

BOARD OF COUNTY COMMISSIONERS

JUNE 12, 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 D'Aprile, and Commissioner Moore. Also in attendance were Assistant County Administrator Baltz, County Attorney Knowlton, Chief Deputy White, Executive Assistant Gant, and Deputy Clerk Mitchell. The following members were absent: Commissioner Cummings. The meeting was called to order at 9:00 AM.

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

Special Recognition:

Proclamations:

AAA Eleventh Annual Safe Teenage Driver Awareness Month

COMMISSIONER MOORE MOVED TO APPROVE AAA ELEVENTH ANNUAL SAFE TEENAGE DRIVER AWARENESS MONTH PROCLAMATION, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Commissioner D'Aprile noted Mr. Carter was not present, said he really appreciates this man as he's done such great programs for the community, and he'll hold this for him.

Jared M. Miller Day

COMMISSIONER MOORE MOVED TO APPROVE JARED M. MILLER DAY PROCLAMATION, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Proclamation accepted by Jared Miller.

Kenneth Price Day

COMMISSIONER MOORE MOVED TO APPROVE KENNETH PRICE DAY PROCLAMATION, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Proclamation accepted by Kenneth Price.

Russell Rucker Day

COMMISSIONER MOORE MOVED TO APPROVE RUSSELL RUCKER DAY PROCLAMATION, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Proclamation accepted by Russell Rucker.

School Recycling Appreciation Day

COMMISSIONER MOORE MOVED TO APPROVE SCHOOL RECYCLING APPRECIATION DAY PROCLAMATION, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Proclamation accepted by three teachers Reanna Montwheler, Rindi Welton, Cheryl Rule, and student Aaron Brotman.

Employee Recognition:

Five Years: Elizabeth Beckworth, Human Services; Tom North, Environmental & Extension Services; and Grant Pogan, Utilities;

Twenty Years: David Sunnarborg, Fire/EMS; and

Twenty-Five Years: Michele Spencer, Human Resources.

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

Employee Recognition Supervisor/Manager Program

Level I: Colleen Anderson, Joseph Andrews, Andrea Arsenault, Maggie Bartley, Karen Bliss, Steve Bozman, Isabelle Charneau, Debra Fabiszak, Tracy Frickert, Benjie Hyatt, Shonna Jenkins, Kathleen Knee, Steve Lawrence, Rhonda Leonard, Gordon Madara, Ed Maldonado, Sharon Martin, Fred McKenna, Sharon Sartino (Not Attending), Wanda Smith, Edith Weigle, and Rich Weingarten.

Level II: Bonnie Blair, Ken Ciolfi, Gary Grossman, Brian Jones, Dianne Quilty, April Santos, Joseph Tamburri, and Mark Machukas.

Level III: Cathy Bouvier, JoAnn Crombie, Deana Southwell, Bonnie Stoner, Inga Williams, and Janine Hewitt.

Award Presentation:

Presentation of Firewise Award to Peace River Shores and Palm Shores for being the 1st Firewise Community in Charlotte County. Presented by Patrick Mahoney, Division of Forestry.

Chairman Loftus announced at their Budget Workshop last Friday **Commissioner Duffy** raised the issue regarding the purchase of land along the Myakka River, it was decided at that time this was a timely issue that should be discussed at their next Board meeting, and anyone wishing to address this item as well as any agenda item may do so at this time.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Jack Donkel voiced support of the purchase of the Myakka property and commended Mrs. Hoeft for her dedication.

Kathleen Rohrer Lemon Bay Conservancy Vice President addressed the purchase of the Myakka property, opined there are unresolved issues that need to be addressed, and asked the Board to withhold their decision until all information is received.

Sue Reske said she was speaking on behalf of the Greater Charlotte Harbor Group of the Sierra Club, and they agree the Board needs to hold off on their decision to purchase the Myakka property.

Grace Amodeo concurred that the Board needs to review all the information but said she did support the purchase.

Joan Fischer addressed **Agenda Item Z-1, Murdock Village Project Funding Options**, opined this project is over-shadowing everything else, this project can wait a few years, the County should sell any commercial property they own along U.S. 41, the County has put enough money into this project, and now is the time to sell some of it.

James Marshall spoke in support of **Agenda Item L-9, RFP #07-263, Charlotte County Survey of Historical Resources**, and asked the Board to support the purchase of the Myakka property to preserve this valuable piece of land.

Ron Greenland Managing Member of Myakka/El Jobean River Properties asked the Board to extend the feasibility another 60 days to allow the Board time to know what Tallahassee is going to do, to give the Sensitive Lands Acquisition Committee (SLAC) time to analyze the property after their first site visit, and then readdress this issue instead of closing the door completely.

Anne Deever Parks & Recreation Advisory Board Vice Chair, thanked the Board for bringing up the purchase of the Myakka property, read a statement by Bill Dryburgh in support of the purchase since their organization initiated the effort to preserve this beautiful property, and commented on grants that will repay 50% of the cost.

