an Ordinance to abolish the Englewood Utility District Municipal Service Taxing Unit. **BUDGETED ACTION:** None

(3) **RECOMMENDED ACTION:** Approve to set a Public Hearing for April 10, 2007 at 10:00 A.M. or as soon thereafter as it may be heard, to consider an Ordinance to abolish the Central Charlotte Bicycle and Pedestrian Path Municipal Service Taxing Unit. **BUDGETED ACTION:** None

(4) **RECOMMENDED ACTION:** Approve to set a Public Hearing for April 10, 2007 at 10:00 A.M., or as soon thereafter as it may be heard, to consider an Ordinance to abolish the Port Charlotte Bicycle Path Municipal Service Taxing and Benefit Unit. **BUDGETED ACTION:** None

(5) **RECOMMENDED ACTION:** Approve to set a Public Hearing for April 10, 2007 at 10:00 A.M. or as soon thereafter as it may be heard, to consider an Ordinance to abolish the West Charlotte Bicycle and Pedestrian Path Municipal Service Taxing Unit. **BUDGETED ACTION:** None

(6) **RECOMMENDED ACTION:** Approve a Board approval of a Resolution to borrow an amount not to exceed \$8,200,000 from the Pooled Commercial Paper Loan Program to accomplish certain waterway improvements in Edgewater North Waterway and certain road improvements in Englewood East (Phase 2) and South Gulf Cove (Phase 5) and bridge replacement on Don Pedro Island. These projects are included in the FY 07/08 Capital Improvements Program. **BUDGETED ACTION:** FY 07 requested borrowing is \$3,000,000 for Kosinski Bridge Replacement, CIP project c410214, page U28, project total \$5,907,000; \$4,000,000 for phase 2 of the Englewood East Paving, CIP project c410602, page U14; project total \$23,902,000; \$1,100,000 for phase 5 of the South Gulf Cove Paving, CIP project c410701, page U78, project total \$1,669,000; and \$35,000 for Buena Vista, Grassy Point, Elf WW Dredging, CIP project c390603, Page U7, project total \$690,000.

Resolution 2007-044

G. Community Development

(1) RECOMMENDED ACTION: Approve the request that the Board of County Commissioners set a Public Hearing on April 10, 2007, at 10:00 a.m., or as soon thereafter as may be heard; to consider adopting an Ordinance amending the provisions of the Impact Fee Ordinance. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve to set a Joint Workshop on May 7, 2007, at 2:00 p.m., with Charlotte County Commissioners, the City of Punta Gorda Council Members, and the Charlotte County School Board, in Murdock Administration Building, Room 119. This annual meeting is to discuss growth and development in the County as it relates to future student needs. BUDGETED ACTION: None

H. Economic Development - No Items

J. Environmental Services

(1) RECOMMENDED ACTION: Charlotte County Board of County Commissioner's consideration to support the City of Punta Gorda's application for a Waterfronts Florida Partnership Grant Program, asking the Board Chairman to sign and submit a letter of support to Florida State's Department of Community Affairs. BUDGETED ACTION: None

K. Facilities Construction and Maintenance - No Items

L. General Services

(1) RECOMMENDED ACTION: Approve Novation for Contract #06-386, Water-Wastewater Chemicals, from current vendor US Filter-Altivia Corp., to Siemens Water Technologies. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve waiver of bid procedures and award File #07-255, Mobile Dispatch Software, to VisionAir of Castle Hayne, NC, in the amount of \$123,084.75. BUDGETED ACTION: \$61,542.38 budgeted in Fire/EMS General Fund account - \$61,542.38 budgeted in Fire Rescue Fund Account.

(4) RECOMMENDED ACTION: a) Approve to Authorize a "piggyback" of The School Board of Sarasota County Contract #7012, for Security System Installation, Repairs and Parts; and b) Approve File #

07-257, for Security System Installation, Repairs and Parts, with Integrated Services Corporation, of Sarasota, Florida at unit prices bid, for the total cost of \$134,862.83. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: a) Authorize "piggyback" of the City of Deerfield Contract # 2006/121, Emergency Medical Transport Billing and Collection Services; and b) Approve File #07-258, Medical Transportation Billing Services, to Advanced Data Processing, Inc. of Miami, Florida, for a fee of seven percent (7%) of all monies collected, excluding Medicaid accounts, and a flat fee of \$11.40 per Medicaid account, with an initial contract term beginning from April 24, 2007, through June 1, 2009; and c) Authorize the County Administrator to approve renewal options for two (2) additional three (3) year terms, at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: FY06/07 budget is \$280,000.

