

BOARD OF COUNTY COMMISSIONERS

MAY 8, 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 Assistant County Administrator Baltz, County Attorney Knowlton, Chief Deputy White, Administrative Assistant Stoner, and Deputy Clerk Mitchell. The following members were absent: None. The meeting was called to order at 9:00 AM.

The invocation was given by Jim Fendrick, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Z-4 - Approve a letter of acknowledgement to Florida Communities Trust, on behalf of the Lemon Bay Conservancy, to accept ownership, maintenance, and upkeep responsibility of the five acre parcel on Lemon Bay and Downing Street in the event of the dissolution of the Lemon Bay Conservancy, which is subject of an FCT grant application.

Deletion #1: Approve FP-06-12-08 Final Plat for Crown Plaza.

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

Motion Carried 5:0.

Special Recognition:

Proclamations:

Arts and Humanities Council Artist of the Month

COMMISSIONER D'APRILE MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH PROCLAMATION, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Ed Burd accepted the proclamation.

Charlotte County Tourism Week

COMMISSIONER D'APRILE MOVED TO APPROVE CHARLOTTE COUNTY TOURISM WEEK PROCLAMATION, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Becky Bovell Tourism Director accepted the proclamation.

Early Care and Education Provider Appreciation Day

COMMISSIONER D'APRILE MOVED TO APPROVE EARLY CARE AND EDUCATION PROVIDER APPRECIATION DAY PROCLAMATION, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Anne Bouhebent Early Learning Coalition Executive Director accepted the proclamation.

Hurricane Awareness Weeks

COMMISSIONER D'APRILE MOVED TO APPROVE HURRICANE AWARENESS WEEKS PROCLAMATION, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Wayne Sallade Emergency Management Director accepted the proclamation.

National Association of Letter Carriers / United States Postal Service Food Drive Day

COMMISSIONER MOORE MOVED TO APPROVE NATIONAL ASSOCIATION OF LETTER CARRIERS / UNITED STATES POSTAL SERVICE FOOD DRIVE DAY PROCLAMATION, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.

Lori Bell accepted the proclamation.

National Preservation Month

COMMISSIONER MOORE MOVED TO APPROVE NATIONAL PRESERVATION MONTH PROCLAMATION, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.

James Marshall Historical Advisory Committee Chairman accepted the proclamation and gave a short PowerPoint presentation.

OCEAN's Sunflower Senior Appreciation Month

COMMISSIONER MOORE MOVED TO APPROVE OCEAN'S SUNFLOWER SENIOR APPRECIATION MONTH PROCLAMATION, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

Rick Schelm accepted the proclamation.

Older Americans Month

COMMISSIONER MOORE MOVED TO APPROVE OLDER AMERICANS MONTH PROCLAMATION, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

Rhoadie Ladd Council on Aging Executive Director accepted the proclamation.

Employee Recognition:

Five Years: Debra Cobham, Charlotte County Utilities; Thomas Krause, Facilities Construction & Maintenance; Michael McCullough, Charlotte County Utilities; Timothy McMullen, Environmental & Extension Services; Stacey Trowbridge, Charlotte County Utilities; Ten Years: David Egger, Facilities Construction & Maintenance; William Lindh, Jr., Public Works; Carl Smith, Environmental & Extension Services; Fifteen Years: Mary Booher, Parks, Recreation, and Cultural Resources; Michael Oliver, Charlotte County Utilities; Twenty Years: Edwin Quint, Community Development; and Twenty-Five Years: Michael Dallenbach, Public Works; and Richard English, Public Works.

Special Recognition - Fire/EMS, Retired:

Patrick Carter, 18 years; Dennis Marek, 18 Years; and Kevin Lechleidner, 21 Years.

Not Attending - Fire/EMS:

Five Years: Robert Dobson, Raymond Marchsteiner, Richard Robert III, Kevin Rouse; Fifteen Years: Michael Cefalo; Twenty Years: John Bennett, Billy Cox, John Teeters, and Howard Thornton.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

James Marshall spoke in support of Agenda Item Q-1.

