

BOARD OF COUNTY COMMISSIONERS

APRIL 24, 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 Minutes Supervisor Nice. The following members were absent: None. The meeting was called to order at 9:00 A.M.

The Invocation was given by Dr. Sloan, Palm Tabernacle Ministries, Inc., followed by the pledge of allegiance.

Change to the Agenda:

Real Estate Services - Agenda Item Z-5, RECOMMENDED ACTION: (a) Approve the Resolution authorizing the Chairman to execute the Real Estate Purchase Agreement for the acquisition of approximately 23.33 acres located in the El Jobean area of Charlotte County on the Myakka River and (b) Approve Budget Amendment #07-A023 and CIP Amendment #07-C12 for \$5,000,000 to provide initial funding for the purchase. BUDGETED ACTION: Approve Budget Amendment #07-A023 and CIP Amendment #07-C12 in the amount of \$5,000,000.

COMMISSIONER D'APRILE MOVED TO APPROVE CHANGE TO THE AGENDA, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Special Recognitions:

Proclamations - Commissioner Cummings

COMMISSIONER D'APRILE MOVED TO APPROVE PROCLAMATION FOR ADMINISTRATIVE PROFESSIONALS DAY, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Sally Simmons, Marie D'Sa, Joann Dillon, and Pamela Riplinger accepted the proclamation. Commissioner Cummings complimented

his Executive Assistant Diane Gant and all administrative professionals.

COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION FOR AUTISM AWARENESS WEEK, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

Sharon Boyd, Co-Chairman for the Autism Walk sponsored by Autism Speaks that has raised \$500,000 in Charlotte County, with three other ladies and two children accepted the proclamation. **Commissioner Cummings** expressed appreciation for all of their good work for these children and stated the children are real assets.

COMMISSIONER D'APRILE MOVED TO APPROVE PROCLAMATION FOR BUILDING SAFETY WEEK, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Jim Evetts accepted the proclamation, expressed appreciation, and mentioned the open house at BCS during Building Safety Week with numerous brochures. **Commissioner Cummings** thanked Mr. Evetts for all of his efforts in making County facilities safe.

COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION FOR LAW WEEK, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

Attorney Knowlton accepted the proclamation, expressed appreciation for the Board's continued support, commented on the luncheon on Wednesday, May 2, 2007 at Benedetto's, and advised tickets for the luncheon are available for \$15.00 from the County Attorney's Office or the Wotitzky Law Firm.

COMMISSIONER D'APRILE MOVED TO APPROVE PROCLAMATION FOR NATIONAL DRINKING WATER WEEK, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Jeff Pearson accepted the proclamation and commented on the water shortage, water quality, and the need for preservation.

COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION FOR NATIVE TREE AND SHRUB PRESERVATION WEEK, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

David Wilson accepted the proclamation. **Commissioner Cummings** suggested review and revision of the Tree Ordinance and Land Development Regulations relating to preservation of natural corridors.

Employee Recognition - None

Presentation - Commissioner Cummings

Jim Thomson, Environmental & Extension Services, along with Department Heads presented a check to Cecy Glenn, CEO of the United Way, in the amount of \$37,364, representing a 37% increase in the pledged donations by Charlotte County Employees. Cecy Glenn recognized everyone independently for their efforts in making the campaign a success.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Charlotte Ventola commented on Agenda Item W-1 and questioned why some people have not hooked up to the sewer/wastewater installed in the CRA 10 years ago.

Bill Dryburgh commented in support of Agenda Item Z-5 for the acquisition of the Myakka River front land.

Bill Coy stated the El Jobean/Myakka River property under Agenda Item Z-5 has not been accepted for evaluation by the Environmental Lands Acquisition Advisory Committee.

Jack Donkel commented on Agenda Item L-2 and issues regarding street and directional signage pursuant to the handout specifically relating to the placement of South and North McCall Road signage and use of the \$500 for replacement of the street sign on Pine Street that is missing due to the widening project.

Jim Marshall commented in support of the acquisition under Agenda Item Z-5 for preservation purposes.

Randy Spence expressed support for approving Agenda Item Z-5 for environmental preservation and recreational uses.

Bill Kopp commented in support of the Board approving Agenda Item VI(4) and establishing the Veterans Grant Program.

II. COMMITTEE VACANCIES

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

Construction Board of Adjustments and Appeals - seeking one member to serve as the general building contractor representative. This committee meets the 1st and 3rd Monday of each month at 8:00 a.m. in Murdock. Term is for three years.

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

Gulf Cove Street and Drainage Advisory Committee - seeking one volunteer to complete a vacated position on the committee which will expire December 14, 2007. Volunteers must be landowners within the boundaries of the Unit.

III. REPORTS RECEIVED AND FILED - None

IV. CONSENT AGENDA

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

Clerk of the Circuit Court

A. Finance Division

RECOMMENDED ACTION: Approve Clerk's 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 April 3 through 16, 2007 in the amount of \$13,408,139.41

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes

1:00 p.m. 3/13/07 Round Table Discussion
9:00 a.m. 3/20/07 Land Use Public Hearings
9:00 a.m. 3/27/07 Board of County Commissioners Regular Meeting
9:00 a.m. 4/2/07 Second Public Hearing - Excavation &
Earthmoving Ordinance
9:00 a.m. 4/3/07 Round Table Discussion

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the appointment of Mrs. Carolyn DuPree as the representative of the Hideaway Beach Club Owner's Association on the Little Gasparilla Island Advisory Committee (Community Plan). The term is for three-years. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve the appointment of Mrs. Olga Durham, current alternate member to a vacated position on the Rotonda West Street and Drainage Advisory Committee. On March 21, 2007, Mr. David R. Holomon vacated his recent appointment, effective immediately. Mrs. Durham will complete Mr. Holomon's vacated term, which will expire on February 13, 2010. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve the appointment of Mr. Laren Armstrong, current alternate member, to a regular member position on the West Charlotte Stormwater Utility Advisory Committee. The term will be for three years. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Approve the appointment of Amber Gunderson to the Charlotte County Parks & Recreation Advisory Board representing Commission District #2. Term will expire on February 13, 2010. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Approve the reappointments to the Construction Board of Adjustments and Appeals: Mr. Roger D. Glover as the Mechanical Contractor and Mr. Clarence B. Diersing,