(6) RECOMMENDED ACTION: Approve Change Order #4 to Contract #99-126, Manchester Waterway Lock Removal Ecosystem Management Permitting with EarthBalance in the amount of \$96,380 for a total revised contract amount of \$476,021. BUDGETED ACTION: The FY07 Transportation Trust Fund budget contains \$100,000 to be used towards this change order. CIP project c419806, Manchester Lock Removal

(7) RECOMMENDED ACTION: a) Approve Bid #07-187 Legal & Official Advertising for Charlotte County Tax Collector, to the Charlotte/Englewood Herald-Tribune, Port Charlotte, Florida, at the cost of \$.075 per agate line for publishing delinquent tax rolls; and b) Authorize the County Administrator to approve the renewal option for one (1) additional one-year term, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: Funds allocated within the Tax Collector's Budget

(8) RECOMMENDED ACTION: Approval of Change Order #1, to Contract #03-172, Temporary Personnel Services with Express Personnel Services to add Contract Employees to the original contract for a mark-up fee of 1.40 above the negotiated rate. BUDGETED ACTION: None

(9) RECOMMENDED ACTION: Approve Change Order #1, in the amount of \$43,813, to Bid #07-077, U.S. 41 Parking Lot - Conway

Boulevard to Pompano Waterway, awarded to Peter A. Basile Sons, Inc., of Arcadia, Florida, for additional costs for the force main cutover and installation of additional sidewalks. The revised project total is \$345,506.72 (\$100,000 Developer contribution). BUDGETED ACTION: FY 06/07 budget for this Change Order is available in 2002 Sales Tax Extension Fund (\$26,315) and the CCU Connection Fee Fund (\$17,498), CIP project c410304 US 41 Corridor Beautification, project total \$5,185,000 and c350602 wastewater Force Mains; project total \$7,313,000.

M. Human Resources - No Items

N. Human Services

(1) RECOMMENDED ACTION: a) Review and Approve assistance of \$465,000 from the State Housing Initiative Partnership (SHIP) Program for the construction of Marian Manor, a 31-unit Catholic Charities Housing development located at 22278 Vick Street in Port Charlotte; and b) Increase Marian Manor's Hurricane Housing Recovery (HHR) assistance commitment by \$31,000 to the maximum allowable by the program; and c) Authorize the Chairman to sign the contracts after a review by the County Attorney's Office. BUDGETED ACTION: SHIP FY 2006-2007 Rental New Construction \$550,083, HHR FY 2006-2007 Multi-Family New Construction \$8,991,000.

a) Agreement 2007-024 b) Additional HHR funding to Grant 2005-025

(2) RECOMMENDED ACTION: a) Review and Approve assistance from the State Housing Initiative Partnership (SHIP) Program to Gulf Breeze Apartment Partners, Ltd, in partnership with the Punta Gorda Housing Authority, for \$450,000 for construction costs for Gulf Breeze Apartments; and b) Authorize the Chairman to sign the contracts after a review by the County Attorney's Office. BUDGETED ACTION: SHIP FY 2006-2007 Non-Profit Rental Rehab/Construction \$410,567, SHIP FY 2006-2007 Reserve-Contingency-General \$1,062,690.

Agreement 2007-025

P. Information Technology - No Items

Q. Parks, Recreation & Cultural Resources - No Items

R. Public Safety

(1) RECOMMENDED ACTION: Approve the Lease Agreement between Charlotte County and T-Mobile South LLC in which T-Mobile South LLC is leasing space on a County-owned communications tower.
BUDGETED ACTION: None

Agreement 2007-026

(2) RECOMMENDED ACTION: Approve a Resolution authorizing the Chairman to sign an Interlocal Agreement with the Englewood Fire District to lease space at County Fire Station No. 14, and approve an Interlocal Agreement with the Englewood Area Fire Control District to lease space at County Fire Station No. 14.
BUDGETED ACTION: None

Resolution 2007-045 and Agreement 2007-027

S. Public Works

(1) RECOMMENDED ACTION: Approve an Interlocal Agreement between Charlotte County and the City of Punta Gorda, to provide for installation of water mains and sanitary sewer lines in conjunction with the Carmalita Roadway Improvement Project.
BUDGETED ACTION: No budget action is required for approval of the Interlocal Agreement; Carmalita Street/Education Avenue is CIP project c410201 with an FY07 project total of \$10,358,000.

