

BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 25, 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 Duffy, Commissioner Cummings, Commissioner D'Aprile, and Commissioner Moore. Also in attendance were County Attorney Knowlton, County Administrator Loucks, Chief Deputy White, Executive Assistant Blair, and Deputy Clerk Mitchell. The following members were absent: None. The meeting was called to order at **9:00 AM**.

The invocation was given by Dr. Sloan, Palm Tabernacle Ministries, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: County Attorney, Agenda Item Z-2 - a) Add the verbiage "and approve the Land Lease."

Addition #2: Administration, Agenda Item H-1 - Approve a resolution to amend Resolution 2003-128 to remove the provision allowing Charlotte County to exercise its power of eminent domain for redevelopment purposes within the Murdock Village Community Redevelopment Area.

Addition #3: Community Development, Agenda Item Z-7 - Approve the Development Agreement between Wal-Mart Stores East, LP and the Charlotte County Board of County Commissioners, as it pertains to transportation improvements associated with the Wal-Mart Supercenter project at Jones Loop and Taylor Road.

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

Motion Carried 5:0.

Special Recognition:

Proclamations:

Day of Remembrance for Murder Victims

**COMMISSIONER D'APRILE MOVED TO APPROVE DAY OF REMEMBRANCE FOR MURDER VICTIMS PROCLAMATION, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

Proclamation accepted by an unidentified citizen.

Laishley Park Municipal Marina Day

**COMMISSIONER CUMMINGS MOVED TO APPROVE LAISHLEY PARK MUNICIPAL MARINA DAY PROCLAMATION, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

Proclamation accepted by Randall Broderdsen.

National Alcohol and Drug Addiction Recovery Month

**COMMISSIONER D'APRILE MOVED TO APPROVE NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH PROCLAMATION, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

Proclamation accepted by Mission Unity Inc. Executive Director James Bryum.

National Estuaries Days

**COMMISSIONER CUMMINGS MOVED TO APPROVE NATIONAL ESTUARIES DAYS PROCLAMATION, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

Proclamation accepted by an unidentified citizen.

Award Presentation - Jeff Reese has earned designation of Certified Chief Information Officer from the Florida Institute of Government at Florida State University.

CITIZEN INPUT - AGENDA ITEMS ONLY

The following people spoke in support of Agenda Item Z-4, Discussion of lowering impact fees: Ron Hill, Jim Sanders, Jim DeGross, Debbie Emmons, Steve Osken, Richard Sinclair, Michael Norris, Suzanne Graham, Paul Shaffer, Bill McClafferty, T J Thornberry, Bob Bombardieri, Russell Garrod, Bill Truex, Doug Curtis, Brad Smith, Leonard Leary, Ray "Bykowski", Kale Dailey, Win Hoeben, Richard Fry, Mike LaPorta, Paul "Schoen", and John Bednerick.

Ray Warner addressed Agenda Item F-2, Budget Transfer #07-026 regarding the transfer of funds to the South Gulf Cove MSBU and CCU, and thanked everyone especially **Commissioner Moore** for their help.

Leonard Leary spoke in support of Agenda Item Z-2, St. Vincent de Paul Medical Clinic and Agenda Item Z-4, Discussion of lowering impact fees.

Attorney Geri Waksler spoke on behalf of Bill Sunstrom on Agenda Item C-1, Resolution to transfer regulation of private water and wastewater utilities from the Public Service Commissioner (PSC) to Charlotte County, read his prepared statement, noted this action will have no effect on the County's ability to regulate the utility at Babcock Ranch because any utility that serves property in more than one county remains a PSC jurisdictional entity, commented on the costs that will be incurred by the County, and opined it is premature for the Board to make this decision today without obtaining additional information.

II. COMMITTEE VACANCIES

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

Construction Industry Licensing Board - seeking a volunteer to represent the "consumer advocate" category. Volunteer must be a resident of Charlotte County for at least 2 years and have no financial interest, direct or indirect, in the building trades. Length of term - 4 years.