Jr. as the Public-at-Large Member. These are three-year terms.
BUDGETED ACTION: None

D. Administration - No Items

E. County Attorney - No Items

F. Budget Office

(1) RECOMMENDED ACTION: Approve the rescheduling of the FY08 MSBU Workshop from May 3, 2007 to May 16, 2007, 2:00 p.m. in Room #119, Murdock Administration Center. BUDGETED ACTION: None

G. Community Development

(1) RECOMMENDED ACTION: It is recommended that the County Commission find that Babcock Property Holdings, LLC has complied with the annual review requirement of the Babcock Ranch Development Agreement. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve a Certification of a Sending Zone, with accompanying conservation easement, for John C. and Frances Nottingham, petition # CSZ-07-03-04, who wish to sever four units of density from four substandard, platted lots in the Country Club Manor subdivision, which is located north of the Charlotte County Park of Commerce (north of Charlotte County Airport). BUDGETED ACTION: None

Resolution 2007-058

H. Economic Development - No Items

J. Environmental Services - No Items

K. Facilities Construction and Maintenance - No Items

L. General Services

(1) RECOMMENDED ACTION: a) Rescind Award of Bid #07-159 - Group C - Raised Pavement Markers as originally awarded to Municipal Supply & Sign Company of Naples, Florida, and award to 3M Company of St. Paul, MN at the unit price of \$1.76 each for the period from April 1, 2007 through and including December 31, 2007 and b)

Authorize the County Administrator to approve renewal options up to two (2) additional one-year terms at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve a Change Order #2, in the amount of \$9,499.40, to Contract #07-170, Pine Street Sidewalk Improvements, for a total revised cost of \$156,911.83. BUDGETED ACTION: \$10,000 is available for this change order in project C419201, CR775 and Pine Street Widening, project total \$36,782,000.

(3) RECOMMENDED ACTION: Approve Amendment #1 to File #07-198, Internet-Ethernet Connections Upgrade, with Embarq Florida, Inc., relocating the service from, 18500 Murdock Circle, Port Charlotte to 26571 Airport Road, Punta Gorda, and revising the monthly recurring rate from \$4,770 to \$4,985. BUDGETED ACTION: Funding is available in Telecom Funds.

(4) RECOMMENDED ACTION: a) Approve the Award Bid #07-232, Fill Dirt - Annual Contract, to R.S. Construction of S.W. Florida Inc. d/b/a Ray Smith Excavating of Arcadia, Florida, for the period from date of award through and including December 31, 2008, at the unit prices listed on the bid form and b) Request authorization for the County Administrator to have the authority to approve renewal options for two (2) additional one-year terms at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: FY06/07 Budgeted amount is \$100,000 in Other Contractual Services for Fill Dirt (cover) for the Solid Waste Department.

(5) RECOMMENDED ACTION: Award Bid #07-261, Fordham Waterway Stormwater Control Structure, to Peter A. Basile Sons, Inc., of Arcadia, Florida, in the amount of \$1,061,327.94. BUDGETED ACTION: \$1,200,000 is available in project C390304, Greater Port Charlotte Drainage Control Structure Replacement, project total \$35,838,000.

(6) RECOMMENDED ACTION: a) Approve Amendment #3 to Contract 04-232, Enterprise Asset Management System/Computerized Maintenance Management Solution Software (EAMS/CMMS) with Infor Global Solutions (Michigan), Inc., f/k/a DataStream Systems, Inc., of Greenville, South Carolina, to restructure the Licensing Agreement at the cost of \$196,882.67 and a revised contract

amount of \$1,481,507.67 and b) Authorize the Chairman to sign the amendment to the contract. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: a) Approve Amendment #3 to Contract #05-223, CC Event Center-Design Build with Mathews/Taylor Construction, LLC in the amount of \$344,324 for 1) Additional Design fees associated with V-zone/exterior enhancements studies/implementation and 2) Early site preparation and demolition; and b) Authorize the Chairman to sign the Amendment. BUDGETED ACTION: Budgeted amount in FY07 is \$15,623,000 in CIP Project Charlotte County Memorial Auditorium and Events Center.

M. Human Resources - No Items

N. Human Services

(1) RECOMMENDED ACTION: Approve after review, the lease amendment to Boys & Girls Club Lease at the Family Services Center and Authorize the Chair to sign after review by County Attorney. BUDGETED ACTION: Revenue account - Rental/Facilities for Family Service Center.

Resolution 2007-059 authorizing the Chairman to sign **Agreement 2007-031** to supersede and replace the agreement entered into on May 24, 2006 approved pursuant to Resolution 2006-086.

P. Information Technology - No Items

Q. Parks, Recreation & Cultural Resources - No Items

R. Public Safety

(1) RECOMMENDED ACTION: Approve EMS County Grant Application and Resolution in the amount of \$33,648. BUDGETED ACTION: None

Resolution 2007-060 and the application for Grant 2007-012

S. Public Works

(1) RECOMMENDED ACTION: Approve a Resolution authorizing an increase in the price of cemetery lots being sold in Charlotte County's public cemeteries: Indian Spring and Lt. Carl Bailey

Cemeteries. BUDGETED ACTION: The total sale of lots for FY 05/06 was \$48,138.

Resolution 2007-061

(2) RECOMMENDED ACTION: Approve an Interlocal Agreement between Charlotte County and the City of North Port to widen Toledo Blade Boulevard, from U.S. 41 to Hillsborough Boulevard. BUDGETED ACTION: None. The Toledo Blade widening is CIP project c419905 with a project total of \$52,350.

Agreement 2007-032

(3) RECOMMENDED ACTION: Set a Public Hearing for May 8, 2007, at 10:00 a.m. or as soon thereafter as may be heard to consider an Ordinance amending the Ackerman Waterway Unit to change it from a municipal services taxing unit to a Municipal Services Benefit Unit. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Ackerman Waterway Unit.