II. COMMITTEE VACANCIES

Charlotte County is seeking volunteers to serve on the following Committees: Construction Board of Adjustments and Appeals is 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.

III. REPORTS RECEIVED AND FILED

Charlotte Harbor Community Redevelopment Agency Advisory Committee Minutes for April 24, 2007

IV. CONSENT AGENDA

COMMISSIONER CUMMINGS MOVED TO APPROVE CONSENT AGENDA , 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

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for: April 10, 2007
9:00 a.m. Board of County Commissioners Regular Meeting April
16, 2007 1:30 p.m. Strategic Planning Meeting April 17,
2007 9:00 a.m. Land Use Public Hearings BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Appoint Mr. Matthew M. Sullivan, Jr. as the Citrus Production Representative on the Agricultural and Natural Resources Advisory Committee. This appointment will fill the unexpired term of Mr. C.W. "Buzz" Stoner, who resigned. This term will expire in December 2008 and was approved for nomination by the Agricultural and Natural Resources Advisory Committee. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Mr. Les Weyant as a regular member of the Gulf Cove Street and Drainage Advisory Committee. The term will be for three-years. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Appoint Mr. John Buckley to the Marine Advisory Committee representing the City of Punta Gorda, replacing Richard Keen who has resigned. This term will expire 12/31/09. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Appoint Richard Buszka as the alternate member to the Rotonda West Street and Drainage Advisory Committee. The term will expire on February 27, 2009. BUDGETED ACTION: None

D. Administration - No Items

E. County Attorney - No Items

F. Budget Office - No Items

G. Community Development

(1) RECOMMENDED ACTION: Approve a resolution adopting a Certification of a Sending Zone, CSZ-07-01-02, for the Hammocks Cape Haze, LLC., to sever 227 units of excess density from property located east of C.R. 775 and west of the Amberjack Slough Environmental Park. BUDGETED ACTION: None

Resolution 2007-067

(2) RECOMMENDED ACTION: a) Approve FP 04-07-14 Final Plat for The Estates on Peace River; and b) Approve Developer's Agreement and accept Letter of Credit #55101159 drawn on AmSouth Bank in the amount of \$12,815.88 (which is 110% of the Engineer's certified probable cost estimate to complete construction). BUDGETED ACTION: None

Agreement 2007-034

(3) RECOMMENDED ACTION: Approve FP 06-12-08 Final Plat for Crown Plaza. BUDGETED ACTION: None

H. Economic Development

(1) RECOMMENDED ACTION: Approve a resolution to have the Charlotte County Industrial Development Authority replace the Committee of 100 as an Organization Representative for Enterprise Charlotte and add organization representatives for Enterprise Punta Gorda, Inc. and Englewood Area Board of Realtors to the Enterprise Charlotte Board. BUDGETED ACTION: None

Resolution 2007-068

J. Environmental Services - No Items

K. Facilities Construction and Maintenance - No Items

L. General Services

(1) RECOMMENDED ACTION: a) Ratify the approval of File # 02-101, Baker Act Transports, to Ambitrans Medical Transport of Port Charlotte, FL, at the unit costs listed below for the period of January 1, 2007 through and including December 31, 2007; and b) Approve Budget Transfer # 07-019 in the amount of \$63,000 to provide funding for the remainder of the fiscal year. BUDGETED ACTION: FY06/07 Budget is \$37,000.

(2) RECOMMENDED ACTION: Approve File #07-097, Work Order #59, Contract 05-042, Engineers of Record, for the Wastewater Lift Station(s) Design, to Contract #05-042, Engineers of Record, with Stantec Consulting Services, in the amount of \$467,280. BUDGETED ACTION: Budget Amount \$492,000 CIP c350603 Wastewater Lift Stations

(3) RECOMMENDED ACTION: Approve Change Order #2 to Bid #07-142, FY 2007 North/South County Paving Program with Better Roads Inc. of Naples, FL, in the amount of \$410,970.20 with a revised total of \$3,134,139.85. BUDGETED ACTION: \$411,000 is available for this change order in project c410306, Road and Bridge Paving. Project total is \$52,252,000.

