

BOARD OF COUNTY COMMISSIONERS

JUNE 26, 2007

A regular meeting of the Board of County Commissioner was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Loftus, Commissioner Cummings, Commissioner D'Aprile, and Commissioner Moore. Also in attendance were County Administrator Loucks, County Attorney Knowlton, Chief Deputy White, Executive Assistant Gant, and Minutes Supervisor Nice. The following member was absent: Commissioner Duffy. The meeting was called to order at **9:00 AM**.

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

Changes to the Agenda:

Change #1: Administration - Z.6 to read: **RECOMMENDED ACTION:** The Board shall select nine volunteer/members, on the Children's Services Council three persons for each vacancy, to be forwarded to the Governor of the State of Florida.

Change #2: Attorney's Office Z-8 - **RECOMMENDED ACTION:** Request the Board approve an Assignment of Irrevocable Letter of Credit and related documents to the J.C. Center Property Owners Association, Inc. and authorize the Chair to sign the Assignment and attached documents. **BUDGETED ACTION:** None

Change #3: Community Development - G-1 to Z-9 - **RECOMMENDED ACTION:** Authorize staff to move forward with tasks intended to improve the code compliance process. These tasks would make the process more efficient in regard to timeliness, staff resources, and effectiveness of the code compliance abatement process. **BUDGETED ACTION:** None

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

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Special Recognition

Proclamations - Commissioner Cummings

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

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Commissioner Cummings stated he would make the presentation outside of the meeting since no one was present to accept the proclamation.

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

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Ginny Day accepted the proclamation.

COMMISSIONER MOORE MOVED TO APPROVE BETTY HOKE WILLIAMS DAY PROCLAMATION, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Betty Hoke Williams accepted the proclamation and expressed appreciation for the Board's bold step in establishing the Economic Development Office and continuing support.

Commissioner Cummings recalled when Ms. Williams was hired, economic development was a controversial topic in the County and commented on Ms. Williams' efforts and accomplishments in diversifying the economy.

Commissioner D'Aprile stated Ms. Williams has faced a lot of opposition but she has proved herself, she became the County's economic development leader, and she will be missed.

Chairman Loftus recognized Ms. Williams efforts to make Charlotte County a true family community.

Commissioner Moore stated Ms. Williams truly will be missed in the County.

Mr. Loucks opined Ms. Williams has been a tremendous help and an asset to the community and she will be missed as a great friend.

Employee Recognition - None

Award Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Captain Ron Blago commented in support of the ordinance under Agenda Item VI-(2) in order to give local law enforcement agencies the necessary tools to address increasing problems of abandoned boats since neighboring counties' regulations have become more restrictive.

II. COMMITTEE VACANCIES

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

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

III. REPORTS RECEIVED AND FILED - None

IV. CONSENT AGENDA

COMMISSIONER D'APRILE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS L-3 AND E-1, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve the following Clerk's Finance Memoranda:

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

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

Memorandum #2 - Total Disbursement for the period June 5 through 18, 2007 in the amount of \$9,341,472.37

BUDGETED ACTION: None

B. Minutes Division

(1) RECOMMENDED ACTION: Approve the following minutes:

05/14/07 9:00 AM Strategic Planning Meeting

05/15/07 9:00 AM Land Use Public Hearings

05/16/07 2:00 PM MSBU Budget Workshop

05/22/07 9:00 AM BCC Regular Meeting

05/24/07 1:00 PM Murdock Village Workshop

05/30/07 8:00 AM Budget Review Workshop

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve a Resolution acknowledging the Charlotte County School Board's decision to call for a referendum election with respect to a one-half cent sales surtax and directing that the ballot question be placed on the ballot for the referendum election to be held on September 18, 2007.

BUDGETED ACTION: None

Resolution 2007-083

D. Administration - No Items

E. County Attorney

(1) RECOMMENDED ACTION: Approve increase to the contract with Bryant, Miller and Olive in the amount of \$250,000 to assist in

the negotiation and drafting of a development agreement and completion of numerous complex conditions precedent to closing as outlined in the Redevelopment Agreement on Murdock Village with Kitson and Partners so as to dispose of the lands for redevelopment purposes as soon as feasible. BUDGETED ACTION: None

Commissioner D'Aprile expressed dissatisfaction with the process followed under the contract and opposed the increase to the contract. **Commissioner Moore** opined technical assistance is needed and commented in support.

COMMISSIONER MOORE MOVED TO APPROVE WORK ORDER 2007-002 TO AGREEMENT 2003-025 WITH BRYANT, MILLER AND OLIVE FOR AN INCREASE IN THE AMOUNT OF \$250,000 TO ASSIST IN THE NEGOTIATION AND DRAFTING OF A DEVELOPMENT AGREEMENT AND COMPLETION OF NUMEROUS COMPLEX CONDITIONS PRECEDENT TO CLOSING AS OUTLINED IN THE REDEVELOPMENT AGREEMENT ON MURDOCK VILLAGE WITH KITSON AND PARTNERS SO AS TO DISPOSE OF THE LANDS FOR REDEVELOPMENT PURPOSES AS SOON AS FEASIBLE, SECONDED BY COMMISSIONER CUMMINGS. Motion Carried 3:1. Commissioner D'Aprile opposing. ABSENT: Commissioner Duffy.