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve a Resolution releasing portions of two (2) utility and drainage easements located in Port Charlotte Subdivision, Section Sixty-Three, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portions of said easements. (Owners: Joseph A. and Michelle A. McCarthy) BUDGETED ACTION: None

Resolution 2007-062

(2) RECOMMENDED ACTION: Set a Public Hearing on May 8, 2007, at 10:00 am, or as soon thereafter as may be heard, to consider adopting a Resolution to declare certain real property in Charlotte County be reserved for affordable housing. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve a Resolution authorizing the Chairman to sign the Release and Termination of a Utilities Service Agreement with Charlotte County Utilities and two (2) Releases of Declaration of Restrictions/Utility Easements issued by the Florida Department of Health/Charlotte County Health

Department, within the Murdock Village Redevelopment Project area. BUDGETED ACTION: None

Resolution 2007-063

V. Tourism Development - No Items

W. Utilities

(1) RECOMMENDED ACTION: Approve the adoption of the Initial Assessment Resolution for Charlotte Harbor CRA Wastewater MSBU. BUDGETED ACTION: None

Resolution 2007-064

(2) RECOMMENDED ACTION: Approve the adoption of the Initial Assessment Resolution for Rotonda Villas and Springs Water and Wastewater MSBU. BUDGETED ACTION: None

Resolution 2007-065

X. Building Construction Services - No Items

Y. Constitutional - No Items

V. REGULAR AGENDA

Z. Regular Business

(1) Attorney's Office - RECOMMENDED ACTION: Set an Executive Session for April 24, 2007 at 2:00 p.m. or as soon thereafter, in the County Attorney's Office Conference Room to discuss litigation re: William E. Clement v. Charlotte County, Case #07-926-CA.

COMMISSIONER CUMMINGS MOVED TO APPROVE SETTING AN EXECUTIVE SESSION FOR APRIL 24, 2007 AT 2:00 P.M. OR AS SOON THEREAFTER, IN THE COUNTY ATTORNEY'S OFFICE CONFERENCE ROOM TO DISCUSS LITIGATION RE: WILLIAM E. CLEMENT V. CHARLOTTE COUNTY, CASE #07-926-CA. , SECONDED BY COMMISSIONER DUFFY.
Motion Carried 5:0.

(2) Administration - RECOMMENDED ACTION: Review and direction regarding Peace River/Manasota Regional Water Supply Authority proposed strategic plan.

Mr. Loucks advised the plan incorporates almost verbatim Board Member's previous comments and concerns and Messrs Pearson and Baltz are present to answer questions.

Commissioner Cummings suggested minor revisions to the letter to Chairperson Staub as follows: (1) remove the Tables and Appendices except Appendix A; (2) page 6 , strike paragraph E in its entirety; and (3) page 5, paragraph C should read "C. Regional Planning. The Authority will adhere to the following policies:" **Commissioner D'Aprile** indicated no objections.

Commissioner Moore commented on paragraph E on the common rate by expressing no objection at this time; page 3, #3 deals with finances; and his belief is that if the County can pay for a water source, then the County is entitled to it but if the County wants the Authority's money's then County must abide by their rules. **Commissioner Cummings** concluded Commissioner Moore was referring to paragraph 3 at the top of page 3; reported every customer and member, except Desoto County, believes that should not be a goal at this time because they are not ready to become exclusive customers. **Commissioner Moore** stated he does not have a problem with the Southwest Florida Water Management District channeling monies through the Water Authority for projects and the Water Authority placing conditions on the use of the funds but the County should be allowed to identify water resources but realize the County will pay the entire bill. **Commissioner Cummings** stated the plan applies to new water sources that must be integrated into the regional water system, the Authority would discourage the County from doing anything different, and opined exclusivity and regionalism is not the same thing; and this goal is contrary to almost all of the Members' beliefs.

Commissioner Moore requested an explanation regarding paragraph 2c. **Commissioner Cummings** suggested that paragraph be stricken since he does not know of an instance when sentimental value may be assigned to the water treatment plant. **Commissioner Moore** opined the Water Authority is important but Charlotte County has

some issues that need to be resolved. **Commissioner Cummings** commented on the need for cooperation between the Members.

Commissioner Duffy questioned who drafted the plan. Mr. Loucks advised Administrators and technical staff from Member counties. **Commissioner Cummings** added Authority Members. **Commissioner Duffy** requested verification that Sarasota County requested removal of Appendix A. **Commissioner Cummings** responded affirmatively. **Commissioner Duffy** requested clarification pertaining to page 13, paragraph B(2) under The Policies of Growth Management that "some policymakers might seek to limit growth by trying to limit water-supply development. If the Authority were to become embroiled in the politics of growth management, it might not survive the resulting controversy." **Commissioner Cummings** pointed out the Authority might decide not to provide water to specific areas as a tool to limit growth management but it is a moot point since the Authority would be under contract to provide water based on demand.

COMMISSIONER CUMMINGS MOVED TO APPROVE ADOPT MR. BALTZ'S LETTER WITH THE THREE SUGGESTED CHANGES TO STRIKE APPENDIX A, PARAGRAPH E AND SUBPARAGRAPHS, AND THE ENTIRE PARAGRAPH C ON PAGE 5 EXCEPT THE LAST SEVEN WORDS, SECONDED BY COMMISSIONER D'APRILE.

Attorney Knowlton questioned striking the language regarding sentimental value. **Commissioner Cummings** stated that was already in the letter.

Motion Carried 5:0.

(3) CCU - RECOMMENDED ACTION: Request the BCC to reject Realmark's proposal to enter into any exceptions to the Uniform Extension Policy, including, but not limited to, the Bulk Wastewater Contract with North Fort Myers Utilities to serve Tucker's Grade development.

Jeff Pearson explained the City of Punta Gorda has recently approved water service to the proposed development; no decision as been made by the County to allow the City to provide the service; this does not include wastewater service; Realmark has proposed to pay Charlotte County Utilities \$4 million in connection fees; construct a 20" force main at their expense that

would serve approximately 10,000 ERCs along US 41; the County would reimburse construction costs of the line at future connections from the development to North Ft. Myers Utilities; it has been suggested the County entered into a bulk water agreement with North Ft. Myers Utilities to purchase capacity through their plant; the County would not give up its certificated area; it would help the County since capacity at the Burnt Store plant would not be used as quickly; he has concerns since the City would be getting the connection fees; and suggested establishing an escrow account to transfer the connection fees back to the County. Mr. Pearson requested Board direction. Mr. Loucks explained two issues exist regarding water and wastewater. Mr. Loucks stated the County has limited ability to provide water south of the Peace River and the City has requested \$5.6 million in connection fees but this would be a temporary arrangement until the County would be able to provide water from the Burnt Store Plant; and the City is not willing to provide any of the monies to the County for depreciation and maintenance on the lines.

