

BOARD OF COUNTY COMMISSIONERS

APRIL 10, 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 Hunter, 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

Change #1: L-16- General Services - Purchasing - Add verbiage to page labeled Charlotte County Jail - Phase I Clarifications & Qualifications, Page 4 of 5, Equipment, A. Bullet point "Video visitation booths as an allowance. (See "General" on page 1.)"

Deletion #1: Z-4 - Community Development - Request a discussion to determine the proper protocol for the assessment and application of impact fee credits within the County. The discussion is the result of a request from Dr. Asperilla for impact fee credits for the original restaurant located on his property (4056 Tamiami Trail) to be applied to the Microtel hotel project.

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

Special Recognition

Proclamations

COMMISSIONER MOORE MOVED TO APPROVE THE PROCLAMATION FOR TRISH JACKSON, ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH, FOR THE MONTH OF APRIL 2007, SECONDED BY COMMISSIONER DUFFY.  
Motion Carried 5:0.

*Trish Jackson accepted the Proclamation.*

COMMISSIONER MOORE MOVED TO APPROVE THE PROCLAMATION FOR NATIONAL VOLUNTEER WEEK, THE WEEK OF APRIL 15, 2007 THROUGH APRIL 21, 2007, SECONDED BY COMMISSIONER CUMMINGS.  
Motion Carried 5:0.

*Wendy Carens accepted the Proclamation.*

COMMISSIONER MOORE MOVED TO APPROVE THE PROCLAMATION FOR RONALD CLORE DAY, APRIL 10, 2007, SECONDED BY COMMISSIONER CUMMINGS.  
Motion Carried 5:0.

*Ronald Clore accepted the Proclamation.*

COMMISSIONER MOORE MOVED TO APPROVE THE PROCLAMATION FOR VOLUNTEERWAY DAY, APRIL 18, 2007, SECONDED BY COMMISSIONER DUFFY.  
Motion Carried 5:0.

*Linda Dobson accepted the Proclamation.*

COMMISSIONER MOORE MOVED TO APPROVE THE PROCLAMATION FOR FRANK "TIGGER" BELDOWSKI DAY, APRIL 10, 2007, SECONDED BY COMMISSIONER DUFFY.  
Motion Carried 5:0.

*Maggie Kain accepted the Proclamation.*

Employee Recognition

Five Years: Bobby Pryor, Human Resources; Anthony Stevens, Environmental & Extension Services; Michael Connor, Fire/EMS; Michael Harper, Jr., Fire/EMS; Ten Years: Norma Corso, Utilities; Ian Dack, Public Works; Stuart Hobbs, Public Works; Holly Shackelford, Environmental & Extension Services; Jeffrey Opsatnick, Fire/EMS; Fifteen Years: Vernon Drew, Jr., Community Development; Michael Clements, Fire/EMS; Twenty Years: Christopher Andersch, Public Works.

Presentations

Citizens' Academy Graduation - recognition of participants who have completed the tenth Charlotte County Citizens' Academy. Participants are: Tricia Adams, Ruth Bromberg, Hubert Daniely, Jr., Linda Frost, Glenda Hall, Jeff Hall, Debra Highsmith, Margaret Lang, Wayne Largent, Kathleen Mulligan, Paul Pilch, Yvette Pilch, Nancy Razvoza, Paul Reeves, Gail Sorenson, Gary Willecke, and Susan Willecke.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Walter T. Flaherty, Jr. spoke in opposition of consolidating MSBU units.

Debra Highsmith presented handout material, commented on Consent Agenda item L-2 and the MSBU study, and pointed out that the same attention should be given to non-ad valorem taxes as is given to other items.

James W. Herston furnished a packet of material, spoke on agenda item S-1, and addressed the concerns of Community Bank being unable to receive a temporary Certificate of Occupancy (C.O.)

John Patterson, Attorney for First Community Bank, provided handout material with photos, and addressed agenda item S-1.

Jon Bednerick, Executive Officer, Charlotte/DeSoto Building Industry Association, spoke in favor of agenda item Z-3.

Douglas Tucker commented on agenda item Z-5, and indicated every citizen should attempt to make changes in their household to help in the conservation of water.

Michael Bullerdick, President of Community Bank, commented on Agenda item S-1.

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 have 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 Industry Licensing Board - seeking one volunteer representing the "Consumer Advocate" category. Volunteer must be a resident of Charlotte County for at least 2 years and have no financial interest, direct or indirect, in the building trades. The term is for four years*

*Gardens of Gulf Cove Street and Drainage Advisory Committee - seeking five volunteers; four (4) regular members and one (1) alternate member. The terms for regular members shall be pulled by lot number at the first scheduled meeting of the committee, and the term for the alternate member is for two years. Volunteers must be landowners within the boundaries of the Unit.*

*Gulf Cove Street and Drainage Advisory Committee - seeking one volunteer to fill a vacated position. The term will be for three years.*

*Lemon Bay Street and Drainage Advisory Committee - seeking three volunteers; two regular members and one alternate member. The terms for regular members shall be pulled by lot number at the first scheduled meeting of the committee, 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 shall 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.

Rotonda West Street and Drainage Advisory Committee - seeking one volunteer to fill a vacated position that will expire on February 13, 2010.

South Gulf Cove Advisory Committee (Community Plan) - seeking one volunteer to fill a position that was vacated. The term will expire on June 14, 2007. Volunteers must be landowners within the boundaries of the Unit.

West Charlotte Stormwater Utility - seeking one volunteer to serve a three year term. Volunteer must be a landowner within the boundaries of the Unit.

### III. REPORTS RECEIVED AND FILED

Charlotte Harbor CRAAC Minutes - March 22, 2007

### IV. CONSENT AGENDA

COMMISSIONER MOORE MOVED TO APPROVE CONSENT AGENDA, EXCEPT FOR AGENDA ITEM S-1, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.