Sara Devos asked the Board to table their decision until all the facts have been received and reviewed.

John Bednerik Charlotte/DeSoto Building Industry Association (CDBIA) Executive Director spoke in support of **Agenda Item Z-3, Green Building Ordinance** and offered their support in whatever manner is needed.

II. COMMITTEE VACANCIES:

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

Burnt Store Village Street & Drainage Unit Advisory Board - seeking six volunteers; five regular members and one alternate member. The terms for the regular members shall be determined at the first committee meeting. The alternate member shall serve a two year term. Volunteers must be residents of the Burnt Store Village Street & Drainage Unit.

Construction Board of Adjustments and Appeals is seeking one member to serve as an Alternate member on this Board. Must be a member of the construction industry and hold a current license. The committee meets on the first and third Monday of the month in Murdock.

Construction Industry Licensing Board - seeking a 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 - is seeking one volunteer to serve on the committee. Volunteer must be a landowner within the boundaries of the Unit. The term shall expire on December 14, 2007.

South Burnt Store Street & Drainage Unit Advisory Board - seeking six volunteers; five regular members and one alternate member. The terms for the regular members shall be determined at the first committee meeting. The alternate member shall serve a two year term. Volunteers must be residents of the South Burnt Store Street & Drainage Unit.

South Gulf Cove Advisory Committee (Community Plan) - is seeking five volunteers. Volunteers must be landowners within the boundaries of the Unit. Each term shall be for three years.

III. REPORTS RECEIVED AND FILED

Charlotte Harbor Minutes for May 24, 2007.

Murdock Village CRAAC May 18, 2007 Minutes

IV. CONSENT AGENDA

Commissioner Moore pulled Agenda Item L-7.

COMMISSIONER MOORE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEM L-7, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Clerk of the Circuit Court

A. Finance Division

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

Memorandum 1 - Status of Contingency Reserves FY 05/06

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

Memorandum 2 - Total disbursements for the period May 15 through
June 4, 2007 in the amount of \$23,665,470.46

B. Minutes Division - No Items

Board of County Commissioners

C. Commission Office - No Items

D. Administration

(1) RECOMMENDED ACTION: Approve setting Public Hearing for June 26, 2007, at 10:00 a.m., or as soon thereafter as may be heard, to consider an amendment to Charlotte County Section 3-9-62 to clarify and change rules governing the discovery and disposition of abandoned vessels. BUDGETED ACTION: None

E. County Attorney

(1) RECOMMENDED ACTION: Approve termination of the current contract and instead approve the attached Agreement for Legal Services to retain John K. Shamsey, Esquire for an additional 6 months (rather than an additional year) to assist with matters

relating to the hurricane housing recovery grant funds. BUDGETED ACTION: None

Termination of Agreement 2005-039 and Approval of Agreement 2007-038

(2) RECOMMENDED ACTION: Approve a motion to find all Bonds in compliance and full effect at this time. BUDGETED ACTION: None

F. Budget Office - No Items

G. Community Development

(1) RECOMMENDED ACTION: Approve FP 05-06-07 Final Plat for Hidden Waters Subdivision. Approve Developer's Agreement and cash bond in the amount of \$2500.00 to cover the assurance of providing the Certificate of Transfer of Operations from SWFWMD (which will be issued after Final Plat is recorded). BUDGETED ACTION: None

Agreement 2007-039

(2) RECOMMENDED ACTION: Set two Public Hearings to amend Article XXIII of the Codes of Charlotte County, along with accompanying fee resolution, relating to excavation and earthmoving activities. Set the first Public Hearing for Tuesday, June 19th, 2007 at 2:00 p.m., or as soon thereafter as may be heard. To approve the second Public Hearing to be held at a time other than 5:01 p.m., and setting the date and time for the second Public Hearing on Tuesday, July 17th, 2007 at 9:00 a.m., or as soon thereafter as may be heard. BUDGETED ACTION: None

H. Economic Development

(1) RECOMMENDED ACTION: Affirm the Enterprise Charlotte Community-at-Large members and organizational representatives. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve Economic Incentive Application and Program Agreement for Publix Super Markets, Inc., contemplating building a warehouse and distribution center in Charlotte County. The Company anticipates construction to be complete in the fourth quarter of 2009. In addition, approximately \$120 million will be spent by the Company on land

improvements, and \$80 million on personal property. BUDGETED ACTION: None

Agreement 2007-040

(3) RECOMMENDED ACTION: Approve setting a public hearing for July 6, 2007 at 9:00 a.m. and to allow the public hearing to continue on July 10 at 2:00 p.m., if necessary, to review and act on proposals received for the Sale and Disposition of Real Property in the Murdock Village Redevelopment Area. BUDGETED ACTION: None