F. Budget Office

(1) RECOMMENDED ACTION: Request Board approval of the attached MSBU Assessment Rates to be included in the TRIM (Truth In Millage) Notices. BUDGETED ACTION: None

Commissioner Moore expressed understanding that public hearings will be required on increased MSBU/TU rates and rates higher than the maximum previously established.

(2) RECOMMENDED ACTION: a) Approval for the Board Chair to sign certification documents related to the applications for the Byrne Justice Assistance Grant Program by Charlotte County Sheriff's Office (CCSO), and the City of Punta Gorda; b) Approval of the Byrne grant funds distribution between the CCSO for 90% in the amount of \$92,895.30, and the City of Punta Gorda for 10% in the amount of \$10,321.70. - total \$103,217; and c) Approval of the grant application for the Byrne Justice Assistance Grant Direct Award in the amount of \$55,367. BUDGETED ACTION: None

Grant 2007-014 - In-Car Video Systems for the Sheriff's Office
Grant 2007-015 - Substance Abuse Prevention Initiative among
Charlotte County Youth
Grant 2007-016 - Conversion of In-Car Video Digital Systems

G. Community Development

(1) **RECOMMENDED ACTION:** Authorize staff to move forward with tasks intended to improve the code compliance process. These tasks would make the process more efficient in regard to timeliness, staff resources, and effectiveness of the code compliance abatement process. **BUDGETED ACTION:** None

H. Economic Development

(1) **RECOMMENDED ACTION:** Approve the Stormwater Retention Agreement between Publix Super Markets, Inc., Charlotte County Airport Authority and Charlotte County and authorize the Chairman to sign the Agreement. **BUDGETED ACTION:** None

Agreement 2007-044

(2) **RECOMMENDED ACTION:** Approve a Resolution that the Charlotte County Industrial Development Authority's Project 2006019 be approved as an applicant pursuant to the Economic Incentive Development Ordinance. **BUDGETED ACTION:** Economic Development Incentives - General Revenue.

Resolution 2007-084

J. Environmental Services - No Items

K. Facilities Construction and Maintenance - No Items

L. General Services

(1) **RECOMMENDED ACTION:** Approve Amendment #2 to Contract #02-111, Engineering Services-Tom Adams Bridge, in the amount of \$85,391.50 with American Consulting Engineers for a revised Total Contract Amount of \$677,801.44. **BUDGETED ACTION:** The FY06/07 budget has \$86,000 available for this amendment in the Transportation Trust Fund. Project total is \$10,151,000.

(2) **RECOMMENDED ACTION:** Approve Amendment #1 to Contract #04-211, Engineering Services - Aqui Esta Improvements, with Johnson Engineering, for a revised Contract Total of \$2,087,974.12. **BUDGETED ACTION:** FY06/07 budget has \$1,070,000 available in the Road Improvements fund. Project total is \$20,526,000.

(3) **RECOMMENDED ACTION:** Approve renewal of Contract #06-364, Tourism Advertising and Promotion with Smith Advertising and Associates for the term October 1, 2007 up to and including September 30, 2008 in the amount not-to-exceed \$450,000. **BUDGETED ACTION:** None

Commissioner D'Aprile questioned the need for the contract. **Becky Bovell** explained Charlotte County's appeal to visitors is its relaxed and secure community atmosphere along with the recreational amenities. **Commissioner D'Aprile** asked if the amount of visitors have increased. **Ms. Bovell** indicated tourism has increased; commented on the need to promote and compete with surrounding counties for tourists and funding; reported there are three new hotels opening this year and two more are anticipated shortly thereafter; and this is all part of the recovery and expansion of the County. **Commissioner D'Aprile** requested a detailed breakdown of the expenditures. **Ms. Bovell** explained stated the Bureau makes the determination on how much and how money is spent and the Bureau it has the ability to make adjustments. **Commissioner D'Aprile** concluded the \$450,000 is coming from tourist taxes with nothing from ad valorem revenues. **Chairman Loftus** opined this is a big issue in the FY 2007/2008 budget and asked that action be tabled for one month until the full Board is present. **Commissioner Moore** questioned the impact on negotiations with the vendor. **Kimberly Corbett** stated this is a 2006 file, the current item is an annual renewal, renewals are done several months in advance of the effective date of October 1, 2007, and advised a one-month delay would not greatly delay the process. **Commissioner Cummings** pointed out **Commissioner Duffy** would be able to bring this back on reconsideration since she is absent today. **Chairman Loftus** reiterated the request to delay action for one month.

COMMISSIONER MOORE MOVED TO DELAY ACTION FOR ONE MONTH, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

(4) **RECOMMENDED ACTION:** a) Approve ranking of firms for Request for Proposal #07-288, Public Works Complex - Construction Manager at Risk: 1st-Ajax Building Corporation.; 2nd-Walbridge Aldinger; and 3rd-Mathews/Taylor Construction; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations, for the preconstruction services providing the fee does not exceed \$200,000. **BUDGETED ACTION:** Funding provided from the Master Space Program - Capital Project Fund.