(4) RECOMMENDED ACTION: Award Bid #07-235, Rotonda Water Reclamation Facility Expansion, to Adams Robinson Enterprises, Inc. for the base bid in the amount of \$18,124,000 along with: Alternate 1A (supply-install Eutek Snail) \$50,000; Alternate 2A (upgrade to Discflo grit pumps) \$10,000; Alternate 4A (upgrade to Discflo WAS pumps) \$40,000; and Alternate 5A (provide AC Building for hypochlorite station) \$40,000 for a total amount of \$18,264,000. BUDGETED ACTION: Budgeted Amount \$21,236,000 in CIP c350102 Rotonda Wastewater Reclamation Facility Plant Expansion

L. General Services

(5) RECOMMENDED ACTION: a) Award Bid #07-280, Clean Washed Shell - Annual Contract, to Eagle Dump Trucks of Punta Gorda, FL, for the period from date of award through and including December 31, 2007, 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: Budgeted within various Park Maintenance division accounts

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

(7) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #07-274, Land Parcel Conversion & Maintenance System: 1st The Sidwell Company; 2nd Bruce Harris & Associates; and 3rd Smart Data Strategies; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations providing fees do not exceed \$420,000. BUDGETED ACTION: None

M. Human Resources - No Items

N. Human Services

(1) *RECOMMENDED ACTION:* Approve and authorize the Chairman sign the annual FTA Section 5307 grant application, Master Agreement, and authorize the County Attorney, the MPO Director, and the Transit Manager to enter their PIN numbers to make the required electronic application; as well as approve budget amendment reflecting expenditure of additional funds. *BUDGETED ACTION:* Budget amendment (07-A24 in the amount of \$118,232) for FY07 Dial-a-Ride

Grant 2007-013

P. Information Technology - No Items

Q. Parks, Recreation & Cultural Resources

(1) *RECOMMENDED ACTION:* Approve marker applications for the Cookie House and Solana House. *BUDGETED ACTION:* Budgeted amount \$10,000 in the Historical Division Budget

R. Public Safety - No Items

S. Public Works

(1) *RECOMMENDED ACTION:* Approve Memorandum of Agreement (MOA) between Charlotte County and the Florida Department of Environmental Protection for public park facilities at Stump Pass State Park. *BUDGETED ACTION:* FY07 budget of \$250,000 is available in project c390404, Stump Pass Maintenance Dredging. Project total is \$12,478,000.

Agreement 2007-035

(2) *RECOMMENDED ACTION:* Accept and authorize the Chairman to execute the Short Form Consent Order as settlement for the over-dredge that occurred during the last maintenance dredge of Stump Pass, completed June 2006. *BUDGETED ACTION:* Budget for this project is in project c390404 Stump Pass Maintenance Dredge. Project total \$20,421.27 to be deducted from the retainage due to the contractor, Marinex Construction Company.

T. Real Estate Services

(1) *RECOMMENDED ACTION:* Approve the attached Resolution authorizing the Chairman of the Charlotte County Board of County Commissioners to sign the attached County Deed conveying ownership of a lot previously donated to Charlotte County back to the original owner Lois J. Burke. *BUDGETED ACTION:* None

Resolution 2007-069

(2) *RECOMMENDED ACTION:* Approve the attached Resolution approving the release of a portion of a ten-foot (10') wide drainage and utility easement located in Port Charlotte Subdivision, Section Twenty-Two, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easement. (Owners: Joseph E. and Jennifer Trott) *BUDGETED ACTION:* None