J. Environmental Services - No Items

K. Facilities Construction and Maintenance

(1) RECOMMENDED ACTION: Approve a Resolution authorizing the Chairman to sign and execute a Lease between the Senior Friendship Centers, Inc. of Sarasota County and Charlotte County. BUDGETED ACTION: None

Resolution 2007-076

(2) RECOMMENDED ACTION: Approve Resolution and Lease Amendment between Representative Michael J. Grant and Charlotte County. BUDGETED ACTION: None

Resolution 2007-077

(3) RECOMMENDED ACTION: Approve a Resolution and Lease Agreement between Florida State Representative Paige Kreegel and Charlotte County. BUDGETED ACTION: None

Resolution 2007-078 and Agreement 2007-041

L. General Services

(1) RECOMMENDED ACTION: a) Approve the Guaranteed Maximum Price (GMP) for #04-308E Design/Build Fire Station(s) with Mathews-Taylor Construction, LLC, in the amount of \$1,823,490 to construct Fire Station #5; and b) Authorize the Chairman to sign the Amendment to Contracts #04-308E for the GMP. BUDGETED ACTION: \$2,024,000 is budgeted in the Sales Tax Extension (2002) Fund.

(2) RECOMMENDED ACTION: a) Approve GMP #1 to Contract #05-223, Charlotte County Event Center-Design/Build, with Mathews Taylor, LLC in the amount of \$4,049,535; b) Approve Budget Transfer 07-017 in the amount of \$2,000,000; and c) Approve CIP amendment 07-C11 in the amount of \$3,950,000 increasing the Total Project Budget from \$15,700,000 to \$19,650,000. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #07-330, Mass Notification System - Interactive Voice Response: 1st Tele-Works, Inc.; 2nd Microlog Corporation; and 3rd Embarq Florida, b) Approve start of negotiations, and c) Authorize the Chairman to sign the contract providing the total does not exceed \$350,000. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Approve Change Order #4 to Contract #07-004, Courthouse Rehabilitation with Lodge Construction, Inc. in the amount of \$136,965 with a total revised contract amount of \$5,748,200. Originally approved by the Board November 28, 2006. BUDGETED ACTION: Total Project budget is \$6,903,900.

(5) RECOMMENDED ACTION: A) Approve the award of Bid #07-229, Fire Alarm System, to Commercial Electrical Systems, for a total cost of \$134,900; and B) Approve CIP amendment 07-C13 in the amount of \$25,000. BUDGETED ACTION: Monies are budgeted in the Fire Alarm CIP Project.

(6) RECOMMENDED ACTION: Award Bid #07-259, Emergency Generator for Building and Construction Services, to the lowest responsive, responsible bidder, New Tech Construction, Inc., of Nokomis, FL, in the amount of \$378,500. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #07-327, Design - Charlotte County Boat Ramps: 1st-Barraco & Associates; 2nd-Coastal Engineering Consultants, Inc; and 3rd-Ash Engineering; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract providing the total amount does not exceed \$798,000. BUDGETED ACTION: Budgeted amounts: \$398,000 for Design in West County Boat Ramp \$400,000 for Design in Cattedock Boat Ramp

Commissioner Moore said the Cattedock and West County boat ramps will cost about \$800,000, although he agreed they don't have enough of them the residents have spoken loudly about

the matter of taxation, the issue is can we afford to continue approving all these things because they have to find ways to spend less, and although he doesn't want this to go away he simply doesn't want to spend this money now.

COMMISSIONER MOORE MOVED TO DENY AGENDA ITEM L-7, SECONDED BY COMMISSIONER D'APRILE.

Commissioner D'Aprile said he's having a hard time accepting \$400,000 for just the design of the Cattedock boat ramp.

Laura Kleiss-Hoeft reviewed her handout titled Cattedock and West County Boat Ramps Draft Scope of Services and Fees for the design elements, said on page two of her handout were the permit processes, explained the permit time frame is two to four years, this is not an ad valorem funded project, and the Cattedock agreement is at the state level as the land is state owned so this is a partnership project between the Southwest Florida Water Management District (SWFWMD) and the Parks Department on the state level. Mrs. Hoeft explained the West County boat ramp project is a sales tax initiative project approved by the voters, the land was acquired through sales tax dollars at a cost of \$3 million, they are facing a significant deficiency in the number of boat ramps needed in West County, and construction dollars are ad valorem but will be reimbursed from fees.

Bruce Loucks asked Mrs. Hoeft to clarify the ownership of the land and what sort of requirements and expectations have been created regarding development since the County doesn't own the Cattedock property whereas the West County property is owned by the County.

Mrs. Hoeft explained SWFWMD is the owner of the land, the Department of Environmental Protection (DEP) Florida Park System actually manages that land for SWFWMD, the County would then walk in to a use agreement whereby 5+ acres would be set aside to allow the County to come in and develop it, and it ultimately becomes a three-way partnership.