Agreement 2007-028

(2) RECOMMENDED ACTION: Approve to set a Public Hearing for April 10, 2007, at 10:00 a.m., or as soon thereafter as may be heard, to consider an Ordinance creating an Advisory Board for the Burnt Store Village Street and Drainage MSBU. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Burnt Store Village Streets and Drainage MSBU.

(3) RECOMMENDED ACTION: Approve to set a Public Hearing for April 10, 2007, at 10:00 a.m., or as soon thereafter as may be heard, to consider an Ordinance creating an Advisory Board for the South Burnt Store Street and Drainage MSBU. BUDGETED

ACTION: Recording fees of approximately \$44 are available in the South Burnt Store Street and Drainage MSBU.

(4) RECOMMENDED ACTION: Approve and Authorize the Chairman to sign Amendment No. 1 to FDEP Contract 03CH2 - Stump Pass Beach State Park Stabilization Project. BUDGETED ACTION: None; extends time of current agreement. Local portion of the Stump Pass Beach Stabilization Project is funded from the Stump Pass Beach Renourishment MSTU/MSBU.

Amendment #1 to Grant 2004-005

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve the Authorization for the acquisition of Real Property or easement interest by any legal means for the construction of roadway and or roadway improvements in connection with the Carmalita Street/Education Avenue project, Phase 1. BUDGETED ACTION: None

Resolution 2007-046

(2) RECOMMENDED ACTION: Approve the 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 16, Township 41 South, Range 23 East, for the development and management of the Public Safety and Vehicle Maintenance Building. BUDGETED ACTION: None

Resolution 2007-047

(3) RECOMMENDED ACTION: Approve the Resolution releasing a portion of a ten-foot (10') wide drainage easement located in Port Charlotte Subdivision, Section Eight; and the release of portions of two (2) six-foot (6') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Fifty-Three, and further authorizing the Director of Real Estate Services to execute said County Deeds releasing said portions of said easements. (Owners: Estate of Harold Buffmeier c/o Cynthia O'Neill, Personal Representative, and William J. Priess, III and Susan L. Priess.) BUDGETED ACTION: None

Resolution 2007-048

(4) *RECOMMENDED ACTION*: Approve a Resolution Authorizing the Chairman of the Charlotte County Board of County Commissioners to grant Embarq Florida Inc., a twenty foot (20') wide non-exclusive access easement and a twenty-five by twenty-five foot (25'x25') wide permanent utility easement for the installation of cabinets housing fiber optic cable in a certain portion of Tract P, Port Charlotte Subdivision, Section Ninety-five, lying in Section 8, Township 41 South, Range 21 East. *BUDGETED ACTION*:

Resolution 2007-049

V. Tourism Development - No Items

W. Utilities - No Items

X. Building Construction Services - No Items

Y. Constitutional - No Items

V. REGULAR AGENDA

Z. Regular Business

(1) *Community Development - RECOMMENDED ACTION*: As directed by the Board at the March 13, 2007 BCC meeting, staff is requesting a discussion to determine if Impact Fee credit should be granted to Dr. Asperilla for the original restaurant that was located on his property (4056 Tamiami Trail).

Nicole Dozier indicated this agenda item could make a determination that directs policy in regards to how impact fees are applied, and provided an overview of the current application of impact fees.

Ms. Dozier explained the exceptions of impact fees for certain structures that existed prior to implementation of the zoning code.

Ms. Dozier stated that on the current agenda item, a determination needs to be made for someone requesting to have impact fee credits based upon a use at the current fee schedule. Ms. Dozier indicated the applicant wants to receive

impact fee credits for fees that were not paid. Ms. Dozier advised that the new impact fee schedule became effective June 2006.

Ms. Dozier commented on impact fees related to a structure being rebuilt with similar use and to the same size as it previously existed, and if the structure is enlarged.

Ms. Dozier explained that when application was made for the hotel, Dr. Asperilla was given impact fee credit for the restaurant that had previously been in place, as well as for a medical office that was later established. Ms. Dozier stated that credit was given on the parcel based upon the premise that an impact fee may have been paid on the property, even though there is doubt that impact fees were ever paid.

Ms. Dozier stated that the options are to either maintain the current method of applying impact fees, or for the Board to entertain the possibility of bringing all fees up to current status, regardless of the timeframe of when the building was established, and give credit between uses at the same fee schedule. Ms. Dozier said the issue is the fact that the old fee schedule was changed and the new fee schedule is higher.