Resolution 2007-070

V. Tourism Development - No Items

W. Utilities

(1) *RECOMMENDED ACTION:* Set a public hearing for May 22, 2007, at 10:00 a.m., or as soon thereafter as may be heard, to consider revisions to County Code Chapter 3-8, Article VI - Reclaimed Water System. *BUDGETED ACTION:* None

X. Building Construction Services - No Items

Y. Constitutional - No Items

V. REGULAR AGENDA

Z. Regular Business

(1) Commission Office - Choose by ballot one volunteer to serve as the alternate member on the West Charlotte Stormwater Utility Advisory Committee. The term will expire July 25, 2008. This appointment will complete the term of Mr. Laren Armstrong who was the alternate member, and who was pointed as a regular member on April 24, 2007.

Roger Baltz announced there were four votes for Michael Post and one vote for Richard Buszka.

**COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF MIKE POST AS ALTERNATE MEMBER, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.**

(2) Administration - Review and direction regarding exclusive provider customer designation with Peace River/Manasota Regional Water Supply Authority.

Roger Baltz explained in the packet material were: copies of the letters from Sarasota County, Manatee County and the City of North Port indicating they have decided not to pursue exclusive provider customer status with the WA at this time; a summary of the Pro's and Con's for becoming an exclusive provide customer as requested by the Board; and a memorandum from the legal counsel to the WA explaining the exclusive provider status with regards as to how it's incorporated into our master water supply contract. Mr. Baltz recalled the matter was on hold until further action by the Board, and advised the Board can simply leave this on hold but staff was actively involved in finding new water supply sources including Babcock Ranch.

Commissioner Duffy opined regionalism was an important concept for them to embrace, stated she does not support exclusive provider status at this time, agreed on the need to continue to explore other water sources, and she felt SWFWMD understood their position on this.

Commissioner D'Aprile agreed with **Commissioner Duffy**, stated he felt it was premature to do this at this time, and he supports joining forces with the surrounding counties.

Commissioner Moore said he preferred the hole concept, he was very concerned with how they craft a response to the WA and the message it gives to the other members as well as SWFWMD, he had no problem with not moving forward at this time, he felt confident in the County's desire to participate in regionalism, and agreed that clearly water is and will be an ongoing concern for all of them.

Commissioner Cummings said he felt they could enjoy the benefit of regionalism without having to become an exclusive provider at this time, and he felt it was reasonable to take the same position as a majority of the other WA customers.

Chairman Loftus stated he also believes in regionalism but he agrees on the need to explore other options on other water resources.

COMMISSIONER CUMMINGS MOVED TO APPROVE THAT THE CHARLOTTE COUNTY BOARD OF COUNTY COMMISSIONERS NOT PURSUE BECOMING AN EXCLUSIVE PROVIDER CUSTOMER AT THIS TIME, SECONDED BY COMMISSIONER MOORE.

Commissioner Duffy agreed this is a good option.

Motion Carried 5:0.

Commissioner Cummings commented on past water issue discussions; past and future expenditures regarding water allocations; water storage for drought periods; and stated he was not comfortable with relying on the WA capacity to be able to fulfill their obligations to Charlotte County in the future.

Commissioner D'Aprile summarized the bottom line is the WA can't provide enough water during this and other drought periods.

Commissioner Cummings noted it just might not be there, it's possible this drought is simply beyond the WA's design standards, and he has enough concerns to bring this to the Board's attention but he just doesn't have enough facts to know for sure one way or the other.

Commissioner D'Aprile said he's interested in knowing for sure.

Chairman Loftus asked **Commissioner Cummings** to give the Board an update perhaps at the next meeting because he has the same concerns, and it will have a bearing on how this Board votes on different items in the future on a regional basis.

Commissioner Cummings responded he would be happy to help facilitate staff in preparing something but he wasn't sure they could do it by the next meeting.