Commissioner D'Aprile asked how the cost of other boat docks compared to the \$400,000 for this. Mrs. Hoeft commented on various projects done in the past, recalled they were in the \$3

million range for the entire project, the design for Spring Lake was actually a little higher, and opined they were right in the range with these other projects.

Commissioner D'Aprile said he was concerned with because they need to control their spending at this particular time. Mrs. Hoeft clarified this is state owned property, the County will be entering into a relationship where the state owns the property, the County will manage and develop this element, and it is a definite benefit to the County saving them on land cost on the waterfront.

Commissioner Duffy asked for clarification on the Riverwood donation. Mrs. Hoeft explained in the northern part of that subdivision they had a road right-of-way (ROW), when the developer wanted to build more homes in that area the County was asked to give-up that road ROW in exchange for a payment of \$700,000, those monies were in the Capital Improvements Program (CIP) budget for improvements to the El Jobean Boat Ramp, the Myakka River site in the Gulf Cove area, and for the Cattledock Boat Ramp.

Commissioner Duffy asked the anticipated actual construction costs. Mrs. Hoeft said for the West County Boat Ramp the construction costs would be about \$3.6 million and land was \$3.8 million with 30 to 40 parking spots; for the Cattledock Boat Ramp land will be free and ultimately the construction will be \$6.2 million including a large parking area for 90 to 100 cars and boat trailers; and added they are building a park not just a boat ramp in West County.

Chairman Loftus referred to a study done about 12 years ago regarding the shortage of boat ramps and associated parking, he's aware of the severe shortage in West County but they need to carefully evaluate the costs of this project due to their budget situation, a lot of the funds will come from non-ad valorem sources, and summarized they should pursue this project.

Commissioner Moore said they need to be careful regarding the West Coast Inland Navigation District (WCIND) funds, they are based on property valuations so the money we get back from them could be very significantly impacted, and he hoped the Board will say no not now.

Commissioner Duffy suggested they just do Cattedock and postpone the West County project. **Commissioner Moore** responded West County was on the verge of losing a \$12 million regional library which will break his heart but if that's what the budget demands then that's what needs to happen, this is about the taxpayers, and he felt the tax payers were over taxed now.

Commissioner D'Aprile asked what they are approving. Kimberly Corbett clarified the requested action was to approve the ranking of the Professional Services Committee, to authorize staff to go into negotiations, and to request authorization for the Chairman to sign the negotiated contract as long as the fees are less than the \$798,000 budgeted. Mrs. Corbett explained if the Board wished staff could move forward, negotiate a contract, and bring it back for Board approval.

Commissioner D'Aprile said he's having a difficult time with this, he doesn't want to deny this but he also doesn't want to spend the money right now, and asked what are other options to keep this alive. Mrs. Hoeft clarified this is in the CIP, and they can try to maintain funding keeping these projects alive in the CIP but noted it will take five years for the design.

Mr. Loucks clarified it doesn't take two to five years to design it, it takes that long to go through the permitting process.

Chairman Loftus said his concern was that as they delay things costs go up, and suggested they proceed and have staff bring back a contract. **Commissioner D'Aprile** said he could go that way provided there's a guarantee due diligence is done but he won't approve this today.

Commissioner D'Aprile asked if the construction portion was ad valorem dollars. Mrs. Hoeft explained for the Cattedock site they would be using future park impact fees starting in 2008, boater improvement dollars and the Riverwood dollars but no ad valorem dollars for this project; and for the West County project there are ad valorem dollars.

Commissioner D'Aprile stated if **Commissioner Moore** would reconsider his motion he would reconsider his second to evaluate this in the future and come back to the Board with specific prices and see where the money is coming from, and said to Mrs.

Corbett he was very serious about this because he's not very happy with the bidding process. Mrs. Corbett responded she understood. **Commissioner Moore** clarified his motion was not to pass this today, he hoped this wouldn't come back for a year but he didn't know, and reiterated that this just isn't the time, so that's what he's trying to say.

Commissioner Duffy said she was getting a little confused; and summarized their options are they can kill it, they can move forward with the negotiations and come back with specific dollars, they could only do Cattedock and not West County, or do both. **Commissioner Moore** said if her definition of the word 'kill' means they were not doing this today, it's postponed for an unknown indefinite period of time, and if that's kill then he was okay with that. **Commissioner Duffy** said she understood and instead of kill it the option would be to postpone indefinitely.

Commissioner D'Aprile said the term postpone means to put off, the motion was to kill it, and he wants to postpone it.

Chairman Loftus said this is why he supports moving forward with negotiations and let staff come back with a contract, and then they can say yes or no because construction costs are down so this is the time they can get the best bang for their bucks.