### Clerk of the Circuit Court

#### A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Finance Memoranda.  
BUDGETED ACTION: None

Memorandum #1 - Status of Contingency Reserves - FY 05/06

Memorandum #1A - Status of Contingency Reserves - FY 06/07

Memorandum #2 - Total Disbursements for the Period March 20, 2007 through April 2, 2007 in the amount of \$16,297,532.07

Memorandum #3 - Quarterly Report Unclaimed Excess Money

Memorandum #4 - Excess Funds on Tax Deed Applications

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for:

March 2, 2007, 9:00 a.m. CRA/BCC and City of Punta Gorda/BCC Joint Meeting

March 13, 2007, 9:00 a.m. BCC Regular Meeting

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the appointment of Mrs. Patricia Himelberger as the alternate member on the Greater Port Charlotte Street and Drainage Advisory Committee for a two-year term. Mrs. Himelberger's letter of interest is attached. She meets all criteria for appointment and is a resident of the unit. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Ronald J. Bick as the alternate member to the South Gulf Cove Waterway advisory committee. Mr. Bick replaces Mr. Ray Warner, previous alternate member who was appointed as a regular member on March 13, 2007. The term will expire on January 9, 2009. BUDGETED ACTION: None

D. Administration

(1) RECOMMENDED ACTION: a) Waive the Community Development Block Grant (CDBG) per house price cap of \$40,000 for Carolyn Harris, Joseph Petrizzo, and Edmond Sayers, b) Waive rules in the CDBG Housing Assistance Plan and the HOME Again Program Design that prohibit a contractor from having more than three jobs at one time; and c) Approve the attached bids for reconstruction. BUDGETED ACTION: None

E. County Attorney

(1) RECOMMENDED ACTION: Board ratification of Objection to MSM Utilities' Application for Extension of Service Area. BUDGETED ACTION: None

F. Budget Office - No items

G. Community Development - No items

H. Economic Development - No items

J. Environmental Services - No items

K. Facilities Construction and Maintenance - No items

L. General Services

(1) RECOMMENDED ACTION: Approve revised Addendum #16 to Contract #01-125, Sarasota-Charlotte County Beach Restoration Study, with Coastal Technology Corp., with no change in the fee amount. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #05-193, Engineering Services - Pirate Harbor Waterway, with Coastal Engineering Consultants, Inc., in the amount of \$16,700 for a total revised not-to-exceed amount of \$81,700; and b) Authorize Chairman to sign the Amendment. BUDGETED ACTION: The FY07 budget has \$50,000 available to be used for this change order. CIP project c390504, Pirate Harbor Rock Ledge & 2,300ft Channel Dredging, project total budget is \$740,000

(3) RECOMMENDED ACTION: Approve Change Order #3 to File #05-261, Work Order # 6, Contract 05-042, Engineers of Record, for Reclaimed Water Interconnect, with WilsonMiller, Inc. of Port Charlotte, FL in the amount \$89,900 for a revised total amount of \$1,321,373. BUDGETED ACTION: Budget available for this change order is \$93,000 in CIP c350601 Reclaimed Water Expansion.

(4) RECOMMENDED ACTION: Approve Amendment #1 to Contract #06-190, Project Management - Dredging Projects, with Coastal Engineering Consultants, Inc., in the amount of \$135,440. BUDGETED ACTION: FY07 budget is available as follows: \$2,740 in project c390502,

Alligator Creek S Curve; \$17,050 in project c390603, Buena Vista, Grassy Point, Elf WW Dredging; \$11,610 in project c390707, South Bridge WW Maintenance Dredge; \$37,540 in project c390705, Harbour Heights WW Maintenance Dredge; \$41,720 in project c390704, Gulf Cove WW Dredging; \$13,170 in project c390706, Hayward Canal Maintenance Dredge; and \$11,610 in project c390702 Suncoast WW Maintenance Dredge.

(5) RECOMMENDED ACTION: Approve Change Order #1 to Contract #06-245, Sidewalk Connections - Greater Port Charlotte, with C-Squared Certified General Contractor, Inc., to add the unit price of \$10 per lineal foot for swale grading. BUDGETED ACTION: Funds are available in project c410301, sidewalks/Schools and Missing Links. Project total \$5,700,000.

(6) RECOMMENDED ACTION: Award File #06-359, Work Order #48, Contract 05-042, Engineers of Record, for Countywide Water Conservation Study/Plan with Malcolm Pirnie, Inc. of Tampa, FL in the not-to-exceed amount of \$152,600. BUDGETED ACTION: Budgeted amount \$165,000 in Professional Services/Engineering

(7) RECOMMENDED ACTION: Approve Change Order #1 to Contract #07-002, Burnt Store Well Maintenance Program, with Hausinger & Associates, Inc. to increase the contract in the amount of \$23,373, with a revised total contract of \$381,291, and increase contract completion time by 30 calendar days. BUDGETED ACTION: Budgeted amount \$500,000, CIP c330404 Burnt Store RO Water Plant.

(8) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #07-206, Construction Engineering and Inspection Services-Stormwater: 1st-Wilbur Smith Associates; 2nd-American Consulting Engineers; and 3rd-Johnson Engineering, b) Approve start of negotiations, c) Authorize the Chairman to sign the contract; and d) Authorize County Administrator to approve renewal of the Contract for two additional one year terms. BUDGETED ACTION: None

(9) RECOMMENDED ACTION: a) Approve rescission of award from Billy Hay Excavating, Inc., and b) Award Bid #07-211, Stormwater Improvements - Atwater Street, to the second lowest bidder, Peter A. Basile Sons, Inc., for a total cost of \$220,224.16. BUDGETED ACTION: The FY06/07 Transportation Trust Fund budget contains \$236,000 for this project.

(10) RECOMMENDED ACTION: a) Approve multi-award of Bid #07-224, Annual Contract for Utility Emergency Repairs, in order of precedence, to Peter A. Basile Son's, Inc. and DeJonge Excavating Contractors, Inc. for the period from date of award up to and including December 31, 2008, and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one year periods, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: Budget is included under various funds and departments of the Utilities.

(11) RECOMMENDED ACTION: a) Award Bid No. 07-226, Tree Trimming & Tree Removal - Annual to the overall lowest responsive, responsible bidder, All Florida Tree & Landscape, Inc., of West Palm Beach, FL, at the unit costs submitted. Terms of the contract are to be from date of award through and including December 31, 2008, and b) Authorize the County Administrator to approve renewal options for two (2) additional one (1) year periods, at the same prices, terms and conditions by mutual consent. BUDGETED ACTION: Budgeted in various Parks Division maintenance accounts.