M. Human Resources - No Items

N. Human Services - No Items

P. Information Technology - No Items

Q. Parks, Recreation and Cultural Resources - No Items

R. Public Safety - No Items

S. Public Works - No Items

T. Real Estate Services

(1) **RECOMMENDED ACTION:** Approve the attached Resolution approving the release of a ten-foot (10') wide drainage and utility easement located in Tract "A" and the Northerly 20 feet of Lot 1, Block A, Riviera Lagoons, Fifth Addition, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said easement. (Owner: Josef Brueggler)
BUDGETED ACTION: None

Resolution 2007-085

(2) **RECOMMENDED ACTION:** Approve the attached Resolution approving the release of five (5) ten-foot (10') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Twenty-Nine; and, a portion of a twenty-foot (20') wide canal maintenance easement located in Port Charlotte Subdivision, Section Thirty-Seven, and further authorizing the

Director of Real Estate Services to execute the County Deeds releasing said easements and portion of easement. (Owners: L & B L.L.C, a Florida limited liability company and Polk Family, L.L.C, a Florida limited liability company; and, The Patricia Venuto Revocable Agreement of Trust dated March 23, 2005)
BUDGETED ACTION: None

Resolution 2007-086

(3) *RECOMMENDED ACTION:* Approve the attached Resolution authorizing the Chairman of the Charlotte County Board of County Commissioners to accept a ten-foot (10') wide drainage easement as granted by Josef Brueggler. *BUDGETED ACTION:* None

Resolution 2007-087

V. Tourism Development - No Items

W. Utilities - No Items

X. Building & Construction Services - No Items

Y. Constitutional - No Items

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - *RECOMMENDED ACTION:* Appoint five members and one alternate to the South Burnt Store Street and Drainage Unit Advisory Board. Length of terms will be determined at their first meeting.

Chairman Loftus requested Board Members to select five members and one alternate by ballot. Mr. Loucks announced the votes for James Brown, John Fleming, Sandy Funk, Robert Hancik, and George Taylor as Members and Peg Varga as Alternate.

COMMISSIONER CUMMINGS MOVED TO APPROVE THE APPOINTMENT OF THE MEMBERS AND ALTERNATE AS ANNOUNCED, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

(2) *Environmental and Extension Services - RECOMMENDED ACTION:* Recommend the Board direct the Natural Resources Division to begin negotiation of identified properties (Shell Creek, Bermont Loop, and Thornton Key) and approve the inclusion of the Buck Creek property as part of the Conservation Charlotte program.

James Thomson expressed the need to begin negotiations regarding the Shell Creek, Bermont Loop, and Thornton Key properties and inclusion of the Buck Creek property as part of the Conservation Charlotte Program. **Commissioner Moore** expressed concern about including Buck Creek since the County already owns the land and suggested the property be given to the Conservation Program. Mr. Loucks stated the Florida Communities Trust (FCT) grant has been applied for but it will be September before notification is received for award of grant funds for the Buck Creek acquisition. **Commissioner Cummings** stated the County bought it but the issue concerns reimbursement from Conservation Charlotte or the General Fund; opined Conservation Charlotte members' preference would be that the acquisition be fund out of the General Fund so additional monies would be available for other environmentally sensitive purchases; recalled conversation that the Conservation Charlotte referendum would be approved with possible reimbursement from that fund; Conservation Charlotte members reluctantly went along with it since the property qualified under the required criteria; and this could be pulled from the General Fund stream. **Commissioner Moore** indicated opposition to the purchase of Buck Creek out of Conservation Charlotte funds since it is inappropriate to the voters and the Board should be better stewards for residents. **Chairman Loftus** expressed understanding that the monies to pay for the Buck Creek acquisition came out of the General Fund. **Commissioner Cummings** explained the Conservation Charlotte Fund is a separate revenue stream of the General Fund.

Commissioner D'Aprile stated the general public perception is why do we have to buy something that the County already owns and explained charge outs within the budget line items by departments. Mr. Sandrock advised monies were allocated from the Capital Projects Program (CIP) Fund and the monies would be reimbursed from FCT and Conservation Charlotte. **Commissioner Cummings** stated the monies have been taken out of the CIP; if reimbursement is not received, other CIP projects might have to

be cut or monies would need to be taken out of Environmental Lands Acquisition. **Chairman Loftus** recalled discussion included Conservation Charlotte has being a reimbursement source. Mr. Thomson stated the actual cost to Conservation Charlotte would be approximately \$5 million if the FCT grant of \$3.5 million is awarded. Mr. Sandrock stated the reimbursement of funds to the CIP can only be used for other CIP projects.

COMMISSIONER CUMMINGS MOVED TO DIRECT THE NATURAL RESOURCES DIVISION TO BEGIN NEGOTIATION OF IDENTIFIED PROPERTIES (SHELL CREEK, BERMONT LOOP, AND THORNTON KEY) AND INCLUDE THE BUCK CREEK PROPERTY AS PART OF THE CONSERVATION CHARLOTTE PROGRAM, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 3:1. Commissioner Moore opposing.