COMMISSIONER MOORE MOVED TO AMEND THE MOTION TO POSTPONE THIS PROJECT INDEFINITELY, SECONDED BY COMMISSIONER D'APRILE.

Motion Failed 2:2. Chairman Loftus, and Commissioner Duffy opposing.

ABSENT: Commissioner Cummings.

COMMISSIONER DUFFY MOVED TO APPROVE THE RANKING OF FIRMS OF THE PROFESSIONAL SERVICES COMMITTEE FOR RFP #07-327 AND THE START OF NEGOTIATIONS AND STAFF WILL BRING BACK A CONTRACT FOR APPROVAL OR DENIAL, SECONDED BY CHAIRMAN LOFTUS.

Commissioner D'Aprile asked Mrs. Korbett to be very frugal regarding these budgets. Mrs. Korbett said they always are.

Motion Carried 3:1. Commissioner Moore opposing.

ABSENT: Commissioner Cummings.

(8) RECOMMENDED ACTION: Award Sole Source File # 07-359, Checkpoint Hardware, to Checkpoint Systems, Inc. of Thorofare, NJ for the total cost of \$125,500. BUDGETED ACTION: Budgeted amount \$125,500

(9) RECOMMENDED ACTION: a) Approve ranking of firms for RFP #07-263 Charlotte County Survey of Historical Resources: 1st - Southeastern Archaeological Research, Inc.; 2nd - Panamerican Consultants, Inc.; and 3rd - New South Associates, Inc.; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations providing fees do not exceed \$110,000. BUDGETED ACTION: Budgeted amount is \$110,000.

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

(11) RECOMMENDED ACTION: Award Bid #07-233, Installation and Removal of Fuel Tanks, to Ten Hoeve Brothers Company of St. Petersburg, FL, in the amount of \$98,499.00. BUDGETED ACTION: The cost to install and remove fuel tanks in the amount of \$98,499 is budgeted in the Landfill's account line Improvements Other than Buildings.

M. Human Resources

(1) RECOMMENDED ACTION: Approve setting an Executive Session on Tuesday, June 12, 2007, at 11:00 a.m., or as soon thereafter as may be heard, to discuss contract negotiations with the International Association of Firefighters, AFL-CIO, Local #2546. BUDGETED ACTION: None

N. Human Services

(1) RECOMMENDED ACTION: Approve budget amendment #07-A25 in the amount of \$26,649 and authorize acquisition of an intermediate size sedan. BUDGETED ACTION: FY07 budget amendment #07-A25 in the amount of \$26,649.

P. Information Technology - No Items

Q. Parks, Recreation and Cultural Resources

(1) RECOMMENDED ACTION: Approve an Addendum to the Stadium Lease and Use Agreement with the Charlotte County Redfish professional baseball team. BUDGETED ACTION: None

Amends Agreement 2006-022

(2) RECOMMENDED ACTION: Approve naming the skate park located at Oyster Creek Regional Park to J.M. Berlin/Rotary Skate Park. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Re-approve and authorize the Chair to sign an Agreement with Lutheran Services Florida, SW to provide for "Safe Place" sites at Charlotte County libraries and recreation centers. BUDGETED ACTION: None

Agreement 2007-042

R. Public Safety - No Items

S. Public Works

(1) RECOMMENDED ACTION: Approve setting a public hearing for June 26, 2007, at 10:00 a.m., or as soon thereafter as may be heard, to consider amending the Ackerman Waterway MSBU ordinance to provide for the creation of an advisory board for the MSBU. BUDGETED ACTION: Funding is supplied from the Ackerman Waterway Maintenance MSBU.

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve a resolution, authorizing the execution of a lease agreement for space at 5474 Williamsburg Drive, Punta Gorda, to be used by Public Works' Fleet Services Section. BUDGETED ACTION: None

Resolution 2007-079

(2) *RECOMMENDED ACTION*: Accept two offers for lot donations as described on the attached list (see Exhibit "A") entitled Lot Donations To Charlotte County. *BUDGETED ACTION*: None

W. Utilities

(1) *RECOMMENDED ACTION*: Approve execution of the Transfer Agreement between Gasparilla Island Water Association, Inc. (GIWA) and the County. *BUDGETED ACTION*: GIWA shall pay Utilities \$25,000 to partially defray the County's costs associated with the necessary system upgrades to bring the existing distribution system to CCU standards. The Opinion of Probable Construction Cost to transfer these mainland customers is approximately \$50,000.

Agreement 2007-043

(2) *RECOMMENDED ACTION*: Approve setting a public hearing for June 26, 2007, at 10:00 a.m., or as soon thereafter as may be heard, to approve a Resolution repealing Resolution Numbers 2006-69 and 2006-136 and dissolving the U.S. 41, West Tarpon Boulevard/Orange Drive Wastewater MSBU. *BUDGETED ACTION*: Budget estimate for FY2008 is \$350,000.