(12) RECOMMENDED ACTION: Authorize County Administrator to approve the award of Bid #07-270, Englewood-CCU Water Interconnect, with lowest responsive, responsible bidder with the selected firm providing the total amount does not exceed \$800,000. BUDGETED ACTION: Budgeted Amount \$800,000 in CIP c330304 Regional Water Interconnects

(13) RECOMMENDED ACTION: a) Approve File #07-287, Utility Materials, and piggyback onto City of Punta Gorda Contract #N06177, Strategic Partnership-Utility Materials at the unit prices listed with H D Supply Waterworks, Ltd. for the term from date of award up to and including March 20, 2012 with option to renew for no more than an additional three-year period; b) Authorize Administrator to approve renewals; and c) Authorize Purchasing Director to approve Amendments to the Contract. BUDGETED ACTION: Budget is included under various funds and departments of the Utilities.

(14) RECOMMENDED ACTION: Approve Change Order #2 to Bid #07-077, US 41 Parking Lot - Conway Boulevard to Pompano Waterway, with Peter A. Basile Sons, Inc., of Arcadia, FL in the amount of

\$23,790.86 with a revised project total of \$369,297.58. BUDGETED ACTION: FY07 total budget available for this contract is \$400,000. CIP project c410304 US 41 Corridor Beautification, project total \$5,185,000.

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

(16) RECOMMENDED ACTION: a) Approve Guaranteed Maximum Price (GMP) for Contract #07-011, Charlotte County Jail Expansion-Construction Manager at Risk, in the amount of \$10,750,250; and b) Authorize Chairman to sign the Amendment. BUDGETED ACTION: None

M. Human Resources - No items

N. Human Services

(1) RECOMMENDED ACTION: Approve, and authorize the Chairman sign the annual Transportation Disadvantaged Trust Fund grant and resolution. BUDGETED ACTION: None

**Grant 2007-011 and Resolution 2007-050**

(2) RECOMMENDED ACTION: Set a public hearing for April 24, 2007 at 10:00 a.m., or as soon thereafter as may be heard, to consider an ordinance creating an active military combat duty grant program. BUDGETED ACTION: Funds from County general revenue dollars will need to be appropriated to fund this grant program.

P. Information Technology - No items

Q. Parks, Recreation & Cultural Resources - No items

R. Public Safety - No items

S. Public Works

(1) RECOMMENDED ACTION: Approve a Resolution accepting a permanent easement from the J. C. Center Property Owners Association (POA) for a signalization system for the Peachland Boulevard/Veterans Boulevard intersection improvements. BUDGETED

*ACTION: Recording fees of approximately \$44 are available in the Transportation Trust Fund.*

**Commissioner Moore** asked what could be done to solve the issues raised.

Thomas O'Kane advised he differs with Mr. Herston on what has transpired, and indicated that an agreement was put forward in 2006 that the project could move forward as long as the intersection improvements were made by August 2006.

Mr. O'Kane advised that Dan Quick called the engineer and the bank representative several times between March 2006 and August 2006 advising that nothing was going on, and reminded them of the commitment; pointed out that the easement in agenda item S-6 is an integral part of getting the intersection improvements implemented, and is dated March 2007; and explained that there is concern of traffic entering and exiting the site through the intersection without proper signalization. Mr. O'Kane advised that the Building Department was considering a request for a conditional C.O., which would allow equipment and furniture to be moved into the building, and indicated that it is recommended that the public not be allowed to use the roadway and go to the bank until the improvements are made.

**Commissioner D'Aprile** inquired if the roadway was wide enough, and acceptable for vehicle traffic. Mr. O'Kane explained that the roadway is wide enough, but that certain improvements must be made to accommodate turning movement; and stated that the signalization is a very important issue.

**Commissioner D'Aprile** requested that the paperwork be moved along as quickly as possible, and inquired if the County could allow the bank to do other things until the C.O. is issued.

Mr. O'Kane explained that would be the Building Department's responsibility, and indicated that allowance can be made for the business to occupy the building to put in furniture, stock, computer systems, and other items to be used in the business operation, but not open to the public until the improvements are done. Attorney Knowlton pointed out that if the business is opened to the public without proper traffic signalization, it opens up legal responsibility to the County.

Mr. Loucks advised that the County has made the commitment to allow the bank to work in Phase I activities, which is getting furniture into the building, getting the computers set up, and staff trained; but not for Phase II, which is to open for business, and which has a different level of liability concern.

**Commissioner D'Aprile** questioned clarity in communications. Mr. O'Kane advised that the County has moved this along as best it could, and indicated that some of the plans had been approved, but that the traffic signal and intersection improvement plans have not yet been approved.

**Commissioner Moore** inquired if the applicant or its agent is aware of their responsibility, and what is yet to be worked out. Mr. O'Kane advised what remains to be done, and indicated that comments are still being made about maintenance of traffic, which is late in the process, but is part of the right-of-way permit.

**Commissioner Moore** asked Mr. Herston how close both parties were, and how long it takes to get the bank up and operating. Mr. Herston commented on material contained in the packet he previously furnished, indicated that a maintenance of traffic expert was hired to address the maintenance of traffic issues, and stated it takes 60/90 days to get the bank up and operating.

**Commissioner Duffy** requested clarification of where the project is, and what else is needed. Mr. O'Kane explained.

**Commissioner Duffy** indicated she is in favor of a conditional C.O. for employees to go in and prepare for business.

Mr. Loucks said the County agreed to Phase I, but is not comfortable going to Phase II without the traffic signaling and improvements being completed.

Mr. Loucks said the issue at this time is whether or not to grant the bank a temporary C.O. to operate the business open to the public prior to the signalization and improvements being made at the intersection, and explained there may be unintended consequences in allowing flexibility, and pointed out this one has a higher level of concern because of the particular

intersection. **Commissioner Moore** agreed to allow the bank to go only to Phase I.

**Commissioner Cummings** asked the County Attorney if there was a tool for the engineer, applicant, or some private party, to take on the liability issues that may result from the issuance of a temporary C.O.; and expressed concern with the public safety issue, even if someone took on the liability.

Attorney Knowlton opined it would be the bank accepting that responsibility. **Commissioner Cummings** indicated that Phase I was one thing, but that the County had little choice in Phase II because of the public safety issue.