Commissioner Moore stated this is premature and it is not economically feasible for the County to provide water to the proposed development but he is glad the City is willing to provide service to the area. Mr. Loucks recommended keeping water and wastewater issues separate and first address water issues. William E. Sundstrom, attorney for Realmark, stated when it became clear that water was not available through the County system, negotiations commenced with the City of Punta Gorda to provide water to this project, subsequently the water use permit of the City was increased through the Southwest Florida Water Management District (SWFWMD), the intent is to enter into a bulk agreement and construct the lines and an on-site plant or create a Community Development District (CDD) until turnover of the lines to the County; another option would be to construct a water plant for the project although SWFWMD does not want that to occur; the City asked them to secure the consensus of the County; and the City would then move forward. **Chairman Loftus** expressed understanding that the County would take over the lines and provide service at a specific time and receive remuneration. Attorney Sundstrom responded yes as a result of assessments from the CDD **Commissioner Cummings** commented on the need to remember the ultimate customers are new residents to the proposed development; the City will levy a connection fee for plant

capacity on a temporary basis; the City does not wish to provide service on a permanent basis; the County will need to recoup capacity charges when it takes over the lines and capacity from the City; he does not have a problem with working out a mechanism to eliminate the residents paying twice for capacity as well as for the County to recoup costs; and transmission capacity in place will impact the \$30 million interconnect with the City down to the Burnt Store Plant since the County will be expecting development, not existing ratepayers, to pay a significant amount of the cost for the lines.

Commissioner Moore requested verification that this will be a temporary arrangement. Attorney Sundstrom expressed uncertainty about the length of time and estimated 10 years. Mr. Loucks reported "temporary" has never been defined but it will be 10 years or more. **Commissioner D'Aprile** stated the proposed development looks good but caution must be exercised. **Chairman Loftus** agreed. **Commissioner D'Aprile** requested clarification regarding the \$20 million hookup cost. Mr. Pearson estimated \$3,500 per ERC in connection fees based on 2,000 units at build out. Attorney Sundstrom agreed with the proposed 2,000 unit build out. Mr. Pearson calculated approximately \$7 million each for water and wastewater. **Commissioner D'Aprile** reiterated the need for careful review. **Chairman Loftus** questioned holding the pro rata fees in escrow. Mr. Pearson recommended this method; reported the Burnt Store capacity permit includes Tuckers Grade but no line exists over the 9 miles to the proposed development; and either the end of this year or the first of next year, construction will commence on the Burnt Store lane expansion with completion projected for mid-2009. **Commissioner Moore** requested the cost of a 9-mile water line. Mr. Pearson estimated \$12 to \$15 million and advised this would eliminate running a parallel line for ultimate build out.

Commissioner Moore pointed out this 9-mile line segment along with the Burnt Store plant will be included in the interconnect mentioned by **Commissioner Cummings**. Mr. Loucks advised the lines would need to be installed in any event. **Commissioner Duffy** requested the cost from Tuckers Grade. Mr. Pearson estimated \$2 million. **Commissioner Duffy** concluded that Realmark may not join with the other developers along Burnt Store Road because capacity for the project is needed sooner. Mr. Pearson expressed the belief that a planner and engineer are

working on the Burnt Store Road line expansions to identify proportionate shares for developments and to have Public Works install the lines as a cost saving factor. **Commissioner D'Aprile** stated it will take about two years to install the lines and the project is projected to come on line about the same time. Mr. Loucks pointed out water and sewer rights to the property may hinder sales and development of the property. **Chairman Loftus** concurred with **Commissioner D'Aprile** about working with the developer and staff to implement a solution. Mr. Pearson agreed insofar as Realmark would not be bearing the total upfront costs and they should be reimbursed for water and sewer line expansions to the plant. Mr. Loucks added the Consortium is not doing anything at this time.

Gerri Waksler, attorney for Realmark, stated she has worked with the developers along Burnt Store Road; agreed an engineer and planner are working on identifying costs but this is very preliminary at this stage; over sizing will be necessary for the Tuckers Grade lines; a lot of unknowns exist; Realmark is ready to proceed; and asked approval for Realmark to move forward. **Commissioner D'Aprile** noted Attorney Waksler's statement regarding the timeline is different. Attorney Waksler explained the difference in water availability at the plant versus on site. Mr. Pearson stated no Development Review Committee approval exists. Craig Dearden, attorney for Realmark, presented the sign-in sheet from November 2005 on the Burnt Store Road line expansion; remarked very little funding has been provided; he has worked with staff for about three years and extension of the water line is in conjunction with Charlotte County Utilities objectives in that area; he was going to run water and sewer lines prior to Hurricane Charley but subsequent recommendations were to run the lines up Zemel Road based on the Burnt Store Road expansion and the costs have escalated to \$12 to \$15 million; commented on difficulties to pass this high of a cost along to end users or new residents of the development; he has spent \$.5 million in engineering costs to comply with staff recommendations plus \$2 million in interest and \$3 million per year in carrying costs; the Planned Development was approved in April 2004; and commented on difficulties of line expansion from the 14" line from Tern Bay. **Commissioner D'Aprile** stated Punta Gorda would have to hook up ultimately. Mr. Loucks stated part of the long-range plan to provide water to South County will

require an interconnect with the City of Punta Gorda and connection of East Port to the Burnt Store Plant.

Commissioner D'Aprile commented on the importance of identifying solutions to provide water to that area. Attorney Dearden expressed understanding of the agreement with the City of Punta Gorda; pointed out the bonding capacity of existing users has value to the County and that would provide more funding than revenues generated by impact fees; it was their intent to pay only one time; and he is not asking for reimbursement on the water lines. Mr. Loucks recalled conversation that Realmark would charge the same water rates as the County and the difference with City rates would be put into escrow for the County. **Commissioner Cummings** commented in support of escrowing the difference; stated bonding does not create a new revenue source since that funding must be paid back; and mentioned the Utility Purchase Law. Mr. Loucks stated this will come back to the Board in the form of a contract. **Commissioner Cummings** questioned if the City's rates are lower than CCU rates and if the 25% would be charged by the City to customers outside of the City. Mr. Loucks indicated uncertainty. Attorney Sundstrom recalled the intent was not to charge the 25%. **Commissioner Cummings** commented in support of working this as one project or in conjunction with the City as long as there is sufficient transmission capacity to serve other than this development; this should be a part of the long-range plan with the interconnect; and a mechanism should be developed to ensure that customers do not pay twice. **Chairman Loftus** suggested bringing a proposal back on the water issue. Mr. Loucks stated a document will be brought back.