Commissioner Duffy opined they need to shift their focus to take a more aggressive look at other water sources; said she felt comfortable that Babcock will be a significant provider to us in the future; she'd heard that the Englewood Water District may be able to help especially with West County; suggested looking into cisterns, the program for rain barrels, working on a conservation plan and making it a huge community project; and opined they need to get the word out big time to the community.

Chairman Loftus agreed regarding the need for conservation efforts in this County, stated they need to address the County's landscaping, a lot of people are complaining about it, and they need to make changes to save dollars.

Commissioner Cummings recalled at one time the County had considered a supplemental water supply project in Port Charlotte, explained the original water supply for Port Charlotte through General Development was the fresh water canals, he's been told the water distribution system still has nodes at those withdrawal points, it would be a rather expensive relatively low volume purely supplemental source but it would be an additional source, it's surface water, you'd be catching the drainage off those residential lots, you could treat the water up to potable standards or treat it to be reuse and send it back, and noted it should qualify for SWFWMD funding if we can get them past the ownership issue.

Chairman Loftus said that has been effective in Cape Coral.

Commissioner Duffy said she thought that was a good idea. **Commissioner Cummings** responded it's not a cheap idea.

Commissioner D'Aprile agreed it's everyone's responsibility to conserve water, said this next item deals with this same topic, the plan is to put up a hotel where the guests will supposedly use a lot more water than the average person would, in order to compensate for this the hotel manager wants to put in certain things that will make it a green hotel which will conserve water but feels there should be incentives, and he agrees.

(3) Commission Office - Discussion of possible Utility Impact Fee Credit for Dr. Asperilla's water conservation measures he plans to incorporate into the new construction of his new hotel in Port Charlotte.

Jeff Pearson explained Dr. Asperilla met with me and CCU staff to discuss putting in water conserving devices and fixtures in a new micro-hotel/motel he's proposing to construct, based on the information provided he couldn't make a definitive determination of exactly what the historical usage would be for a motel using these types of products, based on the rate structure approved by the Board he doesn't have any means for providing any relief, any changes to that policy would require an exemption or some other means to provide relief, if that is the Board's desire he suggests allowing staff to examine usage for 24 months using Dr. Asperilla's motel as the example, and hopefully after that period they will have enough information to recommend deviating from the current policy.

County Attorney Knowlton stated the Board had requested this be discussed with their bond counsel, referred to the e-mail to Tom Giblin, and according to bond counsel under the current framework the Board could make the policy decision to allow the credit for the water saving devices but they would have to find another funding source to make up for the missing fees to CCU which she assumed would be the General Fund.

Commissioner Cummings asked for clarification on whether it's actually written in the bond documents that CCU must be made whole.

Assistant County Attorney Burton clarified the bond resolutions and documents don't include specific amounts of money for different gallonages, that's all done through the rate resolution

adopted by the Board and includes CCU fees such as connection fees, capacity fees and impact fees; the bond covenants require that all of these charges be covered or paid or funded from some source and it doesn't really matter where the source comes from; as Mr. Pearson indicated if through experience they find the actual usage in this situation is less than the Board could change the charges through a resolution but he isn't recommending that at this at this time because of the lack of historical data to substantiate it.

Commissioner Cummings noted in the future the hotel could be sold and the capacity saving mechanisms removed for higher use ones so we need to be very thoughtful of what we do, and he does like the idea of providing an incentive for water conservation but whatever they do needs to be fair to everyone.

Commissioner Moore said this conversation shouldn't be about incentives or discounts because that type of language will cause problems with bond counsel, and with an unknown like this green hotel CCU can negotiate a separate contract so nothing is being given away.

Attorney Knowlton asked if the Commissioner was proposing a new rate category instead of what they posed to bond counsel which was under our current framework can we allow this. **Commissioner Moore** concurred.

Attorney Burton stated she was reminded by bond counsel that the money must be made up if any credit is given, and added that a revised rate resolution with a different structure with different numbers for the conservation saving devices that would be something that would fit under the current terms of the County's bond resolution with no need to change the bond documents at all.