Manasota/Sandpiper Key Advisory Committee - seeking one volunteer who is a landowner, and who resides within the boundaries of the Unit to serve a three-year term. This volunteer will represent single family residences.

Town Estates Street & Drainage Unit Advisory Board is seeking one volunteer. This is a three (3) year term effective immediately and it expires on Jan 23, 2010.

III. REPORTS RECEIVED AND FILED - No Items

IV. CONSENT AGENDA

COMMISSIONER CUMMINGS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT FOR AGENDA ITEM C-1, SECONDED BY COMMISSIONER D'APRILE.

Commissioner Cummings stated he supported the resolution but when the property is leased for the purpose of the ferry he wanted WCIND to ensure the public interest requirement is met as it has been in the past.

Commissioner Moore said he thought the ferry operator provides free transport for county people. **Commissioner Cummings** clarified he just wanted assurance that as long as they're using public property he wants to make sure it remains open to the public. **Commissioner Moore** responded he will get him confirmation on that.

Motion Carried 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) **RECOMMENDED ACTION:** Approve 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 Disbursements for the Period September 4 through September 17, 2007 in the amount of \$11,568,015.17
BUDGETED ACTION: None

B. Minutes Division

(1) RECOMMENDED ACTION: Approve minutes for:
9:00 AM August 28, 2007 Board of County Commissioner's Regular
Meeting

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve a Resolution to regulate private water and wastewater system utilities and rescind Resolution No. 94-195, excluding Charlotte County from the provision of Chapter 367, Florida Statutes, thus transferring such regulation back to Charlotte County. BUDGETED ACTION: None

Commissioner Duffy said she'd recently received information on this but she wasn't aware of any prior problems with the State, she agreed with Attorney Waksler it would be a good idea to have more information, and she felt a little uncomfortable with this especially with the cost implications.

Commissioner Cummings opined the costs generated from not dealing with the regulation of utilities will wildly exceed the cost of regulating them, and said he felt they should move on this.

Commissioner Moore agreed with the Commissioner, and said he felt the Board needs to monitor it here and take responsibility for fixing it now.

Chairman Loftus asked that in the future cost information be included on the goldenrods to better enable the Board to make good decisions.

Commissioner Duffy agreed it is their responsibility but without cost information she can't support it.

COMMISSIONER MOORE MOVED TO APPROVE RESOLUTION 2007-143, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 3:2. Chairman Loftus, and Commissioner Duffy opposing.

RECESS: 9:55 AM - 10:09 AM

(2) **RECOMMENDED ACTION:** Appoint Richard VanAcker to the Gulf Cove Street and Drainage Advisory Committee to fill the vacated term of Randy Roberson. The term will expire on October 10, 2009. **BUDGETED ACTION:** None

(3) **RECOMMENDED ACTION:** Approve a Resolution supporting the request of Palm Island Transit to renew/extend its lease agreement with the West Coast Inland Navigational District (WCIND) to provide ferry service to the barrier islands of Charlotte County. **BUDGETED ACTION:** None

Resolution 2007-133

D. Administration - No Items

E. County Attorney - No Items

F. Budget Office

(1) **RECOMMENDED ACTION:** Approve an interlocal agreement between the Lee County Housing Finance Authority and the Charlotte County Housing Finance Authority to jointly participate in a multi-county single family mortgage revenue bond program to assist qualified households achieve home ownership. **BUDGETED ACTION:** None

Resolution 2007-134

(2) **RECOMMENDED ACTION:** Approve Budget Transfer #07-026 in the amount of \$362,928.63. The request is to transfer funds from the Self Insurance Fund Reserve to the South Gulf Cove MSBU and CCU. **BUDGETED ACTION:** Transfer \$362,928.63 from the Self Insurance Fund Reserve to the South Gulf Cove MSBU and CCU.