Ms. Dozier indicated the question for the Board is if it wants to continue assessing impact fees under the current criteria or re-think how impact fees are assessed.

Attorney Knowlton advised she did not have a proper petition in her packet, and questioned if the item should be presented at this time. Attorney Knowlton indicated a credit implies something has been paid, and yet no documentation has been provided to indicate payment of previous impact fees.

Commissioner D'Aprile inquired what the old fees per sq. ft. were before the current fees were established. Ms. Dozier advised the old impact fee for a hotel was \$1,382 per 1,000 sq. ft.

Commissioner D'Aprile indicated hotels are desperately needed, and indicated that perhaps a compromise could be made.

Ms. Dozier explained the charge for a one-story motel under the old impact fee for 22 units, which is approximately what would fit on the existing area that Dr. Asperilla has right now; explained that the current impact fee is based upon the number of rooms that can be put on the hotel.

Mr. Loucks explained that **Commissioner D'Aprile** is attempting to determine what the old impact fee would be if applied to 81 units. Mr. Loucks cautioned that new policy is being set today that would have a negative impact on the impact fee collections, and indicated that focus should not be on the numbers, but on the conceptual issue.

Commissioner D'Aprile inquired what the cost was for this item based on the old impact fees prior to the adjustment. Ms. Dozier stated the cost would be \$121,014, based on the old impact fees for an 81 unit hotel.

Chairman Loftus indicated there should be a roundtable discussion before a decision is made, and suggested this roundtable discussion be held in May 2007.

Commissioner Cummings explained there were many variations when the impact fees were modified, and that some went down. **Commissioner Cummings** questioned the figures and number of rooms noted on the goldenrod; indicated that it is not about what the impact fees changed to, but impact fee credits and how they are calculated; and stated that impact fee credit should not be given for impact fees that were never paid.

Chairman Loftus inquired if the Board had any difficulty not taking action on this item and bringing it before a roundtable discussion in May 2007. **Commissioner Duffy** stated she has no objection taking it before a roundtable, but questioned the need to give Dr. Asperilla an answer at this time. Mr. Loucks explained that impact fees are paid at the time of Certificate of Occupancy (CO), that Dr. Asperilla could choose to pay impact fees in full, and if the Board chooses to do something different, he would receive a refund. **Commissioner Cummings** stated that there is a lot of material to cover at the roundtables, and that he is hesitant to add what is a straight-forward issue.

Commissioner Moore stated he does not have sufficient data to move this issue; that with proper documentation he could be prepared to discuss it at the next regular Board meeting rather than at a roundtable; and expressed concern in setting precedence.

COMMISSIONER MOORE MOVED TO APPROVE BRINGING AGENDA ITEM Z-1 BACK AT THE APRIL 10, 2007 REGULAR BOARD MEETING, SECONDED BY COMMISSIONER DUFFY.

Commissioner Cummings opined that someone from Finance should review the packets before the Board receives them to be certain numbers add up. **Commissioner D'Aprile** indicated agenda item Z-2 is the same issue, that the numbers are off, and that he is unable to make a decision at this time.

Motion Carried 5:0.

(2) Community Development - RECOMMENDED ACTION: Automated Consulting Services, Inc. has requested that their client, LaQuinta Inn & Suites, not be required to pay the new impact fees that became effective on June 1, 2006 for their new 81-room motel. Instead, they would like to pay the previously existing impact fees that were in effect at the time they submitted their initial DRC application on December 28, 2004.

Kenneth Quillan briefly reviewed the packet material, stated that the County had a policy in effect that allowed developers to prepay the impact fees prior to the new fees going into affect, and indicated that staff recommends that the developer be required to pay the new impact fees.

Commissioner D'Aprile indicated he would like to settle the matter, but that the numbers don't match, and it is necessary to bring this back. **Commissioner D'Aprile** expressed concern that the applicant had water and hotel impact fees that would change; that Charlotte County Utilities (CCU) notified the applicant of its proposed increase, but that the County did not notify applicant of its proposed increase, so the applicant did not pay the fees before the increase, which was considerable.

Attorney Knowlton stated that whatever is done sets precedence and is much broader than these two hotels, and pointed out that

the matter of the impact fees was properly advertised and widely publicized. **Chairman Loftus** agreed.

COMMISSIONER D'APRILE MOVED TO APPROVE TABLING AGENDA ITEM Z-2 TO THE APRIL 10, 2007 REGULAR BOARD MEETING, SECONDED BY COMMISSIONER DUFFY.