ABSENT: Commissioner Duffy.

(3) Utilities - **RECOMMENDED ACTION:** A recommendation from the Board to reject the Authority's FY2008 tentative budget, to be presented at the Authority Budget Hearing on July 25, 2007, due to lack of substantive documentation to support many of the O&M budget line item increases and the resulting unfavorable impact to Charlotte County Utilities' operational budget in FY2008 and beyond.

Jeff Pearson reviewed the chart of the Authority's budget expenditures for 2005 and 2006 and the proposed budget for 2007 based on staff's analysis; pointed out a letter was sent requesting clarification of the Authority's budget increase including the 10.5% variable rate on water to \$.685 per 1,000 gallons; stated the increase is out of line for the economic climate and O&M costs; the \$4 million would reduce the rate to the current rate; commented on the increased expenditures for staff, contracted services items, rate related expenditures by line item, and interest income received; and reported staff cannot recommend approval unless the budget is trimmed and clarification is received from the Authority; and stated a straight line approach should be utilized for the budget. **Commissioner Cummings** noted Mr. Hansen's attendance from the Authority, stated his vote before the Authority would be no until County staff recommends approval, and pointed out the County has only one vote. **Commissioner Moore** expressed no objection to Authority representatives speaking. Mike Coates commented on efforts to work with staff; advised

responses to the last 7 questions have not been submitted but the intention is to continue to work with staff; the Authority Board will consider the budget on July 25, 2007 so time exists to resolve the issues and for this Board to again consider approval. **Commissioner D'Aprile** stated the County is reducing its budget significantly and questioned why the Authority's budget should be increased. Mr. Coates explained the unit rate is only part of the cost along with the base charge; the budget includes a significant capital improvement program for expansion of the Peace River Plant and the reservoir; and costs are going up for the production of water which is rolled into the budget. **Commissioner D'Aprile** commented on the importance of staff recommending approval of the budget e.g. if staff is not in favor, then he is not. **Chairman Loftus** agreed and commented on the need to address needs of the community in a more economic manner. Mr. Coates stated feedback is being received from Authority Members and requested no action be taken today and allow more time to resolve outstanding issues with staff in the next couple weeks.

COMMISSIONER D'APRILE MOVED TO TABLE ACTION FOR TWO WEEKS, SECONDED BY COMMISSIONER MOORE.

Commissioner Moore noted the July 25 Authority meeting and stated, hopefully, resolution of the issues will be achieved. **Chairman Loftus** suggested the agenda item be placed on the July 10, 2007 agenda. Mr. Loucks pointed out the Board will be meeting on July 10 and 24, 2007. Mr. Coates offered to bring back a presentation or to be present to answer questions at the July 10, 2007 meeting. Mr. Pearson agreed to work with Authority officials to reduce some of the costs beneficial to the County and the Authority and to bring the information back at the first regular meeting in July.

Motion Carried: 4:0.

ABSENT: Commissioner Duffy.

RECESS: 10:10 AM - 10:20 AM

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

(1) Utilities - RECOMMENDED ACTION: Approve a Resolution repealing Resolution Numbers 2006-69 and 2006-136 and dissolving the U.S. 41, West Tarpon Boulevard/Orange Drive Wastewater MSBU.

Jeff Pearson explained the purpose of the resolution and changes to the ERU rates for residential and commercial, all unpaid tax bills for 2007 will be reduced and monies refunded to those already paid, and requested approval.

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

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

COMMISSIONER D'APRILE MOVED TO APPROVE RESOLUTION 2007-088, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

(2) Environmental and Extension Services - RECOMMENDED ACTION: Conduct a Public Hearing to consider an ordinance adopting amendments to Charlotte County Section 3-9-62 to clarify and change rules governing the discovery and disposition of abandoned vessels.

James Thomson explained proposed changes to the ordinance would allow the County to become more responsive and proactive concerning abandoned boats.

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

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2007-050, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

(3) Public Works - RECOMMENDED ACTION: Consider an ordinance to provide for the creation of an advisory board for the Ackerman Waterway MSBU.

Tara Musselman explained the change from MSTU to MSBU inadvertently omitted the Advisory Committee and she has received requests to establish an Advisory Committee.

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

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2007-051, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

(4) County Attorney - RECOMMENDED ACTION: Consider approving an ordinance amending Ordinance No. 2007-040. This amended ordinance would repeal the ban on the sale, dispensing, use or discharge of fireworks and sparklers in Charlotte County but leave intact the ban on open fires and burnings.

Deputy County Attorney Daniel Gallagher informed the Board that the Legislature passed a Bill that would become effective July 1, 2007 and retroactive to March 1, 2007 prohibiting counties from banning the sale of fireworks but the County's ordinance would still be in effect for open burns, and recommended approval of the ordinance repealing the provisions relating to the ban on fireworks. **Commissioner D'Aprile** stated the emergency ordinance was enacted for protection and safety relating to fires but he has no choice in this matter based on legislative action. **Chairman Loftus** concurred.