**Chairman Loftus** agreed to allow Phase I, but not Phase II because of public safety issues, and indicated he would like an updated report presented at the April 24, 2007 Regular Board Meeting.

**COMMISSIONER DUFFY MOVED TO APPROVE A PHASE I TEMPORARY CERTIFICATE OF OCCUPANCY (C.O.) TO ALLOW EMPLOYEES INTO THE BUILDING TO DO OPERATING INSTALLATIONS AND SETUPS, BUT NOT OPEN THE BANK TO THE PUBLIC, AND THAT AN UPDATE REPORT BE BROUGHT BACK TO THE BOARD AT THE APRIL 24, 2007 BOARD REGULAR MEETING, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

**RECESS: 10:25 AM - 10:35 AM**

(2) **RECOMMENDED ACTION:** Approve setting a public hearing for April 24, 2007, at 10:00 a.m., or as soon thereafter as may be heard, to approve an Ordinance amending the territory of the Rotonda West Street and Drainage Unit to provide for the addition of property to the Unit. **BUDGETED ACTION:** Recording fees of approximately \$44 are available in the Rotonda West Streets and Drainage MSBU.

(3) **RECOMMENDED ACTION:** Approve setting a public hearing for April 24, 2007, at 10:00 a.m., or as soon thereafter as may be heard, to consider an ordinance amending the purpose of the South Gulf Cove Waterway Unit to provide for the removal of cattails from the Interceptor Lagoon Waterway. **BUDGETED ACTION:** Recording

fees of approximately \$44 are available in the South Gulf Cove Waterway MSBU.

(4) *RECOMMENDED ACTION:* Approve setting a public hearing for April 24, 2007, at 10:00 a.m. or as soon thereafter as may be heard, for the BCC to consider the approval of the additions/modifications to Chapter 3-6 of Charlotte County Code, regarding the requirements for the installation of sidewalks associated with site and subdivision development as listed in the attached ordinance. *BUDGETED ACTION:* None

T. Real Estate Services

(1) *RECOMMENDED ACTION:* Approve a Resolution approving and authorizing the Chairman to execute a grant of a utility easement to Florida Power & Light Company, to be located in a certain portion of Tract "A", Block 2916, Port Charlotte Subdivision, Section Forty-Nine, Section 8, Township 40 South, Range 21 East, for the development and management of Fire Station 15. *BUDGETED ACTION:* None

**Resolution 2007-052**

(2) *RECOMMENDED ACTION:* Approve a Resolution authorizing the Chairman, or his designee to convey County owned Real Property to the Community Redevelopment Agency of the City of Punta Gorda (CRA) described as: Lots 11 & 12, Punta Gorda Block 33, subject to restrictions described in the County Deed. *BUDGETED ACTION:* None

**Resolution 2007-053**

(3) *RECOMMENDED ACTION:* Accept one lot donation as described on the attached list (see Exhibit "A") entitled Lot Donation to Charlotte County. *BUDGETED ACTION:* None

V. Tourism Development - No items

W. Utilities - No items

X. Building Construction Services - No items

Y. Constitutional - No items

V. REGULAR AGENDA

**Chairman Loftus** requested that agenda item Z-6 be heard first. There were no objections.

Z. Regular Business

(1) Commission Office - Choose by ballot and appoint two volunteers to serve on the Harbour Heights Waterway Maintenance District Advisory Board; one (1) regular member and one (1) alternate member. On March 13, 2007, the Board appointed four volunteers to serve as regular members on the advisory committee, leaving two vacancies. The terms of the regular members shall be determined by draw of lot numbers at the first scheduled meeting. The term of the alternate member shall be for two years.

Mr. Loucks advised that Steve Johnson received 4 votes, Lee Phillips received 3 votes and John Ray received 3 votes; that Mr. Johnson would be one of the regular members, and a run-off is needed between Mr. Phillips and Mr. Ray. **Chairman Loftus** stated that he would change his vote to Mr. Phillips, which would give him 4 votes.

**COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF STEVE JOHNSON AND LEROY (LEE) PHILLIPS, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

(2) Community Development - VEDA, LLC is requesting to pay the impact fees for their 81-room LaQuinta Inn & Suites hotel based on the old impact fee schedule.

Ken Quillan gave a presentation that paralleled the goldenrod material.

**Commissioner Duffy** inquired at what point impact fees are paid in the process. Mr. Quillan said impact fees must be paid prior to receiving a C.O.; that fees are assessed at the time the building permit is applied for, which can be prepaid, or paid at any time up to when the C.O. is issued. Mr. Quillan said there was an option to prepay fees under the old schedule with a "dummy permit" prior to applying for the building permit.

**Commissioner Duffy** commented on the applicant's knowledge, or lack of, that he had the opportunity to prepay. Nicole Dozier reported that currently letters are sent out to all applicants at the time fees are assessed, and that notification is sent through the mail to advise if there are fees to be paid at the end when applying for a C.O., and advised that this procedure was just recently started. Ms. Dozier advised that this procedure was just recently started, and that prior to that time the standard notification that is given out that there is to be a change in the ordinance as it relates to impact fees or otherwise, was done according to legal proceedings at to the standard notifications that were required.

**Commissioner Cummings** pointed out that at the time the impact fee ordinance was done there was a run on building permits, that the Development Review Committee (DRC) process was done locally, and that there is no issue of whether the applicant was from out of town or local.

**Commissioner D'Aprile** inquired if the applicant was aware of what the impact fees would be for this project before the change of impact fees was approved by the Board. Ms. Dozier indicated she did not believe so. **Commissioner D'Aprile** indicated the applicant should not be penalized if the applicant already knew what the price was and that it did not have to be paid until they got a C.O., then the amount changed and they were not aware of it. **Commissioner D'Aprile** said he would not vote for this because he has doubt.

Ms. Dozier explained that the applicant is notified of impact fees when they get the building permit, and that no indication with regards to impact fees is given during the DRC process. Ms. Dozier indicated that at the time the permit was applied for the new impact fees were in effect, and the applicant would have been given the new amounts, and explained why the applicant was not given a letter stating what the impact fees would be.

Attorney Knowlton indicated that the County is not legally required to give individual notice, and pointed out that it was widely publicized and properly advertised, and cautioned on setting precedence. **Commissioner Duffy** clarified that her inquiry was whether or not something was given in writing as to

what the impact fees would be when the applicant came in for permit.