G. Community Development

(1) *RECOMMENDED ACTION:* Approve the DRC-PD-80-4SSS Preliminary and Final Detail Plan Resolution permitting Shiv Sharddha, L.L.C. to develop the Country Inn. *BUDGETED ACTION:* None

Resolution 2007-135

(2) *RECOMMENDED ACTION:* Approve the DRC-PD-90-7(MM) 2 Major Modification to the Final Detail Plan Resolution permitting Charlotte Behavioral Health Care, Inc. to construct a 6,133 square foot office addition. *BUDGETED ACTION:* None

Resolution 2007-136

(3) *RECOMMENDED ACTION:* Approve the Grant Agreement for the Florida Local Update of Census Addresses. *BUDGETED ACTION:* None

Grant 2007-025

(4) *RECOMMENDED ACTION:* Set a public hearing for adoption of the new TDU Ordinance for October 23, 2007 at 2 p.m. or as soon thereafter as it may be heard. *BUDGETED ACTION:* None

(5) *RECOMMENDED ACTION:* Approve the setting of a special meeting date of the Board of County Commissioners, on December 13, 2007, to consider the approval of the Master Development Order for the Babcock Ranch Community. *BUDGETED ACTION:* None

H. Economic Development

(1) *RECOMMENDED ACTION:* Approve a resolution to amend Resolution 2003-128 to remove the provision allowing Charlotte County to exercise its power of eminent domain for redevelopment purposes within the Murdock Village Community Redevelopment Area. *BUDGETED ACTION:* None

Resolution 2007-137

(2) *RECOMMENDED ACTION:* Approve the termination of the Economic Incentive Development Code Program Agreement between Charlotte County and Bonded Builders Service Corp., doing business as

Bonded Builders Home Warranty Company, dated September 14, 2004. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Authorize the Chairman to sign a letter of support for the Comprehensive Economic Development Strategy (CEDs). BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Approve the termination of the Economic Incentive Development Code Program Agreement between Charlotte County and Eastern Avionics International, Inc., dated August 26, 2003, and terminate the County's obligation to provide local match under the State's Qualified Target Industry Tax Program. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Approve the termination of the Economic Incentive Development Code Program Agreement between Charlotte County and Seabreeze Electric, Inc. dated February 24, 2004. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Affirm the nomination of Jeff Brown, of Ashley and Brown, CPAs, to the Charlotte County Industrial Development Authority. BUDGETED ACTION: None

J. Environmental Services - No Items

K. Facilities Construction and Maintenance - No Items

L. General Services

(1) RECOMMENDED ACTION: Approve Amendment #17 to Contract # 01-125, Sarasota-Charlotte County Beach Restoration Study, with Coastal Technology Corp. in the amount of \$52,812. BUDGETED ACTION: FY07 budget of \$55,000 is available in the Stump Pass Beach Renourishment MSBU/TU.

(2) RECOMMENDED ACTION: Approve the extension of Contract #05-392, Cleaning Services-Charlotte County Facilities, with United States Service Industry for the term October 1, 2007 up to and including December 31, 2007, at the same prices, terms, and conditions of the current contract. BUDGETED ACTION: The budgeted amount in FY08 for Janitorial Services is \$620,946

(3) RECOMMENDED ACTION: Approve Change Order #4 to Contract #05-393, South Gulf Cove Lock Rehabilitation Project, in the amount of \$55,143, for a revised total cost of \$504,557.67. BUDGETED ACTION: FY07 budget is available in the West County Stormwater MSBU (\$5,750) and the Gulf Cove Waterway MSBU (\$49,393).

(4) RECOMMENDED ACTION: a) Award Bid #07-416, Fiberglass Interceptor Tanks, to Alpha General Services, Inc. at the unit prices listed below, for the term October 1, 2007 up to and including September 30, 2008, with the option to renew for two additional one-year terms, by mutual consent; and b) Authorize the County Administrator to approve renewal options. BUDGETED ACTION: Estimated FY08 expenditures \$200,000.