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

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2007-052, SECONDED BY COMMISSIONER D'APRILE.

Commissioner Cummings questioned the severability when the Bill takes effect on July 1, 2007. Attorney Gallagher explained the impact of the Bill on the ordinance. County Attorney Knowlton suggested Chief Dennis DiDio update the Board on the drought index. Chief DiDio stated the index is 590 and climbing again and the conditions are almost the same as when the original ordinance was enacted; and fire apparatus will be on the scene for public firework shows.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

V. REGULAR AGENDA

Z. Regular Agenda

(4) Community Development - **RECOMMENDED ACTION:** The Commercial Design Standards apply to all commercial properties on all roadways in the County. Charlotte Harbor and Manasota Key have their own standards. The County Commission can reaffirm that this Ordinance should be applied in this manner or can direct that this Ordinance be amended to exclude applicability to local streets.

Jeff Ruggieri explained the design and architectural standard changes over the last four years up until May when the Board approved changes applicable on a County-wide basis and reported 300 business owners, some on local streets other than major corridors, have had to comply with the design standards. **Commissioner Cummings** recalled the design standards were implemented on a County-wide basis including prohibition against garage doors facing US 41 and major arterials. **Commissioner D'Aprile** expressed understanding that design standards were not County-wide and recalled Commissioner Devos initially brought up before the Board the issue of garage type doors facing US 41.

Commissioner D'Aprile expressed unawareness that 300 businesses have had to comply with the design standards, commented on the importance of major roadway beautification, stated he has no problem with allowing garage type doors for ease of accessibility if the businesses are located off of major roadways, and suggested meeting with architects in the community to develop acceptable standards. **Commissioner D'Aprile** stated

he owns a steel building on US 41 but access is at the rear and the front has been bricked in and suggested a solution be brought back. **Commissioner Moore** questioned all design standards. Mr. Ruggieri stated all design standards include steel buildings. **Commissioner Moore** stated something has to be worked out and it should be definitive. **Commissioner Moore** opined Manasota Key is a separate development district and pointed out other Community Redevelopment Areas (CRAs) exist in the County. Mr. Loucks questioned applicability of design standards to the US 41 Overlay District. Mr. Ruggieri advised the US 41 Overlay District adopted the County-wide standards and requested direction on applicability of the standards. **Commissioner Moore** requested **Commissioner D'Aprile's** opinion on whether the Charlotte Harbor CRA and Manasota Key should be separate and asked about commercial on arterials e.g. Worth Avenue in Englewood. **Commissioner D'Aprile** stated no and a mid-way point for less expensive areas should be determined e.g. commercial areas. **Commissioner Moore** recalled an area of Gulf Cove where residents were concerned when a monster garage for buses was constructed and questioned the applicability to residential areas. Nicole Dozier expressed unawareness of that incident and explained the purpose of the design standards is to ensure attractiveness and consistency with architectural features and enhancements because the County's design standards are very basic when compared with adjacent counties and staff has flexibility to work with applicants. Ms. Dozier stated the Land Development Regulations (LDRs) are being revised and this issue could be addressed at that time. **Commissioner Moore** concluded the design standards are applicable to big businesses such as Publix and small businesses like Adam's mother's mowing business. Ms. Dozier agreed and added Publix would have a more elaborate enhancement to the facade versus that of a lawn mowing structure. **Chairman Loftus** shared **Commissioner D'Aprile's** concerns and suggested bringing this topic back at the next Roundtable in September. **Commissioner D'Aprile** questioned the need to stucco the side of a building in a commercial park that is not located on an arterial road, stated this is making it difficult for small business owners to make a living, and reiterated the suggestion for staff to resolve design and architectural issues pertaining to Commercial Intensive areas. Ms. Dozier explained the issues relating to commercial and industrial can be addressed in the LDR revisions. **Chairman Loftus** requested information be brought back for the September

Roundtable. Mr. Ruggieri stated there are a lot of vacations but staff will make an effort to comply.

Commissioner Cummings opined the standards should be County-wide and pointed out an area just outside of the South City limits in a small industrial area that is fenced in and surrounded by residential. **Chairman Loftus** announced the issue would be brought back at the September 2007 Roundtable. Mr. Loucks stated the result of discussion during the Roundtable would be brought back for public input and decision at a regular Board meeting.

(5) Administration - RECOMMENDED ACTION: Staff has been requested to attempt to pull together an agreement for a proposed pipeline project which has been under discussion the past few weeks.