Attorney Knowlton said there were 157 applicants going through the same process, at the same time, as the applicant. Mr. Quillan advised that the applicant took out a Building Permit 8/25/06, which is when fees were assessed by the Building Dept, that not all the fees have to be paid at that time, but must be paid in full by the time they go for C.O. Commissioner D'Aprile agreed that the new impact fee should be paid by the applicant.

**COMMISSIONER MOORE MOVED TO DENY THE REQUEST, SECONDED BY COMMISSIONER CUMMINGS.**

**Motion Carried 5:0.**

(3) Building Construction Services - Building Construction Services is requesting direction from the Board of County Commissioners regarding a proposed Interlocal Agreement between Charlotte County and the Charlotte County Sheriffs Office. The purpose of the Interlocal agreement is to hire a Sheriffs Deputy to work exclusively with Building Construction Services (BCS) in the investigation and prosecution of unlicensed contractors.

Jim Evans, Director of Building Construction Services, gave a presentation based upon the goldenrod contained in the packet material.

Commissioner D'Aprile inquired what the power would be for this deputy over what we have now. Mr. Evans said the preference by the Economic Crimes Division of the Sheriff's Department that works with the State Attorney's Office prefers to have a legalized representative do the prosecution.

Commissioner Moore questioned the County hiring and paying for a Sheriff's Deputy to perform a function that already comes under the Sheriff's function.

Mr. Evans explained that the Building Department does not have arrest authority, but that the Sheriff's Department does, and explained that someone delegated to this function would be familiar with the requirements, versus deputies on the force who are not familiar with the requirements and laws.

**Commissioner Moore** commented on costs. Mr. Loucks explained that the difference funds would come from a reserve account with excess fees from prior years.

**Commissioner Moore** indicated he likes the concept, but that it would be hard for him to support this request.

**Chairman Loftus** indicated that unlicensed contracting has increased; that building construction has slowed down, and people are price-shopping; but there is a need to protect the community.

Mr. Evans said the Building Department has the ability to discipline licensed contractors, but not so with the unlicensed contractors. Erin Mullen - Travis, Licensing Division Manager, pointed out that a road patrol deputy sent out periodically is not familiar with the construction laws, whereas this deputy would be working with, and paid for by, the Building Department. **Commissioner D'Aprile** stated he is willing to try it.

Major Mark Caro of the Charlotte County Sheriff's Office (CCSO) spoke in favor of this agenda item; indicated that criminal acts of wrongdoing would be investigated and presented to the State Attorney's Office; stated that the State Attorney's Office prefers that it come from a specifically trained person; and advised that the Sheriff has no objections to this if it is fully funded.

**Commissioner Cummings** indicated that the County has a major problem with unlicensed contractors, and needs to get a handle on it; stated that there would be one less deputy on the street if the Sheriff paid for this out of his funds, but that this would allow that deputy to stay on the street and be funded through the permit fees; and indicated he supports the request.

**Commissioner Duffy** agreed with **Commissioner Cummings**, and stated she would support it, but expressed concerns with the cost of the laptop. Major Caro explained the necessity for that type of laptop.

COMMISSIONER D'APRILE MOVED TO APPROVE AGREEMENT 2007-030, SECONDED BY COMMISSIONER CUMMINGS.  
Motion Carried 4:1. Commissioner Moore opposing.

(5) Administration - The Peace River/Manasota Regional Water Supply Authority Water Authority) has asked its customers to review a proposed strategic plan for that organization.

Mr. Loucks explained that all member agencies of the Water Authority are reviewing the Strategic Plan, and indicated Roger Baltz, a member of SWFWMD, and Charlotte County Utilities (CCU) representatives were available for questions. Mr. Loucks advised approval is not required, that staff is only looking for feedback at this time; and indicated that afterward there could be discussion on Total Dissolved Solids (TDS.)

**Commissioner Cummings** expressed concern with the Strategic Plan's direction toward exclusivity, indicated we are confusing regionalism with exclusivity, and opined that it would be in Charlotte County's interest to have all references towards exclusivity and going toward a common rate removed. **Commissioner Cummings** advised that based upon prior conversations, with the exception of DeSoto County, none of the other Water Authority customers are in favor of exclusivity.

**Commissioner Cummings** opined that Charlotte County should not go with the common rate; that it would impede the efforts at cooperation; and that Charlotte County cannot afford to subsidize counties that are several times its size, which is what would happen.

**Commissioner Cummings** commented on items that Sarasota County recommended removing, and on items that he believed should be stricken or modified.

**Commissioner Moore** asked what the comment on Page 6, E-3 meant. **Commissioner Cummings** opined it was innocuous and could mean anything.

**Commissioner Moore** indicated that in reading the plan, he does not see the Water Authority doing very much, being proactive, and taking their role. **Commissioner Moore** stated he wants to work with the Water Authority and SWFWMD, but is concerned with the progress.

**Commissioner Cummings** stated that the common rate language is in the master contract and should be reviewed by the Water Authority because it is not working, and indicated that the Authority is not achieving its potential.

**Commissioner Cummings** indicated the other customers see the need for changes, and that the strategic plan no longer reflects the direction that the Board wishes to go; that as a region we do not want to go in the direction of exclusivity.

**Commissioner Moore** indicated things could be different if there was more faith in the Authority, and pointed out that recently there had been encouraging movement from the Authority and SWFWMD toward the County/City connector pipeline.

**Commissioner Cummings** advised that he met with David Moore of SWFWMD, and that the two of them may be close to common ground.

**Commissioner Moore** stated that Charlotte County's response is important in the strategic plan. **Chairman Loftus** clarified that direction from the Board needs to be given on changes to the strategic plan before the next Water Authority meeting, by whatever means the Board is comfortable giving.

**Commissioner D'Aprile** stated he believes **Commissioner Cummings** is capable of handling this and looking out for the County's interest. **Chairman Loftus** indicated that **Commissioner Cummings** had consensus from the Board. **Commissioner Moore** asked if a draft response could be furnished for the Board to review within the next two weeks. **Commissioner Cummings** advised that a draft could be presented at a meeting deemed appropriate for the Board's approval.