Commissioner Cummings inquired about the threshold as to what stage applications were at. Mr. Loucks recalled the threshold primarily applied to single-family residential if a construction contract had already been signed prior to a certain date, but was not certain of a threshold for commercial.

Commissioner Cummings expressed concern on setting precedence by exceptions being made on these two items; explained the purpose of the impact fees; indicated that there was a clear line, that it was duly advertised, and a program available to avoid the increase; and indicated that the item can be brought back, but that he is not inclined to support it.

Commissioner Duffy questioned the disparity in impact fees between the 81 unit hotel and the 86 unit hotel. Mr. Quillan provided several possibilities. Mr. Loucks suggested that financials be presented when the items are brought back to lessen confusion. **Chairman Loftus** stated that accurate information should be presented when items are brought before the Board in order that an informed decision can be made.

Motion Carried 5:0.

(3) Commission Office - **RECOMMENDED ACTION:** Status update and review of Water Authority water pipeline project.

Mr. Loucks advised that this item covers three issues; an informational item dealing with the opportunity for the County to extend the interconnect project that the County has ongoing between the City of Punta Gorda, East Port, to extend that into the connection with the Peace River Water Authority at King's Highway; a request by the Water Authority Board for the County's representative, **Commissioner Cummings**, to advise what financing plan the Board recommends, if any, for the proposed pipeline from the Wal Mart Distribution Center in DeSoto County to the water plant in Punta Gorda on Shell Creek; and a request by the

Water Authority to exempt for a period of three years conformance to the secondary drinking water standards, particularly as related to total dissolved solids.

Mr. Loucks advised that the County has an opportunity to have Southwest Florida Water Management District (SWFWMD) provide additional grant funding to extend the County interconnect from East Port to the connection and terminus on Kings Highway, which would provide a direct connection to the Peace River Water Authority Plant on Kings Highway, and provided a summary of the various proposed interconnects.

Mr. Loucks advised a meeting is scheduled for April 3, 2007 to meet with representatives of SWFWMD, Peace River Water Authority, and the City of Punta Gorda, to discuss options. Mr. Loucks stated there is no agreement at the administrative level for financing, and is the reason for bringing the matter up now.

Mr. Loucks advised that of the financing plans received by the Board (A-G), Plan A is the only plan that has no cost for improvements being borne by Charlotte County.

Commissioner Cummings provided a summary of the pipelines and commented on the financial plans and costs.

Commissioner Moore stated he would like to do all that is possible for Punta Gorda; indicated that the Wal Mart pipeline would come back when there is more need for it; advised that the County to Punta Gorda line is wanted for several reasons; that SWFWMD is willing to put money into the project, but there is language as to whether or not we get the water; and suggested meeting with David Moore of SWFWMD to work out the language.

Commissioner Cummings pointed out that the Punta Gorda, Charlotte County pipeline would be more costly than the U.S. 17 pipeline, but it would be the County's pipeline and could be used to create other opportunities, and commented on the difficulties surrounding this pipeline.

Commissioner Cummings opined that the County route is superior from an engineering standpoint, and indicated that if more money is being paid for a pipeline, it should belong to the County because of the other opportunities it creates.

Commissioner Duffy opined that the County recommend to the Water Authority to hold off on the Wal Mart pipeline, and agreed that there should be negotiations for the language in the County to Punta Gorda pipeline. **Commissioner Cummings** agreed that in order for the Water Authority to give support it needs reasonable assure that if it wanted to use the capacity that the opportunity would be made available.

Commissioner Moore suggested the Board let David Moore of SWFWMD know how good this is for everyone, ask how it can be done, and attempt to make it work. **Chairman Loftus** agreed it should be looked at regionally, but protect Charlotte County's interest.

Commissioner D'Aprile inquired about monetary economic benefits, and **Commissioner Cummings** commented on some potentials.

Commissioner Cummings indicated there is serious potential gain; that most of the potential water supply development for Charlotte County is on the other side of the river; and stated that getting the interconnect across the river is a big deal. **Chairman Loftus** opined that clear direction as to what to present had been given by the Board. **Commissioner Cummings** replied affirmatively.

Mr. Loucks advised that the last item deals with the Peace River Water Authority's permit application for a three-year exemption from the secondary drinking water standards, and explained that secondary drinking water standards deals with color, odor, and total dissolved solids, and are not health and safety issues.