Mr. Pearson said the ANWA Research Foundation has said that for water conserving hotels/motels the range is between 60 gallons per day per unit to 115 gallons per day per unit, and suggested if the gallonage rate table gets change he would prefer the figures be toward the upper range.

Commissioner D'Aprile said he wanted to try to simplify this, our impact fees are based on the average hotel usage hotel of 125 gallons per day per unit, Dr. Asperilla is planning to invest about \$90,000 for these conservation devices, and suggested if his usage after one or two years goes to 125 gallons then he pays the full boat but if it doesn't then he gets a rebate.

Attorney Burton said the issue of when the payment would be made is something that would be set by rate resolution, and under Florida Statute 153 which is the statute that controls CCU there are some specific advertising requirements for any rate changes but certainly those changes could be made.

Commissioner Cummings said he thought **Commissioner Moore** expressed the theory and intent more accurately in that you're trying to figure out a way of having people pay for the capacity they would actually use, Mr. Pearson makes a good point in that he needs historical data to go on, and since the figure of 125 gallons a day per unit is from very recent study there is merit to the idea of trying to more accurately assess usage but they need to be careful in how they proceed because he felt this was going to impact more than just this one hotel. **Commissioner Cummings** added he hoped there would be a way within the bond structure that if they are going to do this that it is understood, particularly in this new rate category, when CCU charges that hook-up fee it's going to be for a specified volume of capacity both annual average and peak, and if the user exceeds that volume now or 20 years from now the user will get hammered in such a big way that user will wish they'd paid the additional impact fee up front to begin with.

Commissioner Moore said CCU will know the actual daily usage because it's metered. Mr. Pearson agreed. **Commissioner Cummings** opined the issue here are the extra fees, the fees should only be commensurate with the amount of water, if later on the survey shows he used more water he gets a bill instantly for the additional fees, CCU is protected because there is a signed contract that the user agreed to these terms so there's no risk to the utility, and he felt it keeps everything clean with bond counsel.

Chairman Loftus stated he believes strongly in conservation, he appreciates anyone who tries to conserve, opined savings also depends on the type of equipment used, they also need to look at a penalty for those who don't report water leaks, and said he would like to see a special rate for Dr. Asperilla and others like him but they need to make sure that CCU can review as needed not just once because as **Commissioner Cummings** said the specific property could be sold and higher use equipment installed.

Commissioner D'Aprile said he likes **Commissioner Moore's** idea of having an agreement between the owner and CCU, do a review after one or two years to determine the actual usage, if usage is higher then the owner has to pay the full impact fee immediately that way we're sending the message of what others will have to do if they want to take this approach, opined they pioneers in this area right now so he doesn't want to take a vote on this today, and reiterated he supported the **Commissioner's** suggested approach.

Commissioner Moore asked if the Board would consider letting staff try to put together a sample contract on how this could be handled and have it brought back at the next Land Use meeting.

Chairman Loftus stated they have a heavy Land Use agenda next week and he preferred to it at next regular meeting in 2 weeks.

Commissioner Duffy commented on various rebate programs including the one being used in Manatee County.

Mr. Pearson asked if the Board would also like staff to bring back an amendment to the rate resolution and possibly there may be an amendment to the Uniform Extension Policy (UEP).

Chairman Loftus responded they just need to make sure that whatever they do is legal. Mr. Pearson said they can do that. **Chairman Loftus** said he'd really appreciate that.

Commissioner Cummings said he was okay with that but if they're going to look at this they need a framework for how to do this for everyone, and he didn't know if staff could accomplish that in two weeks but they need to take into consideration what Mr. Pearson is telling them this should be based on.

Attorney Knowlton asked would the fee be at the then current rate or the past rate.