Mr. Pearson explained Realmark's proposal includes construction of a 20" force main along US 41 to North Ft. Myers Wastewater Plant, payment of the County's connection fees for what would normally be generated at one of the County's plants, and the cost to customers would be a little over \$4,000. Attorney Sundstrom stated \$4,282.20 per ERC and the connection fee charged by North Ft. Myers Utilities is \$1,500.00. Mr. Loucks stated another option exists regarding wastewater calling for construction of a package plant and the County would eventually assimilate the customers into the CCU sewer system versus running a force main from the Burnt Store Plant to Lee County; and staff's recommendation is not to approve Realmark's proposal. Mr.

Pearson reported wastewater lines are to be provided by 2010. Mr. Loucks stated the purpose of this discussion is to clarify direction between the Board and staff. **Commissioner Cummings** requested if staff's recommendation has changed. Mr. Pearson advised the most recent discussions indicate that the \$1,500 and \$4,200 costs seem viable for Realmark while reserved capacity may be maintained at the Burnt Store Wastewater Plant and the County would have to pay connection fees to North Ft. Myers Utilities with the remainder going back to Realmark for the line extension and the \$3.5 million to be paid by Realmark for the first phase of development connection fees. Mr. Loucks suggested putting this in writing. Attorney Sundstrom advised Realmark is willing to for pay for the cost of constructing the 20" force main from Tuckers Grade to the Lee County line; North Ft. Myers Utilities would pay for the extension on its portion with a bulk meter at the County line; the line constructed by Realmark would be given to the County at no cost; the County would enter into a bulk service agreement with North Ft. Myers Utilities (identical to an agreement between Cape Coral and the utility); reviewed the costs levied by the County and North Ft. Myers Utilities with the cost differential of \$2,000+ would go back to Realmark; the spread is \$20.77 per month that represents surplus revenues; it would protect the integrity of the County's service area; the spread could be utilized to reduce ratepayers fees and result in a lower end cost to users; recognized the County's long-range water interconnect goal; and requested that he be allowed to bring back a contract in about one month.

COMMISSIONER D'APRILE MOVED TO APPROVE STAFF NEGOTIATION TO FINALIZE A CONTRACT WITH REALMARK REPRESENTATIVES AND BRING BACK THE CONTRACT IN A MONTH FOR APPROVAL BY THE BOARD, SECONDED BY COMMISSIONER DUFFY.

Commissioner Cummings commented on concerns relating to the sufficiency of the line expansion to the project and service to other ratepayers in the area and stated a lot of uncertainties exist and due diligence is necessary. **Commissioner Moore** agreed. **Chairman Loftus** agreed with the motion based on potential benefits to the County.

Motion Carried 5:0.

RECESS: 11:08 AM - 11:18 AM

VI. PUBLIC HEARING AGENDA

10:00 AM

(1) Public Works - RECOMMENDED ACTION: Conduct a Public Hearing 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 Street and Drainage MSBU.

Tara Musselman explained the amendment to the territory to add property and requested approval.

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

COMMISSIONER CUMMINGS MOVED TO APPROVE ORDINANCE 2007-016, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.

(2) Public Works - RECOMMENDED ACTION: Conduct a Public Hearing to amend an Ordinance; to provide for the removal of cattails from the Interceptor Lagoon Waterway in the South Gulf Cove Waterway Unit. BUDGETED ACTION: Recording fees of approximately \$44 are available in the South Gulf Cove Waterway MSBU.

Ms. Musselman commented on the additional territory boundaries for the Unit and requested approval.

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

COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2007-017, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.

(3) Public Works - RECOMMENDED ACTION: Conduct a Public Hearing to consider the approval of an Ordinance amending the Charlotte County Code to require the installation of sidewalks and bike

facilities associated with site and subdivision development as listed in the Ordinance. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Transportation Trust Fund.

Thomas O'Kane explained the purpose of the ordinance and requested approval.

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

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

(4) Human Services - RECOMMENDED ACTION: Conduct a Public Hearing to consider an Ordinance creating an Active Military Combat Duty Grant Program. BUDGETED ACTION: Budget Transfer #07-018 for \$25,000.

Jim Barrett explained the purpose of the program.

John Degman commented on numerous organizations that support this program and requested approval.

John O'Connor expressed support of the ordinance to establish the program for veterans.

Clyde Prier indicated support for the program and expressed appreciation for the efforts of Commissioner D'Aprile, other Board Members, and Jim Barrett.

Bill Kopp commented in support of the program that would probably impact 10 to 11 veterans in Charlotte County, mentioned some other counties have implemented a similar program, and requested approval.

Randy Spence commented on his service during Viet Nam, the impacts of war on families of veterans who have and continue to fight for our freedom, and requested approval.

Grace Amodeo stated her husband was in Korea at the front line so she knows about the hardships of war and its impacts on families and requested the Board find the money for this program.

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

COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2007-019, SECONDED BY COMMISSIONER MOORE.

Commissioner D'Aprile advised a developer has offered to pay one-half of the costs incurred by the County to implement this program and stated he would provide more detailed financial data. Commissioner Duffy questioned if the veterans still have to pay the total amount up front. Attorney Knowlton stated reimbursement would be made. Commissioner Cummings indicated he would support the ordinance but he has reservations because other individuals serve in the military, intelligence gathering, firefighters, and police officers and questioned limiting the program to only this group of service men and women. Commissioner D'Aprile stated this will indicate the Board's support for service individuals at the present time who are in harms way.

Motion Carried 5:0.

V. REGULAR AGENDA

Z. Regular Business

(4) Attorney's Office - RECOMMENDED ACTION: Board consideration of Memorandum of Understanding (MOU) with Peace River Authority and other local government Customers' on DEP Water Quality Exemptions.