Charlotte County Utilities (CCU) Director Jeff Pearson gave some background information on this issue, and reviewed the Memorandum and packet material. Mr. Pearson advised that the Peace River/Manasota Regional Water Supply Authority (PR/MRWSA) is hosting a Water Supply, Quality and Exemption Workshop, Wednesday, March 28, 2007, from 2:30 PM to 5:00 PM at the Authority's Bradenton office.

Mr. Pearson explained that the PR/WRWSA investigated the possibility of additional water treatment with reverse osmosis (RO) to remove TDS and Sulfates from its finished water, but the option was determined to be too costly, due largely to the cost

of brine disposal, the byproduct of RO treatment. Mr. Pearson advised that the cost is estimated at about \$1 million per month to get rid of brine and purchase 20-40 RO units to treat the water. Mr. Pearson reviewed three alternative recommendations.

Commissioner Cummings inquired what the consequence is to the Water Authority in violating the secondary water quality standards, without the exemption. Mr. Pearson explained that the Water Authority would probably receive a consent order by the Florida Department of Environmental Protection (FDEP), which would most likely require the Authority to take corrective action and provide for secondary filtering of the water to meet the secondary water quality standards. **Commissioner Cummings** asked if Mr. Pearson agreed with Authority staff's assessment that treatment would be prohibitively expensive. Mr. Pearson replied affirmatively and commented on costs.

Commissioner Cummings opined that of the three alternative recommendations, he would surmise that Mr. Pearson's selection would be the second alternative. Mr. Pearson replied affirmatively.

Commissioner Cummings stated that over the long term this is not acceptable, and that a resolution needs to be found during the course of the regional expansion plan, and indicated that the second alternative recommendation is a reasonable consensus point to build around.

Commissioner Moore inquired why the problem was not brought to the Water Authority Board until now, and if the Water Authority staff is authorized on their own to ask for this type exception from DEP without guidance or instruction from their own Board. **Commissioner Cummings** opined that the Water Authority staff should have talked with the Water Authority Board first.

Commissioner Moore explained that in hard times and when the water supply is low due to drought these type things occur, and his answer is more lenient, but would not have a three-year time period. **Commissioner Moore** stated that Charlotte County should register its displeasure with the Water Authority and move against it.

Commissioner Cummings clarified that the second recommendation would be a much more restrictive exemption. Mr. Pearson replied affirmatively, and explained that the Water Authority would have to implement the new guidelines and revise the current one. **Commissioner Duffy** agreed with **Commissioner Moore** in registering displeasure with the Water Authority. **Commissioner Cummings** stated he would do so in as positive and friendly a manner as possible.

Commissioner Moore advised he is opposed to number 2, and in favor of number 1. **Chairman Loftus** asked if there was consensus from the Board in favor of number 2. **Commissioner D'Aprile** stated he leans toward number 1. **Commissioner Cummings** indicated he prefers number 1, but believes it might be cost-prohibitive. **Commissioner Cummings** advised that he could suggest the first one and bring back comments to the Board. **Chairman Loftus** expressed concern with the cost of \$1 million per month. Mr. Pearson pointed out that April 12, 2007 is the 30-day comment period.

Commissioner Moore inquired why it is the County's cost if the Water Authority is not meeting its obligations. **Commissioner Cummings** explained that the only money the Water Authority has is the customer's money; that it is not right, it just is.

Commissioner Moore stated that if there is a temporary problem, the Water Authority should ask for temporary relief, not three years, and indicated that standards are standards and he chooses number 1. **Commissioner Cummings** agreed that the Water Authority should have been meeting the standards all along; believes Charlotte County staff and Sarasota staff have reviewed a quick resolution, and that he is inclined to accept Mr. Pearson's recommendation.

Commissioner D'Aprile inquired if staff could come back with a number of what it would cost, and expressed concern with safety. **Commissioner Cummings** explained that secondary are not health standards, that primary are health standards. **Commissioner Cummings** indicated that some time ago the cost of renting the temporary filtration units was \$700,000 per month, of which the County would pay 75% for six months.

Commissioner Duffy inquired if the numbers would diminish when the rainy season begins. **Commissioner Cummings** indicated one would think so, but expressed concern of why the chart shows this over the long-term. **Commissioner Moore** asked if a complaint had been filed yet by Charlotte County. Mr. Pearson said no, and indicated the deadline for filing a complaint is April 12, 2007.

Commissioner Moore commented on Charlotte County Utilities (CCU) filing a complaint on its own against the Water Authority, and indicated he would like the options left open.