Assistant County Administrator Roger Baltz recognized individuals present from various organizations who might assist the Board in having an informed debate; explained the four-mile long pipeline at a cost of \$10.4 million for which a \$2.5 million grant is possible from the Authority; restrictions would prevent Charlotte County from using water unless the Authority could not meet the County's needs and the County would own and maintain the four-mile pipeline; Regional Loop Phase I project was proposed and designed but no agreement has been entered into for funding; there was a suggestion to re-evaluate Charlotte County's plan and expand it to a regional plan; reviewed the slide on the Punta Gorda Interconnect Phases I and II concept; reported a meeting was held on April 3, 2007 and it was learned that David Moore made it clear that any pipeline would have to be owned by the Authority and allocations made by the Authority; a draft agreement was received on May 23, 2007 but it does not address the County's concerns; **Commissioner Cummings** made a good faith effort at the Authority meeting on June 6, 2007 regarding resolution of the County's concerns; a subsequent draft agreement is included in the packet; the project would be about 12 miles at a \$19 million estimated cost of which \$8 million would be Charlotte County's allocation; the water and pipeline would be owned by the Authority; hydraulic capacity has been addressed e.g. 42% to Charlotte County and 58% to the Authority; reiterated the \$8 million cost to Charlotte County along with the hydraulic capacity guarantee; bids received for the project

are coming in higher than expected; a meeting is planned for this Thursday with the Authority; requested direction; if the Board decides to move forward on the existing agreement with the City for the interconnect, there are uncertainties relating to reservoir costs especially in light of the County's obligation to pay 27% of those costs. Mr. Baltz pointed out the District's position is that if the Authority has 58% hydraulic capacity then it should have 58% of the water and commented on uncertainties of available funding.

Commissioner Moore opined the regional pipeline is good for Charlotte County as a whole including the City of Punta Gorda and South County and the entire region; Charlotte County needs to become an active member in building a regional approach and be good partners; Charlotte County would have 42% of the capacity and that is what the County would be paying for; stated this is a different situation than that of Sarasota County when they got 100% of the water; almost \$4.5 million is put aside from Sales Tax Revenues; the issue is whether or not Charlotte County would be reimbursed the \$8 million; a decision needs to be made today in order to make sure the \$11 million stays here for the regional pipeline; and this is the right thing to do for Charlotte County. **Commissioner Cummings** agreed with **Commissioner Moore** in that Charlotte County is the only Member that has offered to pay the local match and be a partner in the regional pipeline; he is upset with the Southwest Florida Water Management District (SWFWMD) because Charlotte County pays for capacity and 40% of the costs whereas other members are not paying for capacity; if someone uses part of the capacity, they should pay for that portion of the local match e.g. 60% of the capacity would be made available for allocation and payment for that portion of the capacity by other Members; and it is not fair to ask Charlotte County ratepayers to pay the full amount but this has been refused by the District and Authority. **Commissioner Cummings** stated the County would pay to construct the pipeline and maintain it, carry excess capacity costs if other Members would pay their fair-share for the amount of usage; this was refused because there is a power play between levels of the Authority and SWFWMD; he is tired of getting slammed dunk especially since Charlotte County's offer is better than any other proposal made to the Authority; this is totally unacceptable; if the Authority would allow for reimbursement of the pro-rata share of water on the local match, he would be

amenable; the County can build its own pipeline; and reiterated Charlotte County has been the only Member to step up to the plate for regionalism. **Commissioner D'Aprile** commented in support of the pipeline but he has concerns about the County paying \$8 million for something it will not own and other Members can use the pipeline; pointed out \$4 million is available from Sales Tax Revenues; Charlotte County would be paying to provide water to other Members without a cost to them; and he does not mind paying the \$4 million but he opposed to paying the additional \$3.7 million without reimbursement from the other Members.

Commissioner D'Aprile expressed opposition to the County paying more than \$4 million without recourse and he does not want to give anyone a free ride because it is not fair. **Chairman Loftus** stated he feels strongly about regionalism and interconnects but Charlotte County's interests need to be protected and money needs to be recouped for infrastructure costs. **Chairman Loftus** suggested allowing Authority representatives to speak. **Commissioner Cummings** stated those in attendance today do not have authority for anything other than the current proposal. **Board consensus.** Terry Bailey advised the Authority supports a regional plan for the pipeline from the City of Punta Gorda and dollars going into the project for hydraulic capacity must be for the same percentage of water capacity. Doug Manson stated he was involved in drafting the original agreement; the idea is to get this done by the end of June at the Authority level in order to secure available funding; the issue is how much of the water would be available to other Authority Members; 58% entitlement of capacity would go to the Authority; there are some local benefits to Charlotte County; pipeline contracts with DeSoto and Sarasota Counties were different; and offered to answer questions. **Commissioner Cummings** stated, without debating the issue, the idea would be to transfer capacity even to other Members. Mr. Manson stated the water in the pipeline would be solely in Charlotte County but other Members could utilize water without any cost but the benefit would be that Charlotte County would become a regional partner. **Commissioner D'Aprile** asked if Charlotte County would be reimbursed. Mr. Manson advised no such language is in the current agreement **Commissioner Cummings** pointed out Sarasota County would get 2 mgd and pay the Authority and the pipeline is needed in Charlotte County to pump to Mid-County customers. **Chairman**