Mr. Pearson reported he recently learned that Florida Department of Environmental Protection has implemented new water quality exemptions, under which the County may file, e.g. 1,200 and 500 versus 1,000 and 400 exemptions that the Water Authority filed for pertaining to the Peace River and commented in support of the Authority's exemption recommendation instead of the State levels. Attorney Knowlton advised the State's exemption is

higher than the Authority's and lasts for only one year whereas the Authority's exemption is lower and lasts for three years. Mr. Pearson expressed support for bringing an MOU before the Authority to include reasonable direction on when the exemption could be used, define a drought, when water from the ASR wells may be used, and transfer of water from north to Charlotte County, and deferred to the County Attorney on legal ramifications. Attorney Knowlton indicated a revised MOU was circulated late yesterday that deleted paragraph three and the residuals language. Marty Burton advised Doug Manson is present and commented on the deletion of the effect of residuals on chlorine levels. Mr. Pearson stated higher Total Dissolved Solids (TDS) can increase iron levels and reduce chlorine levels.

Commissioner Cummings questioned the guidelines for chlorine levels. Mr. Pearson advised samples are taken in the field to ascertain compliance with regulatory guidelines; stated the levels may vary from day-to-day and require adjustments to chlorine to ensure compliance with the standards; expressed awareness of one study indicating interaction with iron in the system that it can reduce chlorine residuals; explained every water quality in the supply is different and a study is needed on its own merits; as a Utility, higher levels of chlorine and ammonia are needed to comply with residual standards. **Commissioner Cummings** requested the costs. Mr. Pearson estimated \$250,000 in South Gulf Cove to ensure compliance with residual levels. **Commissioner Cummings** stated if the Authority entered into a MOU, it would comply with it even in the face of the State standard; he has no changes to be made except removal of the paragraph on residuals.

Commissioner Moore expressed support for the Authority's request for their level of exemptions and one year instead of three years. **Commissioner Duffy** expressed objection to Section 2(3) about the transfer of water based on a conversation with Commissioner Staub about transferring water from Sarasota County and blending it with water from ASR wells, if not this year, then next year. **Commissioner Duffy** requested verification. Mr. Manson explained no contract has been entered into with Sarasota County but one is being prepared to allow up to a 4 MGD transfer; and the transfer must be made on contracted water. **Commissioner Duffy** stated this would be a viable solution for next year. Mr.

Manson stated a 4 MGD transfer would not resolve need for 12 MGD; the Cities of North Port and Punta Gorda will be filing for variances; perhaps in an emergency, transfers might be allowed from Manatee and other members; and suggested options be brought back to the Board. Mr. Manson advised a study is being performed on TDS to identify a methodology to resolve residual issues. **Commissioner Duffy** pointed out other counties are having water quality problems. Mr. Manson agreed and explained Florida Department of Environmental Protection's (FDEP's) order would be to safeguard public safety. Attorney Knowlton concluded two Commissioners have expressed a preference to hold the exemption to one year and questioned the procedure to make this change. Mr. Manson stated the exemption would have to be pulled and options would have to be ready for presentation at the September meeting during which FDEP may review it and possibly withdraw it. Attorney Knowlton stated the Board has until April 30, 2007 to file a request to withdraw the exemption. **Commissioner Duffy** pointed out FDEP's order indicated 30 days for filing until May 15, 2007. Attorney Knowlton stated two different exemptions exist, the Authority's exemption came out prior to FDEP's exemption. (Discussion ensued regarding the feasibility of Charlotte County being prepared for a drought next year within compliance of chlorine levels, utilizing reverse osmosis and line softening but there is no guarantee that high TDS levels will be addressed next year.) **Chairman Loftus** concluded Board consensus exists on the one year versus three-year exemption hold.

Attorney Knowlton deducted that Mr. Manson cannot recommend approval of Charlotte County's proposed MOU. **Commissioner Duffy** stated she has ascertained that the City of Punta Gorda and possibly North Port have high TDS levels. **Commissioner Moore** indicated he has been told that high TDS levels are not solely drought problems but they are aggravated by drought. **Commissioner Duffy** pointed out water from ASR wells increase mineral levels. Mr. Pearson agreed and stated if the proper treatment process is in place, the higher TDS levels could be removed in a drought. **Chairman Loftus** questioned protection to the County if the three deletions are made to the MOU. Attorney Burton pointed out a difference of opinion exists regarding paragraph three and it is more of a factual versus legal disagreement. **Commissioner Cummings** stated part of the

disagreement on residuals is stemming from a interpretation of whether the residual levels can be resolved prior to delivery.

Mr. Pearson pointed out CCU has certain requirements to address increased TDS levels. **Commissioner Cummings** suggested language to address the South Gulf Cove issue. Mr. Manson recommended the language, as stated by **Commissioner Cummings**, be added in section 4. Attorney Knowlton questioned the one-year versus three-year hold. **Commissioner Cummings** offered to revise the MOU pursuant to his and Mr. Manson's recommendations and present it to the Authority with the one-year exemption. Attorney Burton stated the MOU envisions filing a petition.

COMMISSIONER CUMMINGS MOVED TO MOVED APPROVAL TO MODIFY THE MOU PURSUANT TO DISCUSSION ON THE RECORD, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

Commissioner Cummings stated the next action is to decide if the Board wants to file a petition or challenge the permit which will have no impact on the Authority but create a stronger position for Charlotte County; advised Sarasota County has sent a letter that it will not withdraw additional water this year but there is a question on compensation to Sarasota County. **Commissioner Moore** expressed the belief that there is nothing to gain by filing with FDEP and the MOU is all that is needed at this time. **Commissioner Duffy** commented in support of the MOU. **Chairman Loftus** stated more than drought situations need to be considered. **Commissioner Cummings** suggested language for assurance by the Authority to withdraw its exemption for three years and accept the more restrictive language in the MOU. Mr. Manson stated it will create a drafting problem and suggested language in the MOU that the Authority would withdraw the exemption by December 31, 2007.