Assistant County Administrator Roger Baltz stated the issue of water quality has been ongoing, and recalled a letter being sent to the Water Authority some months ago with concerns on water quality. Mr. Baltz commented on the structure of the Water Authority and contractual obligations.

Mr. Baltz explained that making a statement that the County believes the Water Authority has an obligation to meet the water quality standards, and that is what is expected, is the right thing to do, but that in practice, by making that statement and the demand for improvement, because we are 70% of the customer base, in the end we will pay the majority of the costs for the improvements. **Chairman Loftus** agreed.

Mr. Pearson stated that the company that supplies the units does not have enough to sell, and that the rental charges are \$1 million per month. **Chairman Loftus** indicated he would like for the Board to look at the second option to determine if **Commissioner Cummings** could take it to the Water Authority Board. **Commissioner Cummings** advised that the Water Authority Board would meet the first Wednesday in April.

Commissioner Moore stated he would vote for option 1, but not for option 2. **Commissioner Cummings** clarified the Water Authority's request, explained the three proposals, indicated he is inclined to support option 2, and stated that there is not sufficient data to determine what happens in the wet season. Mr. Pearson reported it goes down a little in the wet season. **Commissioner Duffy** stated she is inclined to agree with option 2, but does not want to give the Water Authority three years.

Commissioner D'Aprile stated that he does not want to spend the money, but wants to bring a statement to the Water Authority that two of the Board members are stricter, but are willing to work with them. The consensus of the Board is 3:2 for option 2; **Commissioners Moore** and **D'Aprile** opposed, and voted for option 1.

RECESS: 11:00 AM - 11:10 AM

VI. PUBLIC HEARING AGENDA

(1) Administration - Discuss amending the Community Development Block Grant, # 06DB-3C-09-18-01-W05, to fully fund the Bernice Russell and Trabue Woods, multi-family developments.

Robert Hebert provided background material from the packet material, explained that costs have increased significantly since the original estimates from when the projects could go to bid, and requested direction from the Board.

Mr. Herbert reported that the hearing today is to have public input, and for the Board to approve requesting an amendment from DCA, authorize the Chairman to execute documents required to DCA, and authorize the Chairman to execute new documents with the developers.

Chairman Loftus opened the public hearing. Citizens input: None

**COMMISSIONER MOORE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.**

Commissioner D'Aprile commented on demolition funds to be transferred, and Mr. Hebert responded.

**COMMISSIONER D'APRILE MOVED TO APPROVE MODIFICATION NO. 2 TO GRANT 2005-022, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

Commissioners D'Aprile and **Moore** clarified that the motion and second included authorization for the Chairman to sign the necessary documents to DCA and the contractor developers.

VII. PRESENTATION AGENDA - No Items

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

IX. BOARD WORKSHOP AGENDA - No public input. - No Items

X. CITIZEN INPUT - ANY SUBJECT

Park Wayne Pilikian commented on how the tax burdens have affected morality in Charlotte County.

Joan Fischer commented on the substandard water issue regarding the Water Authority, agenda item F-2, and Murdock Village.

Kendall Leach advised that the four-way stop signs installed on Calumet and Ingraham Boulevards were successful. Mr. Leach requested a timeline on the corrections to be done at the intersection of Keystone and Calumet Boulevards.

AA. County Administrator:

Mr. Loucks commented on his trip to Tallahassee, Florida, and meetings with representatives of the House and Senate, stated he came away with a feeling there is momentum in making changes in how local governments collect and spend revenues in Florida, provided a brief overview of county government in the State of Florida, and reported that Charlotte County government provides many services that other counties do not.

Deena Bosworth provided an overview of two proposed legislation bills on portions of the Myakka River being designated as wild and scenic.

Commissioner Cummings commented on the normal process and conditions to be met for wild and scenic designation, and indicated that Senator Bennett's bill is more in line of the normal process. Ms. Bosworth replied affirmatively.

BB. County Attorney:

Attorney Knowlton provided an update on the ongoing meetings of the phosphate partners, consisting of Lee, Charlotte, and Sarasota Counties, and the Water Authority; indicated that the

consensus of the phosphate partners is that the management plan does not go far enough; reviewed the memorandum of critical elements of a Watershed Resource Management Plan; and requested consensus from the Board for the phosphate partners to ask legislature to push the Department of Environmental Protection (DEP) for a Phase II Management Plan that has quantifiable goals with specific timeframes and tasks. **Chairman Loftus** polled the Board, and there was consensus.