V. Tourism Development - No Items

X. Building & Construction Services - No Items

Y. Constitutional - No Items

RECESS: 10:32 AM - 10:42 AM

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

(1) *Public Works* - *RECOMMENDED ACTION*: Conduct a public hearing to consider an ordinance creating the Northwest Port Charlotte Waterway MSBU.

Dawn Harrison explained the purpose of the proposed ordinance was to create the MSBU for future dredging projects.

COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2007-043, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Discussion of purchase of property on the Myakka River in El Jobean (Not an agenda item)

COMMISSIONER DUFFY MOVED TO RECONSIDER OUR PURCHASE AGREEMENT FOR 23.33 ACRES IN THE EL JOBEAN AREA OF CHARLOTTE COUNTY ON THE MYAKKA RIVER BASED ON THE FACT THAT WE MADE OUR DECISION BASED ON ERRONEOUS INFORMATION, THE CLOSING OF THIS PROPERTY IS NEXT WEEK AND TODAY IS THE LAST DAY WE CAN RECONSIDER, SECONDED BY COMMISSIONER D'APRILE.

Commissioner Moore questioned the actual number of acres because he recalled hearing it was 34 areas. Paul Payette explained it was their intention to vacate some of the streets which would increase the size the acreage from 23 to about 34.

Attorney Knowlton stated the Board had asked her to look at the contract to find out if there is a way to back out of the contract, there clearly is but the deadline to back out is June 23rd, and she was in the process of drafting an amendment to extend inspection for another 60 days to give the Board time to find out what's going to happen in Tallahassee and the impact. Commissioner D'Aprile said that's what he wanted.

Commissioner Duffy explained her reason for the reconsideration is based on the fact that when they originally voted on this she was under the impression they had an excellent chance of being reimbursed for the property by Conservation Charlotte as well as receiving grants from Florida, she has since learned that information was incorrect, she wanted some advice and clarification from Dr. Bill Coy regarding Conservation Charlotte's opinion of the property. Chairman Loftus said there was no objection from the Board.

Bill Coy SLAC President stated they accepted the El Jobean property for evaluation only, their consultants evaluated the property and gave it a very unsatisfactory rating, at the SLAC meeting they never made any commitment to buy or not to buy that property because they were still in the process of evaluating it, their next meeting is in July, some of the public statements made today were incorrect, there has been a very in-depth evaluation, and reiterated the rating was very low with the exception of the water land.

Commissioner D'Aprile asked legal if they can still apply for the grant. Attorney Knowlton said she thought so, noted that Mrs. Hoeft was shaking her head yes, she thought the original presentation to the Board was that the purchase price would be paid for by Conservation Charlotte dollars and/or the Florida Communities Trust (FCT) grant reimbursement.

Mrs. Hoeft clarified at the direction of the Board they moved forward with the FCT grant that had a May deadline, they should hear what their point scale is by August or September, if they don't receive a grant during this FCT cycle they could apply next year gaining higher points as a result of a pre-acquisition, the original plan was to use ELAC funds to purchase the lands for about \$5 million with \$2.5 million being reimbursed by the FCT grant, and they've also done a federal grant for the land, water and conservation funds that could also be included.

Commissioner D'Aprile said that sways his vote.

Chairman Loftus asked if perhaps they should move it out from 60 to 70 days. Attorney Knowlton cautioned the Board that the owner was no longer here and the representation he made to the Board was 60 days but they can inquire about a longer extension of 70 or 90 days.

Commissioner Duffy recalled back in April part of the reason she voted for approval was because she thought they had to own property on order to apply for the grant. Mrs. Hoeft clarified they were trying to get it pre-acquired so they could gain 20 additional points giving them a higher ranking and making them much more competitive but that wasn't possible because ELAC had to go through the steps outlined by the ordinance.

Commissioner Duffy said another concern she has is they would be using reserve funds for hurricane recovery and with the current budget situation she doesn't feel they have a right to be buying this right now.

Commissioner Moore asked if they applied for a grant for this same property last year. Mrs. Hoeft said yes but they'll get a better score this year.

Commissioner Moore said he doesn't disagree with **Commissioner Duffy** but reiterated it's a bad time to be spending money.

Chairman Loftus said in the future he wants Administration to provide them with the capital costs for improvements as well as the annual operating and maintenance costs for any properties or buildings they consider acquiring.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER DUFFY MOVED TO POSTPONE THEIR DECISION ON THE PURCHASE OF THE PROPERTY FOR 60 DAYS, SECONDED BY COMMISSIONER D'APRILE.

Chairman Loftus stated his concern is they may not get a decision from the state within 60 days regarding the grant. Attorney Knowlton opined part of that motion should be to authorize the Chairman to execute the amendment to the real estate purchase agreement to extend the inspection period for 60 days and direct the County Attorney to attempt to negotiate a 90 day extension, and if they obtain it to allow the Chairman to execute that amendment.