**Commissioner Duffy** commented on references in the strategic plan to water quality on page 3, water conservation on page 4, regional planning and water concurrency on page 5; stated she is interested in the results of our own water study, and agreed with most of what the other Commissioners said.

**Commissioner Cummings** reported that Appendix B, Summary of State Policy, is inappropriate to be in the strategic plan.

Mr. Loucks explained that at the last Water Authority meeting a resolution was passed, being the declaration of temporary water shortage emergency due to drought conditions, and which the Board of County Commissioners (BOCC) received this morning. Mr. Loucks stated that Section 4 of that document indicates that the Authority's solution is that it would coordinate with all the customers, SWFWMD, and FDEP, to develop a water supply and water quality management plan for review and action, including 9 itemizations listed that they would be looking at, no later than August 15, 2007.

**Commissioner Cummings** stated that he took the direction the Board gave, that the Board members were upset with the issue, that there was a 3/2 split to talk about the application, and that the alternative the Board approved was that it would work with the Authority staff to craft a more limited application for the exemption, which would only cover periods that were identified by SWFWMD as drought, and categories that tied back to that drought, and opined that this language does not get there.

**Commissioner Moore** indicated that the drought is a major portion of this, but not the only ingredient in creating TDS's; that he is happier going to SWFWMD, and not certain there is as much comfort with FDEP; expressed concern that this happened 18 months ago, and that the Water Authority is asking for another 3 years; and opined it could be time for the County to file a respectful objection.

**Commissioner Cummings** agreed that **Commissioner Moore** made a good point about the need to have a hard line somewhere in the process, and indicated there should be a standard. **Commissioner Cummings** stated that our staff needs to get with Authority staff to work out an enforceable contract with the Authority that would prevail, prior to the deadline of challenging that permit.

**Commissioner Cummings** advised that the Water Authority's other plan is to speed up bringing on line some of the other sources that are not having the same problems, and mix that with this water to bring the levels down, but he does not know if that is workable. **Commissioner Cummings** said this option is cheaper than installing the RO; and opined that the staffs from all the customers need to get with the Authority staff and craft a contract that we can all buy into prior to the deadline,

including signatures from the various customers and direction from those customers to their respective Authority Board members that when they get to the next Water Authority meeting they will vote to approve that contract.

**Commissioner Moore** inquired if, in the recent past, when we received water from the Authority that we were not thrilled with, and that we had an expense factor to us, such as chlorinization, did we incur any problems with DEP for distributing that water prior to its treatment. Mr. Loucks replied affirmatively, and explained that we received a consent order that cost about \$12,000-\$15,000, in addition to the improvements made to our system.

(6) Community Development - Approve an appeal to the TDU Ordinance submitted by the Bove Company, with two conditions. The property is located at the northwest corner of Airport Road and Cooper Street; it consists of 13.37 acres; and the proposal will result in 176 dwelling units. (Quasi-judicial)

Inga Williams gave a presentation that paralleled the packet material.

Ms. Williams made a correction to one of the conditions, which is to remove the part on recommendation 1-B where it says "with an 8-A-E Flood Zone", and just leave where it says "documentation that the 130 units are from a category 1 storm surge."

**Chairman Loftus** advised that this is quasi - judicial and polled the Board. There was no exparte.

Deputy Clerk Manley administered the oath to witnesses.

Attorney Geri Waksler spoke on behalf on Bove Company.

**Commissioner Duffy** inquired if allowing the City of Punta Gorda to change to a Sending Zone would be for this case only. Attorney Waksler replied affirmatively.

**Chairman Loftus** opened the public hearing.

**COMMISSIONER MOORE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

**Commissioner Cummings** inquired if the Certification of Sending Zone Application by the City of Punta Gorda is approved, would it make all of the residual development potential a Sending Zone. Ms. Williams advised it would only be for these units.

**COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2007-054, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

**VI. PUBLIC HEARING AGENDA**

**Chairman Loftus** requested that VI Public Hearing number 7 be heard first. There were no objections.

(1) Budget Office - Conduct a public hearing to consider an ordinance abolishing the Central Charlotte Bicycle and Pedestrian Path Municipal Service Taxing Unit.

**Raymond Sandrock** reported that there are four MSTUs that have been in existence for some period of time that are currently inactive with zero balances, and requested that they be abolished for maintenance savings to the County. Mr. Sandrock requested that the Central Charlotte Bicycle and Pedestrian Path Municipal Service Taxing Unit be abolished, and that Ordinance 91-68, which created this MSTU, be repealed. **Chairman Loftus** opened the public hearing.

Attorney Geri Waksler, as a private citizen, expressed concerns of inconsistencies that the County is proposing a sidewalk ordinance and also abolishing MSTUs, which is the mechanism to connect sidewalks.

**COMMISSIONER MOORE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

**Commissioner Cummings** explained that the funding mechanism has been changed, and that bicycle and pedestrian paths are funded through a combination of Metropolitan Planning Organization (MPO) and sales tax funds. **Commissioner Moore** agreed

with **Commissioner Cummings**, and advised that this is housekeeping.

**Commissioner Duffy** inquired if there were other MSTUs existing after these that would still have allocations for sidewalks. Mr. Sandrock stated there were no others for sidewalks, and pointed out that more recently sales tax and MSBU funds were used, which are more appropriate for funding because MSTU is based upon property valuation, and MSBU is an equal benefit assessment.

Mr. Loucks advised there are sufficient existing MSTUs and MSBUs to change the use portion of the ordinance to allow for sidewalks.

**COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2007-008, SECONDED BY COMMISSIONER DUFFY.**

**Motion Carried 5:0.**

(2) Budget Office - Conduct a public hearing to consider an ordinance abolishing the Port Charlotte Bicycle Path Municipal Service Taxing and Benefit Unit.

Mr. Sandrock requested that the Port Charlotte Bicycle Path Municipal Service Taxing and Benefit Unit be abolished, and that Ordinance 83-36, which created this MSTU, be repealed. **Chairman Loftus** opened the public hearing.

**COMMISSIONER MOORE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

**COMMISSIONER DUFFY MOVED TO APPROVE ORDINANCE 2007-009, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

(3) Budget Office - Conduct a public hearing to consider an ordinance abolishing the Englewood Utility District Municipal Service Taxing Unit.