(5) RECOMMENDED ACTION: a) Award Bid #07-426, Gasoline & Diesel Fuels - Supply & Deliver to the lowest responsive, responsible bidder, J.H. Williams Oil Company of Bradenton, FL for Group A - Tankwagon Lots and Group B - Transport lots with the exception of High Sulfur Diesel; and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year periods at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: FY07 year-to-date purchases are \$1,741,507.

(6) RECOMMENDED ACTION: Award Bid #07-427, Charlotte County Regional Reclaimed Water Expansion-1B, to Pipeline Utilities, Inc., of North Port, FL for the total cost with Alternate in the amount of \$3,797,187.70. BUDGETED ACTION: Budgeted amount \$8,300,000 in CIP c350601 Reclaimed Water Expansion in FY 08.

(7) RECOMMENDED ACTION: Award Bid #07-451, Deep Injection Well System, to Youngquist Brothers, Inc., of Fort Myers, FL for the total cost of \$5,432,600. BUDGETED ACTION: Budgeted amount is \$6,000,000 CIP c330404 Burnt Store RO Water Plant

(8) RECOMMENDED ACTION: a) Award Bid #07-452, Calcium Hypochlorite, to The Dumont Company, Inc., at the unit price of \$118 per 100 lb drum for the term October 1, 2007 up to and including September 30, 2008, with the option to renew for one additional one-year term by mutual consent; and b) Authorize the County Administrator to approve annual renewal. BUDGETED ACTION: Estimated FY08 expenditures \$35,000

(9) *RECOMMENDED ACTION:* a) Award Bid #07-461, Collection of Hazardous Waste, to E.Q. Florida, Inc. for the term October 1, 2007 up to and including September 30, 2008, with option to renew for two additional one-year terms at the same prices, terms and conditions; and b) Authorize Administrator to approve annual renewals. *BUDGETED ACTION:* The FY08 budgeted amount in the Solid Waste fund is \$128,000. This item is budgeted under the account line Hazardous Materials in the Landfill Budget (\$10,000), Mid County Transfer Facility (\$101,500) and West County Transfer Facility (\$16,500).

(10) *RECOMMENDED ACTION:* a) Approve ranking of firms for Requests for Proposal #07-362 Design/Build-Sheriff's Facility-West County: 1st - Mathews Taylor Construction, LLC; 2nd - Wright Construction Group; and 3rd - Gates Butz Institutional Construction, LLC; b) Approve start of Negotiations; and c) Authorize the Chairman to sign the design phase portion of the design/build contract after completion of negotiations, providing fees do not exceed \$275,000. *BUDGETED ACTION:* This project is budgeted in CIP project Master Space

M. Human Resources - No Items

N. Human Services

(1) *RECOMMENDED ACTION:* a) Approve revised policies and procedures for the disposition of indigent, unclaimed or unidentified dead bodies and authorize the Chairman to sign the resolution; and b) Approve 2007 rates to funeral homes and authorize the Chairman to sign the resolution. *BUDGETED ACTION:* None

Resolution 2007-138 and Resolution 2007-138A

(2) *RECOMMENDED ACTION:* Approve a) Lease amendment and resolution for the Boys and Girls Club; b) Resolution and lease of Family Services Center office space to National Alliance for Mental Illness Charlotte County, Inc.; and c) Resolution to increase rental rates for all existing and future leases at the Family Services Center; and to authorize the County Administrator or his designee to acknowledge in writing renewals and terminations of Family Services Center leases in conjunction

with the County Attorney's office. BUDGETED ACTION: Items are budgeted under Rentals - Facilities Account

Resolution 2007-139, Resolution 2007-140, Agreement 2007-057, and Resolution 2007-141

P. Information Technology - No Items

Q. Parks, Recreation and Cultural Resources

(1) RECOMMENDED ACTION: Approve and authorize the Chair to sign an Interlocal Agreement with the City of Punta Gorda regarding the City of Punta Gorda's of \$1,950,000, which will be used in part to fund the Riverwalk portion of the Event Center. BUDGETED ACTION: Budgeted within the Charlotte County Event Center project.