COMMISSIONER CUMMINGS MOVED TO MOVED THAT CHARLOTTE COUNTY WILL NOT FILE A PETITION AGAINST THE AUTHORITY'S EXEMPTION BASED ON THE MOU AND THE AUTHORITY IS TO WITHDRAW THE EXEMPTION BY DECEMBER 31, 2007, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

(5) Real Estate Services - **RECOMMENDED ACTION:** (a) Approve the Resolution authorizing the Chairman to execute the Real Estate

Purchase Agreement for the acquisition of approximately 23.33 acres located in the El Jobean area of Charlotte County on the Myakka River and (b) Approve Budget Amendment #07-A023 and CIP Amendment #07-C12 for \$5,000,000 to provide initial funding for the purchase. BUDGETED ACTION: Approve Budget Amendment #07-A023 and CIP Amendment #07-C12 in the amount of \$5,000,000.

Paul Payette requested approval of the purchase with the budget and CIP amendments. **Commissioner Duffy** questioned the addition of the two smaller parcels. Mr. Payette advised the smaller parcel is owned by Centex Homes and the larger parcel is owned by a private owner who is asking \$400,000 and that cost may be negotiated.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2007-066, BUDGET AMENDMENT #07-A023, AND CIP AMENDMENT #07-C12 FOR \$5,000,000 TO PROVIDE INITIAL FUNDING FOR THE PURCHASE, SECONDED BY COMMISSIONER D'APRILE.

Commissioner Moore expressed opposition based on the timing in relation to budgetary cuts. **Chairman Loftus** requested the funding source. Laura Kleiss-Hoeft explained the funding option under the Florida Communities Trust grant that needs to be filed by May 9, 2007 and approval will increase points for pre-acquisition and matching funds. **Commissioner Duffy** agreed with **Commissioner Moore** but she has a desire to acquire that property. Ms. Kleiss-Hoelf indicated the Parks, Recreation and Cultural Resources Advisory Board will bring back a recommendation concerning the acquisition. **Commissioner Cummings** recalled at the Retreat there was discussion of the impact of a reduction in the ad valorem on the referendum and the intent was to save the referendum. **Chairman Loftus** stated that was not his recollection.

Commissioner D'Aprile expressed concern about developers securing this property, suggested funding be established from a referendum, and he is comfortable about moving forward with the acquisition to prevent future development in the area. Mr. Payette stated the property is comprised of 131 lots although some of the lots are substandard. **Chairman Loftus** pointed out one of the goals of the Board is to reduce platted lots. **Commissioner Duffy** stated that would be in compliance with the Comprehensive Plan.

Motion Carried 4:1. Commissioner Moore opposing.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items

X. CITIZEN INPUT - ANY SUBJECT

Jack Donkel commented on the need to remove certain signs at Englewood Beach and advised Englewood instead of New Point Comfort and Englewood Beach have officially been put in Charlotte County and Murdock is reflected more accurately on the 2007 State map by Florida Department of Transportation.

Randy Lusell, a former special educator and a Rotonda West resident, stated the Commissioners' job is to protect the citizens and environment and serve as advocates for the County's natural resources.

Kevyn Schwein stated more citizen participation is needed; pointed out attorneys are bought and paid for by developers for their benefit only; the Board should utilize staff, their tools, and expertise in the decision making process to make beneficial decisions for the County and residents; Commissioners need to remember how fragile the eco-system is when making development decisions; and protection of the environment is important to citizens in their quality of life and safety.

AA. County Administrator

Mr. Loucks advised a request has been received to cancel the July 3, 2007 roundtable. **Commissioner Duffy** indicated she will not be present. **Chairman Loftus** announced the Roundtable is cancelled. **Commissioner Cummings** advised he will not be present for meetings for approximately two weeks following the Water Authority meeting on the first Thursday in June. Mr. Loucks commented on legislative hearings on FEMA housing attended by Robert Hebert; advised the Lt. Governor will be at Edison Community College at 5:30 PM today to discuss property taxes; and commented on the handout and JC intersection improvement updates. Attorney Knowlton advised staff will be responding to

the letter from Attorney David G. Blake, First Community Bank, advising that the County is not requiring the insurance policy.

BB. County Attorney

Attorney Knowlton stated there have been a lot of notoriety regarding certain breeds of dogs and reported since 1990 Florida Statutes has prohibited counties from regulating dogs by breed and attempts to change that in the Legislature in 2001 and 2002 failed.

CC. Commissioner Comments

Commissioner Cummings stated he has been reviewing Evaluation and Appraisal Reports (EARs), Comprehensive Plan changes, and language imposed by the Department of Community Affairs on utility expansions; he was surprised about how watered down some of the Comprehensive Plan language has become; and commented on the need to tighten up the Land Development Regulations and language on utility expansions in the EARs. **Chairman Loftus** commented on concerns at the Regional Planning Council (RPC) regarding water quality and nutrient levels in the region's water supplies. **Commissioner Cummings** commented in support of specific intents. **Chairman Loftus** stated the RPC will address the issues probably at meetings in May or June and suggested the DVD be distributed to Board Members for viewing.

RECESS: 1:04 PM - 2:04 PM

VII. PRESENTATION AGENDA

2:00 PM

(1) Human Resources - Update the Board on the status of Employee Benefits, Property and Casualty Insurance as regards to future renewals and market conditions that may impact those renewals.

Bob Pryor introduced Kurt Gehring who gave a slide presentation update.

Mr. Gehring stated the health insurance renews in January and the casualty insurance renews in October but both of them come before the Board at about the same time; there has been no increase in

premiums or benefits by Blue Cross Blue Shield since 2003; there was a 9.5% increase in the Cigna policy; the vision insurance through VisionCare has had no increase since 2001; life insurance through Florida Combined Life/Blue Cross Blue Shield has had no increase since 2002; and there are long and short term disability insurance on a voluntary basis with The Hartford through 2008. Mr. Gehring reviewed the health insurance claims experience over the prior 12 months resulting in premiums paid in the amount of \$12,051,642, claims paid in the amount of \$10,588,416 for a 88% loss ratio and outlined the cost reduction initiatives by implementing BenTak for on-line enrollment and making various types of changes, and the wellness program. **Commissioner Duffy** commented on potential cost savings and suggested allowing employees to select only coverage they desire e.g. medical, dental, or vision. Mr. Gehring pointed out employees have the option to secure other medical insurance and estimated 25% to 33% of the employees utilize the vision coverage. Mr. Pryor offered to bring back more definitive calculations on usage and pointed out costs might increase with fewer participants. Mr. Gehring commented on the increase in participation in the wellness program which will impact long-term savings. Mr. Gehring continued the presentation on casualty insurance for which premiums have increased from the 2005/2006 actual of \$1,834,470 to 2006/2007 actual of \$3,672,822 and the budget project for 2007/2008 of \$4,994,273; commented on the "hard" market conditions for property/casualty in 2006/2007; pointed out the best coverage in the State is \$100 million but the County's property value is over \$200 million; Gehring Group will review layered coverage again; if a named storm hits in this area, there would be a 5% deductible per location resulting in an estimated \$2 million deductible; during renewals, a review will be done with a view towards reducing that amount. Mr. Pryor reported after Hurricane Charley, the lowest deductible was \$5 million. Mr. Gehring commented on the benefits of purchasing flood insurance on facilities where insurance is mandatory prior to the start of Hurricane Season. **Commissioner Moore** questioned settlement of prior insurance claims. Mr. Loucks stated the County no longer has insurance through that particular company and pointed out the Airport Authority has 14 employees under the County's plan and that can be changed at the Board's discretion.