Mr. Sandrock requested that the Englewood Utility District Municipal Service Taxing Unit be abolished, and that Ordinance 90-72, which created this MSTU, be repealed. **Chairman Loftus** opened the public hearing.

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

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

(4) Budget Office - Conduct a public hearing to consider an ordinance abolishing the West Charlotte Bicycle and Pedestrian Path Municipal Service Taxing Unit.

Mr. Sandrock requested that the West Charlotte Bicycle and Pedestrian Path Municipal Service Taxing and Benefit Unit be abolished, and that Ordinance 91-67, which created this MSTU, be repealed. Chairman Loftus opened the public hearing.

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

COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2007-011, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.

(5) Public Works - Conduct a public hearing to consider an ordinance creating an advisory board for the Burnt Store Village Street and Drainage MSBU.

Dawn Harrison advised that the citizens have requested that an Advisory Board be created for Burnt Store Village Street and Drainage MSBU. Chairman Loftus opened the public hearing.

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

COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2007-012, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

(6) Public Works - Conduct a public hearing to consider an ordinance creating an advisory board for the South Burnt Store Street and Drainage MSBU.

Dawn Harrison advised she has a petition for Burnt Store Lakes, Pirate Harbor, and Woodland Estates (Harborside Estates), requesting the creation of an Advisory Board for the South Burnt Store Street and Drainage MSBU. Chairman Loftus opened the public hearing.

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

COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2007-013, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.

(7) Administration - Conduct a Public Hearing to discuss amending the Community Development Block Grant Number 06DB-3C-09-18-01-W 05 to shift funding from the Stormwater and Engineering line items to the Sewer/Wastewater line item.

Robert Hebert explained that approval is requested from the Board to transfer \$650,000 from stormwater activity to sewer activity related to the \$9 Million Block Grant for Hurricane Recovery; that sewer construction activity is closer to being completed, and there is a time line on the Block Grant; that there is other funding available for the stormwater part, but not for the sewer part; and that shifting funds would allow the project to go forward quicker in order to spend the grant monies before the time lapses.

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

COMMISSIONER D'APRILE MOVED TO APPROVE CONDUCTING THE PUBLIC HEARING TO DISCUSS AMENDING THE COMMUNITY BLOCK GRANT NUMBER 06DB-3C-09-18-01-W-05 (AMENDMENT TO GRANT 2005-022), TO SHIFT FUNDS FROM THE STORMWATER AND ENGINEERING LINE ITEMS TO THE SEWER/WASTEWATER LINE ITEM, APPROVE THE CHANGE, AND AUTHORIZE

**THE CHAIRMAN TO EXECUTE ALL APPROPRIATE DOCUMENTS, SECONDED  
BY COMMISSIONER CUMMINGS.**

**Motion Carried 5:0.**

(8) Community Development - Conduct a public hearing to consider adopting an ordinance revising the Impact Fee Ordinance. Staff is requesting review and adoption of the proposed revisions to the Impact Fee Ordinance.

Nicole Dozier advised that staff requests the adoption of a revision to the Impact Fee Ordinance, which would include exemptions for homes that were destroyed by the hurricane, including exemptions for persons who want to expand their homes, exemption for tenants who want to expand within a current shopping center, and impact fees not being assessed for enclosures of garages, patios, and things that are under roof and truss. **Chairman Loftus** opened the public hearing.

Russell W. Garrod spoke on behalf of several subcontractors who were in attendance in opposition of this agenda item.

Thomas W. Hannon commented in opposition to an impact fee being assessed for an addition to his home.

Richard Sinclair, President of Sinclair Custom Homes, spoke in opposition of the impact fees; stated that the increase is higher than 200%; commented on the Impact Fee Ordinance for a tear-down and rebuild, and for additions; and opined that hookup fees are inconsistent and increased too much.

Suzanne Graham, Government Affairs Chair, Charlotte/DeSoto Building Industry Association, said some issues have not been addressed, which include the tear-downs; and expressed concern with the economic impact to the building industry.

Park Pilikian stated the many fees that are assessed affect anyone who wants to move to Florida, and opined that the impact fees are excessive and are harming the reputation of the State.

Jim Quinn commented in opposition of the Impact Fee Ordinance and offered suggestions for change.

COMMISSIONER MOORE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

Commissioner D'Aprile inquired why an impact fee would be charged if the re-build doesn't exceed the square footage of the tear-down structure. Ms. Dozier and Mr. Loucks clarified that if a home is re-built at the same square footage, there is no impact fee, but that there is an impact fee charge on additional square footage. Commissioner D'Aprile stated that he is very concerned that so many problems have resulted since the enactment of the Impact Fee Ordinance.

Commissioner Moore stated he is prepared to support the motion today, and discuss the issue of re-builds at a later date.

Commissioner Duffy commented on Mr. Quinn's suggestion of reducing impact fees in the urban service area; indicated she approves the agenda item today for the three parts; and opined the Board might want to consider a 25% temporary reduction, or a reduction for green buildings.

Commissioner Cummings stated he is willing to approve the changes today; indicated that there is no support that reducing impact fees causes more people to move to an area; commented on the re-builds, building in town versus in more remote locations, and the tiered system to have been created according to the Comprehensive Plan.

Chairman Loftus stated that he supports the amendments today; that he understands the slow-down in building, but that it will rebound in time; explained that the County must comply with Senate Bill 360, and that if the impact fees are reduced there would not be sufficient funds to provide the infrastructure to meet the concurrency of the Bill; indicated that expansion of homes should be reconsidered, and need to move forward discussions of being outside the urban service area.

Commissioner Cummings commented on estimated shortfalls on road funding, and consequences of not meeting the concurrency of Senate Bill 360.

COMMISSIONER CUMMINGS MOVED TO APPROVE ORDINANCE 2007-014, SECONDED BY COMMISSIONER MOORE.

Commissioner D'Aprile stated that he strongly supports no increases in impact fees, and clarified that a 10% increase of original square footage is allowed on a house being re-built, with no impact fee assessed.

Motion Carried 5:0.

VII. PRESENTATION AGENDA - No items

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

IX. BOARD WORKSHOP AGENDA - No public input.

(1) Budget Office - Conduct a Board Workshop to present the MSBU Study prepared by Government Services Group.