Agreement 2007-058

(2) RECOMMENDED ACTION: Approve a grant application from the Department of State for the County's participation in the State Aid to Libraries Program and one application from the Department of State for the County's participation in the multi-county library system for the fiscal year 2007-2008. BUDGETED ACTION: FY 2008 proposed budgeted amount is \$175,000.

Grant 2007-026 (Charlotte County) and Grant 2007-027 (Multi-County)

R. Public Safety - No Items

S. Public Works

(1) RECOMMENDED ACTION: Approve a Resolution and funding agreement FM# 412691 2 52 01 with the Florida Department of Transportation (FDOT) in conjunction with a proposed I-75 southbound off ramp at North Jones Loop Road. BUDGETED ACTION: None

Resolution 2007-142 and Agreement 2007-059

(2) *RECOMMENDED ACTION*: Approve and authorize the BCC Chairman to sign Amendment No. 2 to Florida Department of Environmental Protection (FDEP) Contract 03CH2 - Stump Pass Beach State Park Stabilization Project. *BUDGETED ACTION*: FY07/08 funding for this project is \$572,000. Project no c390404, Stump Pass Maintenance Dredging, project total is \$17,265,000.

Amendment to Grant 2004-005

(3) *RECOMMENDED ACTION*: Approve a resolution to support the removal of rock ledges within the Pirate Harbor canal system. *BUDGETED ACTION*: None

Resolution 2007-144

(4) *RECOMMENDED ACTION*: Approve the closure of portions of Rotonda East Boulevard, Boundary Boulevard, Rotonda Circle, Sunnybrook and Rebel Avenues on December 2, 2007, from 2:00 p.m. to 4:00 p.m., for a Christmas Parade. *BUDGETED ACTION*: None

T. Real Estate Services - No Items

V. Tourism Development - No Items

W. Utilities

(1) *RECOMMENDED ACTION*: Set a public hearing for October 9, 2007, at 10:00 a.m., or as soon thereafter as may be heard, to consider amendments to Resolution 2006-170 to amend Low Pressure Sewer Installation and add Unauthorized Water Use Charge. *BUDGETED ACTION*: None

X. Building & Construction Services - No Items

Y. Other Agencies - No Items

VI. PUBLIC HEARING AGENDA - 10:00 AM

(1) *Public Works* - Conduct a public hearing to consider an ordinance reducing the following speed limits on CR 775 (Placida Road) and CR 771: From 55 mph to 45 mph on County Road 775 from Rotonda Boulevard West to 1,000 feet north of Via Cassia; and

From 45 mph to 35 mph on County Road 775 from 1,000 feet north of Via Cassia to 750 feet south of Angler's Way on CR 771.

Thomas O'Kane introduced the agenda item regarding the proposed reduction in speed on CR 775.

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

Motion Carried 5:0.

Commissioner Duffy asked the amount of public input on this. Mr. O'Kane responded it's been on and off over the last few years but more during the past six months, and the traffic engineer felt there was a need to reduce the speed limit due to the amount of traffic and development in the corridor.

Commissioner Moore clarified the speed reduction was fine but what the people really wanted was white lines to signify the crosswalk area. Mr. O'Kane said that can be done if that's what the Board wants and they would also put up pedestrian crossing signs as an added warning.

Commissioner Moore said he'd also received comments from people along Placida Road who support the speed reduction, and he supports this.

Commissioner D'Aprile asked who initiated this. Mr. O'Kane advised the residents and staff together.

COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2007-065, SECONDED BY COMMISSIONER MOORE.

Commissioner Duffy said she felt changing the speed limit was a big deal, and she would like to get more input from the people in Placida because she didn't have nearly enough information to say that this should be done.

Motion Carried 4:1. Commissioner Duffy opposing.