(2) Supervisor of Elections - Supervisor of Elections, Mac V. Horton to speak on: "Changes Within the Florida Voting System".

Elections Supervisor Mac Horton stated he has no firm answers as to what the State will mandate; requested an extension from May 1 to May 15, 2007 to submit a more accurate budget; referenced the proposed 2007/2008 mandated changes; the primary issue is funding; at the present time, the House has indicated the counties should pay the costs whereas the Senate is proposing to set aside \$40 million e.g. \$35 million for equipment and \$5 million for the ballot on demand and paper trail expenses; stated the House and Senate will probably decide at about 12:30 PM on May 4, 2007; and it would probably be approximately two weeks before a directive is received from the Division of Elections. **Commissioner Cummings** asked if the \$40 million would be spread over all 67 counties. Mr. Horton explained the result will impact 15 touch screens for the regular voting and 29 touch screens for early voting. Mr. Horton commented on the likelihood of changing to all optical scan voting, including voting, and if that occurs, touch screens may only be used for ADA voting and a paper trail will be required. **Commissioner Cummings** questioned the status of the optical machines previously utilized by the County. Mr. Horton explained the Legislature will probably designate the Secretary of State to conduct the sales process and negotiate with vendors for the machinery but the County could do the same and sell the equipment but the County would not share in any funding for new equipment. **Commissioner Cummings** asked if only two optical scanners were kept for absentee voting. Mr. Horton responded affirmatively and explained one optical scanner will be needed for each of the 80 precincts and 6 for early voting. Mr. Horton commented on the possibility of doing vote by mail which is already being done for absentee voting; Charlotte County may become a pilot program for the vote by mail program; if the offer is made, he would bring back a cost breakdown of the savings. Mr. Horton commented on the vote by mail process utilized in Oregon; a tracking system exists for absentee voting that would also be utilized for the vote by mail.

Mr. Horton commented on recent elections in Florida that electronic and manual recounts were conducted and the movements to get rid of touch screens. **Commissioner D'Aprile** questioned the viability of reworking touch screens to print out paper ballots. Mr. Horton stated 27 States have done it but the machines are not accurate. Mr. Horton advised voters have three

ways of voting e.g. absentee ballots by mail, early voting, or ballots on election day. **Commissioner Duffy** pointed out optical scanners are computers. Mr. Horton stated they are basically adding machines and the optical scanners may not be used for a manual recount. **Commissioner Cummings** pointed out more errors have occurred on optical scanning and the highest percentage has occurred by hand. **Commissioner D'Aprile** requested the time line to comply with the mandate. Mr. Horton explained changes must be implemented for the 2008 primaries and general election and his capital improvement budget increase will be significant, more than the last two Election Supervisors.

Mr. Horton estimated the changes will cost \$75 to \$100 million on a Statewide basis and it will cost Charlotte County about \$3+ million; estimated the State may give Charlotte County \$600,000 to \$800,000; if the vote by mail is implemented, the cost would be about \$250,000 and extra staff, overhead, and operational expenses would be \$200,000; the cost to do an election with optical scan would be over \$400,000 without capital improvements; he will save enough to do the vote by mail but it is not very popular; candidates would save monies by not having to post signage; and both legislative parties encourage absentee voting. Mr. Horton calculated about \$150,000 savings in staff cost plus the cost of equipment if the vote by mail is implemented; about 50,000 absentee ballots are mailed out; and with the elimination of early voting, there will be additional savings. Mr. Horton requested approval to extend filing his budget until May 15, 2007. **Chairman Loftus** questioned if Oregon has made any presentations in this areas. Mr. Horton responded affirmatively in Sarasota County and they are considering a vote by mail. **Commissioner Duffy** suggested talking to the Lt. Governor this evening about the voting changes. Mr. Horton agreed with **Commissioner Duffy** and pointed out Miami, Dade, Palm Beach, Broward and some other counties have not even paid for existing voting equipment. **Commissioner D'Aprile** requested the process regarding secret voting. Mr. Horton explained the process for opening the return envelope with the oath and signature and the opening and counting of ballots by the Canvassing Board. **Commissioner Moore** recalled the recount that was done in Charlotte County that resulted in finding two errors on absentee ballots and none on touch screen ballots. Mr. Horton commented on the publicity that arose from the difference in votes in Sarasota County and opined 15,000 Charlotte County voters did not

vote in the Attorney General race. Mr. Horton expressed the belief that optical scanning will be implemented for voting. **Chairman Loftus** announced consensus to allow Mr. Horton to pursue the vote by mail.

XI. EXECUTIVE SESSION

(1) Attorney's Office - Hold an Executive Session on April 24, 2007 at 2:00 PM, or as soon thereafter, in the County Attorney's Office Conference Room to discuss litigation regarding William E. Clement vs. Charlotte County, Case No. 07-026-CA

Attorney Knowlton announced the opening of the public portion of the Executive Session at 2:52 PM; advised attendees of the client/privilege portion of the Executive Session would include all Board Members, County Administrator Loucks, herself, Assistant County Attorney Alexander Boskner to discuss Clement vs. Charlotte County, in the County Attorney's Conference Room, for approximately 30 minutes.

The Executive Session was adjourned without the Minutes Supervisor being present and notification was made by telephone.

MEETING ADJOURNED: 3:40 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

djn