Commissioner Cummings responded it would be the rate at the time the customer took the capacity, in other words if the user exceeds the capacity five years from now and it costs twice as much you're going to pay the higher rate. Attorney Knowlton agreed there'd be a built in penalty right there.

Commissioner D'Aprile agreed on that approach.

Mr. Pearson summarized he and **Commissioner Moore** will go back and try to put together a sample contract and look at the UEP and rate resolution to make sure there aren't any conflicts or necessary changes, and bring this back to the Board.

Chairman Loftus agreed.

RECESS: 11:02 AM - 11:14 AM

**COMMISSIONER MOORE MOVED TO TAKE AGENDA ITEM Z-4 BEFORE THE 10:00 AM PUBLIC HEARINGS, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.**

(4) Administration - Approve a letter of acknowledgement to Florida Communities Trust, on behalf of the Lemon Bay Conservancy, to accept ownership, maintenance, and upkeep responsibility of the five acre parcel on Lemon Bay and Downing Street in the event of the dissolution of the Lemon Bay Conservancy, which is subject of an FCT grant application.

Robert Hebert explained this was a request for the Board to take ownership of a parcel of land that's the subject of a Florida Communities Trust application from the Lemon Bay Conservancy, and in essence in the event the Lemon Bay Conservancy ceases to exist the land they hold under this particular grant would become owned by the County under the terms and conditions of the grant.

**COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM Z-4, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

VI. PUBLIC HEARING AGENDA 10:00 AM

(1) Public Works - Conduct a public hearing at 10:00 a.m. or as soon thereafter as may be heard to consider an ordinance changing the Ackerman Waterway Unit from a Municipal Services Taxing Unit (MSTU) to a Municipal Services Benefit Unit (MSBU).

Tara Musselman reviewed the proposed ordinance and requested approval.

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

COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2007-034, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

(2) Real Estate Services - Conduct a public hearing to consider adopting a resolution to declare certain real property in Charlotte County be reserved for affordable housing.

Paul Payette explained the purpose of this public hearing is to request adoption of a resolution reserving certain real property for affordable housing and this would also allow the County to comply with Florida Statutes Chapter 125.379.

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

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2007-071, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items

X. CITIZEN INPUT - ANY SUBJECT

Jack Donkel distributed a handout and asked the Board for assistance to improve Charlotte County government listings in the Verizon telephone book in Englewood because there are a number of errors.

Ruth Bromberg commended the Board on efforts to conserve water, said she would like to see more enforcement of water restrictions, and agreed with suggestions such as rebates or discounts to customers who lower their usage.

Grace Amodeo agreed with Jack Donkel's comments regarding the 1-800 toll free numbers, said the telephone companies aren't very cooperative, and the people of Englewood should be able to call the County without charge.

AA. County Administrator:

Roger Baltz briefly updated the Board on the status of the pipeline projects, a detailed presentation will be done at the next Board meeting on May 22, 2007, the big issue will be direction on the aspects requiring County funding, and those will be substantial.

BB. County Attorney:

Attorney Knowlton updated the Board on the Standard Unsafe Building Abatement Code (SUBAC) hearing on the abandoned Edgewater 2000 building.

CC. Commissioner Comments:

Commissioner D'Aprile commented on the need to bring back the commercial design standards ordinance, on the need to do something about all the contractors who, following Hurricane Charlie, took money from Charlotte County residents without providing the services they paid for, and suggested requiring anyone who does work for someone else to have a protection bond.

Chairman Loftus agreed on the suggestion to require bonds.

Commissioner Duffy voiced support for the Commissioner's suggestion and asked what's need in order to proceed. **Commissioner D'Aprile** responded he's working on that right now.

Commissioner Duffy commented on developing a green construction ordinance like the one adopted by Sarasota County, and asked how to proceed with this.

Chairman Loftus said that would go through the County Attorney's Office, he supported pursuing looking into green buildings and also a fertilizer ordinance similar to what Sarasota County has.