(2) Utilities - Approve revisions to County Code Section 3-8-105(7)c - Waste Discharge Fees to amend the fees relating to such discharges into CCU's wastewater facilities, in order to

more closely align such fees to the actual costs incurred from the operation of the Transported Waste Receiving Program.

Jeff Pearson introduced the agenda item regarding the proposed revisions to County Code Section 3-8-105(7)c, and briefly reviewed the goldenrod.

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

Motion Carried 5:0.

COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2007-066, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Human Resources - Approve presented Property and Casualty renewal through the Florida Municipal Insurance Trust (FMIT) for property, general liability-EMT liability, Public officials liability, boiler and machinery, inland marine, auto liability, auto physical damage, and workers compensation coverages and Federal Flood Coverage for 50 county properties located in mandatory flood zones. Also approve the renewal of our pollution liability policy through Zurich/Steadfast insurance and our Crime coverage through Travelers Insurance.

Bob Pryor briefly reviewed the proposed renewal advising the Board of the 12% decrease over last year, and requested approval.

Kurt Gehring briefly updated the Board on the renewal process advising that there had been reductions in all areas as detailed in the material.

COMMISSIONER D'APRILE MOVED TO APPROVE RENEWAL OF THE PROPERTY AND CASUALTY INSURANCE AS PRESENTED, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

(2) County Administration - a) Approve a Resolution to enter into a Land Lease for St. Vincent de Paul Medical Clinic to be located at the Charlotte County Family Services Center, and approve the Land Lease; b) Approve fee payment for Impact Fees on behalf of St. Vincent de Paul Medical Community Pharmacy; and c) Approve Budget Transfer #07-027 in the amount of \$47,976 to cover the Impact Fees for the St. Vincent de Paul Medical Community Pharmacy.

Bob Hebert introduced this item, and briefly reviewed the proposed resolutions and lease agreement.

COMMISSIONER D'APRILE MOVED TO APPROVE RESOLUTION 2007-145, AGREEMENT 2007-060, FEE PAYMENT FOR IMPACT FEES ON BEHALF OF ST VINCENT DE PAUL MEDICAL COMMUNITY PHARMACY AND BUDGET TRANSFER 07-027 IN THE AMOUNT OF \$47,976 TO COVER THE IMPACT FEES, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

(3) County Administration - Approve the appointment of Economic Development Director, Donald Root.

Bruce Loucks requested the Board's advise and consent of the appointment of Donald Root as Economic Development Director.

Commissioner D'Aprile said he felt Mr. Root has a good vision, he was impressed with his experience, and he supported the appointment.

COMMISSIONER D'APRILE MOVED TO APPROVE APPOINTMENT OF ECONOMIC DEVELOPMENT DIRECTOR DONALD ROOT, SECONDED BY COMMISSIONER MOORE.

Chairman Loftus agreed, stated he supported his appointment, and he felt this was exactly what's needed to move economic development forward in this County.

Motion Carried 5:0.

(4) Commission Office - Discussion of lowering impact fees.

Commissioner Moore stated he supported rolling impact fees back to the previous levels for six months with an option to approve two additional six month periods for new construction only, this needs to have the proper language drafted by Legal including that impact fees are to be paid at the time of the Certificate of Occupation which is not a change, he would like to get consensus today and direct staff to bring this back at their next meeting, and opined the 90 day warning rule could pose problems so he wanted to try to find a way around that.

Commissioner Duffy said she agreed it was in the best interest of the County to lower impact fees back to their previous levels for both residential and commercial, the 90 day rule and the current ordinance have to be complied with, the ordinance stated they should have conducted a review or made an adjustment in July based on the Building Industry Cost Index which the County didn't do but it doesn't matter provided it gets done by October 1st, and opined it was within the Board's right to do so today in order to meet that deadline. **Commissioner Duffy** said her other issue is what they need to do to stimulate the real estate industry, one thing might be portability of property insurance and portability of Save Our Homes but those aren't up to the Board, and she hoped the business community might offer suggestions on what they could do now along with what the Board is considering regarding impact fee reductions to start a chain reaction of positive events to stimulate their local economy.