Commissioner Duffy opined 90 days would help. Attorney Knowlton stated that apparently there is a representative of the owner present. Charles Stephen said he was a 50% Owner of Myakka Properties but not the managing member, and they will extend it 90 days. **Chairman Loftus** responded they really appreciated that.

COMMISSIONER DUFFY MOVED TO AMEND THE MOTION TO POSTPONE THE DECISION ON THE PURCHASE OF THE PROPERTY FOR 90 DAYS, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

VII. PRESENTATION AGENDA - No Items

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

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

V. REGULAR AGENDA

Z. Regular Agenda

(1) Budget - RECOMMENDED ACTION: Authorize renewal of existing short-term loan with Bank of America of \$88,300,000 related to the acquisition of property in the Murdock Redevelopment Area.

Ray Sandrock reviewed the Murdock Village Project Financial Report and the two proposed funding options as detailed in Attachment B of the packet material.

Commissioner Moore summarized they need to put their hands on \$12.2 million, and it appears Option 1 saves them \$80,000 to \$100,000 of interest over that period of time. Mr. Sandrock agreed and stated his recommendation was Option 1.

Commissioner Moore asked Mr. White's opinion.

Chief Deputy White responded Option 1 was definitely the cheapest way to do it.

COMMISSIONER MOORE MOVED TO APPROVE OPTION 1 INCLUDING BUDGET TRANSFER 07-020 IN THE AMOUNT OF \$5,900,000, BUDGET AMENDMENT 07-A26 IN THE AMOUNT OF \$6,300,000 AND BUDGET AMENDMENT 07-A27 IN THE AMOUNT OF \$12,200,000, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

(2) Budget - RECOMMENDED ACTION: Review options related to the ongoing funding requirements for the Murdock Village project. After discussion of the options, provide staff with approval of related budget/financial actions required.

Mr. Sandrock explained this item is to authorize renewal of the existing short-term loan with Bank of America of \$88,300,000 related to Murdock Village.

COMMISSIONER D'APRILE MOVED TO APPROVE RESOLUTION 2007-080 FOR THE RENEWAL OF THE EXISTING SHORT-TERM LOAN WITH BANK OF AMERICA, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Commissioner Duffy commented on her conversation with Mr. Sandrock regarding using \$5 million from the Myakka River property purchase if they decide not to do that and apply it to the Murdock Village project but she has learned that it wouldn't be as easy as she had thought. Mr. Sandrock clarified what would be entailed.

(3) Building and Construction Services - RECOMMENDED ACTION: Provide guidance to staff regarding the feasibility of proceeding with the development of a non-mandatory Green Building Ordinance.

Jim Evetts reviewed the details on the goldenrod detailing the steps to initiate a green building ordinance.

Chairman Loftus thanked Commissioner Duffy for bringing this forward, and said he hopes the other Commissioners see the importance of this.

Commissioner D'Aprile asked what constitutes a green building.

Mr. Evetts explained it's constantly evolving; commented on the types of products used in the industry that provide a sustainable, durable, and low maintenance building design and operation; suggested they work with the CDBIA to set up a committee to come up with recommendations; and opined they need to look at some kind of an incentive to encourage people to use these higher cost products to increase all areas of conservation in our area.

Commissioner D'Aprile agreed regarding the need for incentives and opined that should be on the building department application that this building is going to be designated as a green building so the inspectors know what to look for and wondered if that needs to be included in the ordinance.

Chairman Loftus noted Sarasota's ordinance contains incentives.

Mr. Loucks clarified the only action needed today is Board direction to proceed with drafting an ordinance. (Board consensus.)

Commissioner Duffy referred to the draft of the Florida Green Home Standard Checklist they received from the Florida Green Building Coalition, explained it lists all the feasible options on green construction, the CDBIA recommended this as the best authority in the state of Florida, a person gets points for complying with a specific category, and she supported forming the committee Mr. Evetts suggested. (Board consensus to proceed with that.)

X. CITIZEN INPUT - ANY SUBJECT

Christopher Specht stated he owned Amber All County Taxi licensed to do business in Charlotte County, he wanted to ask the Board to direct or authorize revisiting the ordinance regulating taxi cabs in this County, the current ordinance is extremely vague on enforcement especially when dealing with violations or unlicensed companies, he spoke to the licensing bureau who told him to call the Sheriff's Office or Code Compliance, the Sheriff's Office told him it was a Code Compliance issue but Code Compliance told him all they do is check for a certificate on the wall they don't regulate the taxi cabs or the drivers or the business, the issue is public safety because there are gypsy companies and drivers out there, there are no checks or balances of these companies or drivers, he'd spoken with Mr. Loucks and one of the County Attorneys on June 7, 2007, and they suggested he speak here today to get some direction about forming a committee to make recommendations for amending the current ordinance.