CC. Commissioner Comments:

Commissioner Duffy commented on taxes, reduction of expenses, and challenges to the County; suggested that new positions not be filled at this time, and requested that a list of the new positions, filled and not filled, be furnished to the Board.

Commissioner Duffy provided a proposed Administrator's Evaluation form, indicated that the County's Strategic Plan is unfinished, and that there is a need for the Board to meet and finalize its goals and objectives.

Chairman Loftus and **Commissioner D'Aprile** agreed that it is only fair and equitable to the County Administrator that the goals and objectives be clearly defined. Mr. Loucks stated he would bring back the facilitator that the Board previously had, indicated that in timing consideration, that what comes out of the Charlotte Assembly should be incorporated into this process, and advised that it may take more than one meeting.

Mr. Loucks suggested two or three half-day retreats. **Commissioner Duffy** indicated the Board has already had discussion, that only finalization is needed, and that the consultant may not be required. Mr. Loucks explained that it sometimes helps to have input from someone on the outside. **Commissioner Moore** opined it would be better to have the consultant.

Commissioner Duffy commented on Representative Kreegel's rent, indicated Ms. Bosworth had researched what other counties charge, and suggested that the County Attorney explore this further and bring it back so the Board could make a fair decision.

Commissioner Moore indicated the Board should make a decision. Ms. Bosworth reported on the responses she received from other counties, commented on room sizes, and advised that State Representatives are allocated \$1800 per month for office expenses, and funds not spent go back to the State.

Ms. Bosworth reported that space cannot be provided to the Federal delegation at no charge because the Federal delegation is required to pay a fee. Discussion ensued on current and anticipated rental fees. Attorney Knowlton said she could bring back the circumstances or laws that bind the Federal delegates. **Commissioner Moore** stated he has no problem giving the two Representatives space in County buildings for which the County pays the utilities, but that the Representatives should pay their own phones and miscellaneous office expenses, and indicated he would like to be as consistent as possible with the Federal office.

Commissioner Cummings stated that the idea of reduced rates was to enhance relationships with the Representatives, but opined the investment has not paid off, and indicated the market rental rate should be charged.

Chairman Loftus indicated that the Board needs to work with the legislators so they are accessible to the public, stated that Representative Kreegel indicated a willingness to downsize his office, and opined that if Representative Mahoney is being charged \$35, the fee should be the same for the State Representatives. **Commissioner D'Aprile** indicated that he prefers for the unused subsidy that would go back to the State remain in Charlotte County, and suggested that \$250 per month is an equitable rent.

COMMISSIONER D'APRILE MOVED TO APPROVE THAT THE OFFICE SPACE RENTAL RATE FOR THE STATE REPRESENTATIVES BE \$250 PER MONTH, SECONDED BY COMMISSIONER DUFFY.

Commissioner Duffy stated that her second to the motion is with the stipulation that Representative Kreegel's space be comparable to that of Representative Grant, and that both Representatives pay the same amount of rent.

Motion Carried 4:1. Commissioner Cummings opposing.

Commissioner Cummings opined the conversations would be more productive after going through the American Assembly process, and commented on the goals, objectives and policies, revenues and budgets.

Commissioner D'Aprile stated the citizens are crying for tax decrease, and suggested a 10% cut across-the-board in every department, which would not cut any salaries or services, but would cut the budget.

Commissioner Moore agreed that taxes are too much, and explained that many fail to realize that the services they need must be here all of the time; advised that he is upset with what the Water Authority is doing, but clarified that the water does meet the State safety standards; indicated that he is glad agenda item L-2 was pulled because it is not the appropriate time for that item; and stated that he would like the Chairman to send a polite letter to the constitutional officers expressing the Board's concerns about the amount and fairness of taxes, that the County is diligently working on the economy in an effort to find ways to reduce taxes, and that the Board would appreciate their assistance.

Commissioner Moore opined the budget cycle should begin as soon as possible, and suggested coming up with a list of budget issues that could be on the table with some approximate dollars to help move the thought process forward.

Mr. Loucks explained what has been required from departments in the budget process and explained that revenue enhances would be furnished, including some revenues that could be collected, but have not been collected in the past.

Chairman Loftus agreed that the Board should get involved in tax reduction right away and give direction to the Administrator; stated that there should be innovation and creativity on providing needs, not wants, to the community; and indicated that there should be discussion about energy conservation.

Chairman Loftus opined consideration should be given to outsourcing when it is more cost-effective.

ADJOURNED: 12:25 PM

Signature on file in Commission Minutes
Chairman

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

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