Loftus questioned if this pipeline would be separate. Ms. Bailey stated as dollars are put into a project, the Authority must own the same percentage equal to the money paid for ownership. Mr. Armstrong commented on the intention to apply the same policy to the Authority's Members. **Chairman Loftus** questioned the applicability to the entire District. Mr. Armstrong explained Tampa Bay would be separate and pointed out this is the first instance including cooperative funding. **Commissioner Moore** stated water solutions take a long time, Charlotte County is not ready to be a part of a true regional water authority but the opportunity is available. **Commissioner Cummings** agreed the intent would be to apply it consistently but it has not happened in practice and reiterated Charlotte County has been the only Member to step up but the door has been slammed shut. **Commissioner D'Aprile** requested the cost. Mr. Loucks explained the project is estimated at \$10.9 million with \$8.4 million from the County and \$2.5 million from the District. Mr. Baltz stated the four-mile project is \$10.6 million of which \$4 million is available from Sales Tax and the enhanced project is estimated at \$19 million with a cost estimate to Charlotte County of \$8 million. Mr. Baltz reported the agreement with the City restricts sale of water to Charlotte County unless the Authority cannot meet the County's needs. **Commissioner D'Aprile** expressed dissatisfaction with the entire project and the lack of benefits to the County. Mr. Loucks stated the interconnect with the City would provide an underwater line to the City. Mr. Pearson advised the current expansion in South County would be to 3.6 mgd and that will not meet the County's future water needs. **Commissioner Cummings** stated originally the County wanted to work directly with the City but that was not acceptable to the Authority, another segment was to connect from the City to South County plants, and the alternative would be to wait until the demand forces construction and use Sales Tax Revenues and grant funding. **Chairman Loftus** commented on advantages of the Punta Gorda Interconnect. **Commissioner D'Aprile** stated the safety-net for the County and City are important. Mr. Baltz stated if the regional expansion program including the reservoir and the County gets a 16.1 mgd allocation, the County's water needs are estimated to be met through 2014, and reminded the Board of the beneficial use of interconnects after Hurricane Charley. **Commissioner D'Aprile** commented on the importance of safety for the County and the City. **Commissioner Cummings** stated the offer

made by Charlotte County has been the most beneficial and requested direction on moving forward so long as Charlotte County receives reimbursement for future hookups. **Commissioner Cummings** stated Charlotte County should be given 100% of capacity credit with 60% available for other allocations with reimbursement. **Commissioner Moore** acknowledged the Authority and SWFWMD have rejected the proposal. **Commissioner Cummings** stated Charlotte County would make sure that 60% of capacity would be available for sale under the County's control. **Chairman Loftus** stated SWFWMD has indicated that will not occur. Mr. Armstrong stated under the agreement with Charlotte County, charges will be made if any of the 42% of the capacity is used by other Members if paid for by the \$8 million. **Commissioner Cummings** commented on the 60/40 split.

COMMISSIONER MOORE MOVED TO APPROVE AGREEMENT 2007-045, SECONDED BY COMMISSIONER D'APRILE.

Mr. Pearson explained the impact to existing customers would be derived from bonding the amount over the \$4.6 million and about \$8 million is needed if the \$2.5 million is received. Mr. Loucks stated which ever pipeline project is done, there will be an \$8 million price tag to Charlotte County; the issue is reimbursement for future allocations of the County's capacity. **Commissioner Moore** opined regional pipeline would improve the water quality.

Motion Carried 3:1. Commissioner Cummings opposing.
ABSENT: Commissioner Duffy.

RECESS: 12:15 AM - 12:25 AM

Attorney Knowlton stated a clarification is necessary on Agreement 2007-045 to remove references to the SWFWMD in the text and on the signature page and change paragraph 6 to read "Water Supply Emergency."

COMMISSIONER MOORE MOVED TO APPROVE CHANGES AS RECOMMENDED BY THE COUNTY ATTORNEY, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 3:1. Commissioner Cummings opposing.
ABSENT: Commissioner Duffy.

V. REGULAR AGENDA

Z. Regular Agenda

(6) Commission Office - RECOMMENDED ACTION: The Board shall select nine volunteer/members, three persons for each vacancy on the Children's Services Council, to be forwarded to the Governor of the State of Florida.

Chairman Loftus requested ballots be marked and passed to Mr. Loucks. Mr. Loucks tallied the votes and announced the selections for Position 1 are Jay Glynn, Paula Hannon, and Mukunda Rao; Position 2 are Bill Cameron, Theresa Heinis, and Gerald Ross; and Position 3 are Marilyn Smith-Mooney and Kristine Wishard and a run off is needed concerning the tie vote between Dianne Weyant and Carol Dunkak-Kunkirchen. **Commissioner Moore** changed his vote from Dianne Weyant to Carol Dunkak-Kunkirchen. Mr. Loucks announced Carol Dunkak-Kunkirchen as the third selection for Position 3.

COMMISSIONER CUMMINGS MOVED TO APPROVE THE NINE SELECTIONS AS ANNOUNCED BY MR. LOUCKS, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

(7) Administration - RECOMMENDED ACTION: Review the financial impacts of property tax reform and provide the Board with the opportunity for discussion and staff direction as related to budget reduction scenarios.