Mr. Loucks said he did ask Mr. Specht to be here today, he discussed the current ordinance with Attorney Gallagher and then the Sheriff's Office, they were in agreement there isn't a strong

enforcement component to the current ordinance, and the Board needs to give staff direction to pursue and bring back potential recommendations for revisions to that ordinance.

Attorney Knowlton clarified there is an enforcement provision already in the ordinance, it just needs to be improved and strengthened which is something their office can do, and they don't need any committee on this because it's a pretty simple process but she needs approval from three Board members. (**Board consensus.**)

Commissioner D'Aprile asked if the ordinance addresses vehicle safety. Mr. Loucks said that's a big element but it's not stressed in the current ordinance.

Commissioner D'Aprile said he understands but public safety is at stake. Mr. Loucks said they can require vehicles to be inspected by a certified mechanic. **Commissioner D'Aprile** said that would be good because they need to get rid of all the gypsies out there.

Deputy County Attorney Gallagher said this issue was first brought forward by the Sheriff's Department and Mr. Specht, the main concern was unlicensed drivers and the resulting penalties, the discussion was whether to invoke criminal penalties making it a second-degree misdemeanor, and apparently now there are other issues to be considered such as cab inspections.

Grace Amodeo said she would be against deeding land to the university and letting them hold it for 10 years until they are ready to build, and if the university isn't going to build they shouldn't be able to sell the land for any reason because the County already paid for that land.

Carol Newcomb-Jones said she's speaking on her own behalf but she does work for Kitson & Partners, she's thrilled to hear about the green building ordinance, there's another national program, commented on the U.S. Green Building Council's Leadership in Energy and Environmental Design, and suggested looking at both because there are good things to be had from both.

Todd Helt commended the Board for taking another look at the boat ramp proposal and the costs involved in the design of those projects, and asked them to take a closer look at the real permitting costs of previous projects because he felt they would find that \$400,000 for design and permitting of a boat dock is exorbitant.

AA. County Administrator:

Mr. Loucks commented on an e-mail he received this morning from Bob Hebert who is up in Tallahassee advising that all meetings relating to property tax reform have been cancelled for today; and on the issue of e-mails between St. Vincent DePaul and the Health Department regarding clinics and clinic activity, and said they need to be careful because the County does fund the Health Department.

BB. County Attorney:

Attorney Knowlton updated the Board regarding the Edgewater 2000 building, said on May 7th the the Construction Board of Adjustments and Appeals (CBAA) upheld the Building Department's decision of the Unsafe Building finding, Edgewater 2000 has appealed that decision to the Circuit Court so it's up to the Judge to make a finding of whether their complaint is valid and if so then the Judge will order us to respond and then we will have an actual hearing on the matter; and stated the next item dealt with the Omni Waste matter, this was for informational purposes only, and asked the Board not to make any response following her update as she didn't want to get into any of the substance of it.

CC. Commissioner Comments:

Commissioner Duffy commented on the large amount of feedback she's received lately from citizens who feel they have been mistreated by the County, said she hates to see their citizens feel they've had their rights taken away, some have experienced tremendous financial impacts, and she's taking these comments very seriously.

Chairman Loftus said he's received the same types of comments, everyone needs to be treated the same throughout all County government offices, it's been prevalent in this County, and he hopes this stops.

Commissioner D'Aprile said it's just part of County government, and agreed citizens need to be treated with respect but said sometimes it's just they don't understand and things need to be explained.

Chairman Loftus said Sarasota seems to be taking the lead on green buildings as well as the fertilizer and landscaping management code, said this was addressed and passed by the Southwest Florida Regional Planning Council (SWFRPC), referred to the copy of the Sarasota ordinance in the packet material, said he hoped they could move forward with it, and he wanted to see if there was Board consensus to have legal get started.

Attorney Knowlton updated the Board regarding the Edgewater 2000 building, on May 7th the the Construction Board of Adjustments and Appeals (CBAA) upheld the Building Department's decision of the Unsafe Building finding, Edgewater 2000 has appealed that decision to the Circuit Court so it's up to the Judge to make a finding of whether their complaint is valid and if so then the Judge will order us to respond and then we will have an actual hearing on the matter; and stated the next item dealt with the Omni Waste matter, this was for informational purposes only, and following her update she asked the Board not to make any response as she didn't want to get into any of the substance of it.

Commissioner Duffy voiced support for that approach but said she thought **Commissioner Moore** had a good point. (**Board consensus.**)

Attorney Knowlton said she would appreciate receipt of those, they do need Board direction regarding what version should be used for drafting an ordinance, and maybe this is something that should be the topic of a roundtable so they could have input from experts as to which is the better ordinance. **Chairman Lotus** suggested using their September roundtable. Attorney Knowlton said she thought Sarasota took over a year to get to their ordinance.

ADJOURNED: 11:45 AM

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