Mr. Sandrock stated that Government Services Group was engaged to assist in the review and evaluation of the current MSBU system, and explained the purpose of the study.

Camille Tharpe, Senior Vice President of Government Services Group, Inc., indicated this is a preliminary report; stated that the County is fortunate to have MSBUs in place because of the lack of funding available from the State; and presented an overview that paralleled the packet material.

Commissioner Cummings commented on simplifying the program; stated that the idea of creating a separate MSBU to cover administration is intriguing; indicated that the Comprehensive Plan has a level of service for the number of cars that must be on road before it must be widened, but does not have standards for the condition of pavement and stormwater; and opined that the County should establish a baseline minimum level of service that it would be maintained, and possibly adopt that into the Comprehensive Plan.

Commissioner Cummings indicated problems occur when MSBUs do nothing year after year, and major problems must be addressed at one time; opined that the theme should be to try and simplify,

create broader based funding, and keep options open through this legislative session.

**Commissioner Moore** agreed that standards should be adopted, and expressed concern with communities that do nothing until major problems arise; indicated that most MSBUs work quite well; and commented on the rate increases reflected on page 3 of the report.

**Commissioner Moore** opined that the graph on page 4 is a little misleading because not all are done; expressed concern with the previous large increases; indicated that some of the report's alternative plans may have to be reviewed; and commented on countywide paving.

**Commissioner Moore** stated that he is not certain if occupied and non-occupied lots are important; that he is okay with the MSBUs; and opined that big is not necessarily better.

**Commissioner D'Aprile** disagreed with **Commissioner Moore**; indicated we are not individual communities, that we are one community, and should think like one; commented on the responsibilities and funding means of county government and MSBUs; and indicated that the MSBUs do not work, should be simplified, and made smaller.

**Commissioner D'Aprile** stated that the biggest problem is paving and drainage, which should be the responsibility of the County; indicated that MSBUs should not be eliminated, but simplified; and opined that every property owner should contribute.

**Chairman Loftus** agreed with establishing a base line of service throughout the county; that he likes the idea of creation of the traditional tax increment; indicated the some MSBUs would like to retain their own MSBUs for extra service to their area; and opined that combining different units and services is more cost effective.

**Commissioner Cummings** commented on keeping the larger MSBUs for the base line and the small ones for neighborhood plans to keep the unique characteristics of the neighborhoods; and opined that smoothing out the assessment rates with a longer term planning is

important.

**Chairman Loftus** explained that Administration is looking for direction. Mr. Loucks indicated that there is an idea of where the Board's priorities are; that some things can be done immediately, but the structure of the MSBUs can not be changed this year; that there is sufficient time to come back with dialog on the MSBUs, and for the Board to have a focused list of recommendations based upon today's discussion; and opined that function should first be defined, then how the form would take.

**Commissioner Cummings** pointed out that the City of Punta Gorda is not included in MSBUs, and that the South County district could not work as a stand-alone, and would need assistance.

**Chairman Loftus** stated he would like to see some type program by January 1st; and that it is necessary to continue moving forward and not be stagnant. Mr. Loucks indicated it would be over a couple of years because of the diversity in the MSTUs and MSBUs.

**Commissioner Moore** indicated he had no problem exploring some creative financing, but that at some point the County would have to solve some of its problems, which financially it has been unable to do through MSBUs; and pointed out that bigger has more expense as well.

**RECESS: 12:25 PM - 2:00 PM**

Attorney Knowlton requested that S-1 be re-considered because after reviewing the tape, it is not clear that the Board actually approved the Resolution accepting the easement.

**COMMISSIONER MOORE MOVED TO APPROVE RESOLUTION 2007-051, ACCEPTING THE EASEMENT, AND ALLOWING THE CONDITIONAL CERTIFICATE OF OCCUPANCY TO BE ISSUED FOR BANK EMPLOYEES ONLY TO OCCUPY THE BUILDING, BUT NOT OPEN TO THE PUBLIC, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

X. CITIZEN INPUT - ANY SUBJECT - None

AA. County Administrator:

Mr. Loucks advised that House Bill 333 was passed into law, which puts into effect the item that was on the ballot this past November increasing the homestead exemption for low-income seniors to a maximum of \$50,000, and indicated if the Board wishes to implement it for 2007, the ordinance must be adopted and submitted to the Property Appraiser prior to June 1, 2007. Mr. Loucks explained this is for permanent residents who attain age 65 and whose household income does not exceed \$20,000.

**Commissioner Moore** thought this already existed. Attorney Knowlton explained it needed legislative authorization.

**Commissioner D'Aprile** indicated he would like to know how many senior citizens in Charlotte County fall into this category prior to him making any decision. Mr. Loucks advised that as part of the Property Appraiser application, the citizens must provide proof before they are eligible; indicated the threshold is \$20,000; and that the ordinance must be adopted and submitted to the Property Appraiser prior to June 1, 2007.

**Commissioner Cummings** opined that it is discriminatory. **Chairman Loftus** advised he would like to think on it some more. **Commissioner Duffy** inquired if the referendum for this was approved by the voters in November. Attorney Knowlton and Mr. Loucks advised that was correct, but it had to go back to the legislature to get the enabling authorization and authority, and that the County now has the option to implement it, or not.

**Commissioner D'Aprile** stated that before this is implemented, we need to be certain of the facts. **Chairman Loftus** agreed. Mr. Loucks advised that an effort would be made to quantify the impact.

BB. County Attorney: - No items

CC. Commissioner Comments:

**Commissioner Duffy** commented on the hiring freeze. Mr. Loucks explained why certain departments are allowed to fill positions that become vacant. **Commissioner D'Aprile** inquired what the cost would be for the positions that are being filled. Mr. Loucks explained those are already budgeted positions.

Chairman Loftus pointed out the need to meet the level of service in accordance with the Comprehensive Plan, and opined that it would be better to look back at the last three years in preparing for the budget workshops. Chairman Loftus advised it is important that all the Board members attend the regional meeting to be held in Sarasota on April 30, 2007.

Commissioner Cummings stated he believes there is a perception that most of the money the County takes in is paid to employees, and that he believes that the majority of it is to the private section; and advised he would be interested in knowing how much of the money spent is paid out to the private sector, rather than to County employees and what is done in-house.

ADJOURNED 3:40 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

gm