Mr. Sandrock gave a slide presentation on budget issues for FY 07/08 including the tax reforms that would require roll back revenues to FY 06/07 levels, reductions of another 9%, and only property valuations can be added for new construction; the impact to Charlotte County would require an \$11.4 million reduction; the Punta Gorda, Charlotte Harbor, and Murdock Village CRA's will be impacted; reviewed ways to promote growth of revenues; enumerated options to over-ride State cuts; outlined important upcoming dates for the budget cycle; a \$12 million budget reduction is still needed of which \$8 million would come from the General Fund; requested direction for staff to move forward and develop reductions for the July 16, 2007 workshop; commented on pros and cons of reductions made on a

one-time basis versus ongoing cuts; advised completion of major changes to the budget takes time; and reminded the Board that the cuts to programs and personnel would be effective October 1, 2007. **Chairman Loftus** suggested setting an additional budget workshop on July 10, 2007.

(8) County Attorney - *RECOMMENDED ACTION*: Approve an Assignment of Irrevocable Letter of Credit and related documents to the J.C. Center Property Owners Association, Inc. and authorize the Chair to sign the Assignment and attached documents

Daniel Gallagher explained James Herston, Herston Engineering appeared before the Board a couple months ago on this project and the developer has agreed to the assignment. The County will not be obligated to secure additional funds to complete the project since the costs have escalated since the start of the project. Attorney Gallagher indicated Michael J. Bullerdick, President of the Bank and JC Center Property Owners Association, has advised the Bank and the Fireworks business are ready to open but Certificates of Occupancy (COs) are necessary; and Association members have agreed to assess themselves for the difference in order to expedite openings. **Commissioner Cummings** stated the developer has agreed to make the intersection safety improvements and temporary COs have been issued; the letter of credit will be used by the property owners in addition to monies assessed by themselves with recourse back to the original developer; and the CO would be the safety protection for the County. **Commissioner Moore** questioned protection against liability to the County in this assignment. Attorney Knowlton confirmed the CO provides that protection. Attorney Gallagher advised the assignment contains release and holds harmless language.

COMMISSIONER D'APRILE MOVED TO APPROVE THE ASSIGNMENT OF THE IRREVOCABLE LETTER OF CREDIT, ORIGINALLY APPROVED UNDER AGREEMENT 2003-054, AND RELATED DOCUMENTS TO THE J.C. CENTER PROPERTY OWNERS ASSOCIATION, INC. AND AUTHORIZE THE CHAIR TO SIGN THE ASSIGNMENT, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

(9) Code Compliance - *RECOMMENDED ACTION*: Authorize staff to move forward with tasks intended to improve the Code Compliance

process. These tasks would make the process more efficient in regard to timeliness, staff resources, and effectiveness of the Code Compliance Abatement Process.

Shawn Horton stated the changes do not require implementation through an ordinance; gave a slide presentation on the policy changes that would streamline and expedite violation processes; reviewed the lot maintenance ordinance for improved lots that would provide abatement more timely, allow the levy of liens for more collectability rather than assessments, provide for the utilization of Special Magistrates or Hearing Officers for appeal cases with these fees being paid for out of the collectable liens; and reported the alternative citation method would provide more efficient use of time and resources and appealed citations would be heard. Ken Quillen stated a contract was entered into with a consultant for changes to Code Compliance Regulations; the consultant reviewed Charlotte County zoning and development regulations; the citation method will be part of the first module and it will need to be coordinated with changes to the Land Development Regulations which is part of module 4; the ultimate document will be brought to the Board for adoption at a public hearing. Mr. Horton stated the original intent was to expedite the changes but he wants to review and streamline policies and bring back the lot maintenance information during the budget process in September. **Commissioner Cummings** agreed with staff's recommendations. **Chairman Loftus** announced a consensus for staff to move forward with the tasks.

VII. PRESENTATION AGENDA - No Items

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items

X. CITIZEN INPUT - ANY SUBJECT

Jack Donkel commented in opposition to Englewood Water District installing sewers in Englewood East until the Florida Legislature expands the District's boundaries based upon the handout.

Chris Specht, Amber All County Taxi owner, stated, instead of 20

illegal operating taxi companies in Charlotte County, there are 25 such companies; his company is the only taxi business open 24 hours; expressed a willingness to pay \$500 and his drivers have indicated a willingness to pay \$100 for licenses to ensure the safety of riders.

AA. County Administrator

Mr. Loucks reported an information meeting to discuss the Charlotte Harbor CRA Sewer Project will be held this evening at 5:30 PM to 7:30 PM at the Utilities Administration building on Harborview Road and a meeting on the Greater Port Charlotte MSBU rate increase will be held Thursday, June 28, 2007 at 1:00 PM at the Mid-County Regional Library.

BB. County Attorney - No items

CC. Commissioner Comments

Commissioner Moore recalled Englewood Water District (EDW) provides service to the certificated area but a balk water agreement is being worked on between EWD and Charlotte County Utilities to provide service to the residents and stated he would contact Jack Donkel. **Commissioner Cummings** thanked the Board for raising CCU ratepayers' costs.

ADJOURNED: 1:30 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