Commissioner Moore said he has nothing against green but there's a lot we don't know about it, green isn't cheap, and with the current budget constraints it worries him.

Chairman Loftus suggested having a workshop or roundtable on this topic before they move forward with the ordinance, said he's been involved with green buildings for years and he understands the payback for the initial investment is in four to five years.

Commissioner Duffy commented on the Conservation Charlotte materials in relation to scrub jays and the countywide habitat conservation program.

Commissioner Cummings commented on mitigation costs in this area.

Commissioner Cummings commented on the status of Murdock Village and said he hopes something comes back to them soon.

Chairman Loftus opined they need to workshop this issue because they need to really look at this before they make any final decision.

Attorney Knowlton advised they are still undergoing negotiations so she can't give any definitive answers at this time but they were hoping to finalize things this week, and if that occurs then they're looking at this going to the advisory committee on May 18, 2007 with a 30-day notice shortly thereafter.

Commissioner Moore asked when this could possibly come to the Board.

Chairman Loftus stated they won't be doing this in June, it will be in July.

Attorney Knowlton clarified for this issue all Board members need to be available, and the dates they were currently looking at were July 6, 2007 or July 10, 2007.

Chairman Loftus opined this was a decision they can't make in one day, and stated they may need two days because this was a very important issue.

Commissioner Moore agreed on the seriousness of this issue.

RECESS: 12:15 PM - 2:00 PM

(Assistant County Administrator Shoemaker replaced Assistant County Administrator Baltz for the remainder of the meeting.)

VII. PRESENTATION AGENDA - 2:00 PM

(1) Public Works Coastal Engineering Consultants, Inc. will make a presentation on the status of Charlotte County Erosion Control Project - Phase I. Beach Restoration, Inc. will make a presentation on the status of Stump Pass State Park Innovative Technology Project.

Dan Quick stated for the last 10 years the Board has been very proactive in the maintenance dredging of Stump Pass and the resultant renourishment of the County's Gulf front beaches, introduced the two presenters and briefly summarized what each will cover.

Michael Poff with Coastal Engineering Consultants, Inc., gave a PowerPoint presentation on the status of the Charlotte County Erosion Control Project that paralleled the packet material and detailed the following: Introduction, Historical Recap, 2003 Construction Restore 1980 Channel, 2006 Post-Storm Recovery, Construction Elements, Manasota Key State Park, Dredging Details, Knight Island Gulf Front, Wilson's Chicks, What the Future

Holdings..., Manasota Key Planning Area, Little Gasparilla Island Planning Area, Funding Alternatives Beyond 2010, and Summary.

Marie Garrett with Beach Restoration, Inc. gave a PowerPoint presentation titled Stump Pass Beach State Park Innovative Technology Project that paralleled the packet material and detailed the following: BRI's Mission, Coastal Erosion Mitigation Solution (CEMS), Stump Pass State Park, Historical Erosion Hot Spot, Timeline, Project Design, Tube Installation 2005, Fabric and Sand Match, Project Area Two Weeks After Installation, Project Area As Katrina Passes in Gulf August 28, 2005-Low Tide, Beach with CEMS System 10 Days After Katrina, Beach Without CEMS System 10 Days After Katrina, Looking North to Project Area 10 Days Following Katrina, Initial Monitoring Report March 2006, Stump Pass Beach State Park Post Construction 2006, Annual Monitoring Report April 2007, 2007 Observations, Stump Pass Beach Park July 2006, Stump Pass Beach Park March 2007, Stump Beach March 2007 superimposed on July 2006, Underwater Photos 01/15/07, and Stump Pass Beach Park Project Area April 8, 2007.

Commissioner D'Aprile asked if they should add additional tubes in other areas. Ms. Garrett said they could possibly do a few tubes by tube #1 in varying lengths to help with erosion on the south but not until after the three year monitoring is completed.

Chairman Loftus thanked the presenters and Mr. Quick.

ADJOURNED: 2:50 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

/ksm