Commissioner Cummings opined this is primarily the result of regional and national market conditions, waiving impact fees for a limited period of time to kick-start the market just won't be successful, the excess supply of vacant structures will delay the increase in real estate profitability, there will be a backlash of resentment when the time comes to reinstate the higher impact fees, suggested they should go to a per dwelling impact fee not one based on per square footage, and said he felt there are some things they can do to improve how these fees are charged but waiving them for six months will extend the slump on the real estate side.

Commissioner Moore said there is very little this County can do to jump-start an economy, he understood the Commissioner's concerns about what will happen when the fees are reinstated, and he felt the builders are aware the fees will go back up, that this is only a temporary measure, but people are looking for help.

Commissioner D'Aprile said their building industry is not generating any impact fees right now, opined the County's taxing structure is broken, this has stunted growth in this community, read from a letter from Panama City regarding the soaring appraised valuations, said he'd written to the Governor but received no response, he felt if they don't try something they won't improve, and proposed the following solutions: reduce impact fees back to 1994 for one year, eliminate sales tax on building materials, and postpone taxes on new homes for 1.5 to 2 years. **Commissioner D'Aprile** stated where there's no work there's no money, where there's no money there's no spending, and that creates unemployment which creates a domino effect on every industry in this County; opined they have the opportunity to stimulate this economy today, and reiterated they have to continue speeding cuts. **Commissioner D'Aprile** summarized his suggestion is to implement the impact fee reduction back to 1994 for a period of one year starting immediately.

Chairman Loftus said he sympathizes with the building industry, commented on his background as a master plumber, stated housing problems are global, agreed they need to decrease the housing inventory rapidly to stimulate the industry, stated he also has concerns with concurrency regarding Senate Bill 360, this has been extended to December 2008 but they are still mandated by the State to meet this concurrency meaning they must meet the Comprehensive Plan elements, they must get the County's infrastructure in place, the only way to do that is to borrow money but that means the need for revenue streams, and explained the County will be shut down if it doesn't meet concurrency. **Chairman Loftus** added that Kitson is ready to move forward with the Murdock and Babcock projects, the County needs to close on these by this December not waiting until next March, this will stimulate the building industry, advised right now there are over 1000 unfinished residential units just sitting there in this County, reiterated they need to put the required impact fee

reduction into effect by October 1st per their County Ordinance, and summarized the Board needs to make sure they are protecting the citizens and taxpayers of this community.

Commissioner Duffy stated the Chairman made some excellent points, and asked how much the impact fees should be lowered. Mr. Loucks clarified the indices would require a 5.88% reduction. **Commissioner Duffy** said as opposed to rolling it back to 1994 that's a lot less of a reduction.

Commissioner Cummings said he had two things, first the expansion of Midway is a level of service project that relies on impact fees being pledged, commented on the lack of revenue sources necessary to complete the required infrastructure to be in compliance and continue to be allowed to issue building permits, second the contracts for both Murdock Village and Babcock Ranch pledge impact fee to Kitson & Partners and the County could find itself in violation of those contracts if suddenly those impact fees aren't there when those projects start coming around, and he remains opposed to this.

COMMISSIONER D'APRILE MOVED TO APPROVE REDUCING IMPACT FEES BACK TO 1994 FOR A ONE YEAR PERIOD STARTING IMMEDIATELY, SECONDED BY COMMISSIONER MOORE.

Attorney Knowlton stated the motion was for it to start immediately, the 90 day requirement is a new Florida Statute in 2006, there have been comments by some building industry individuals that other counties have done it but they did it before the statute came into effect, and the statute says "any new or amended" so if they do anything she doesn't see any way legally around the 90 day requirement. Attorney Knowlton said regarding the adjustment she hasn't looked at that but it had a built in 90 day requirement, the County was to do the notice requirement, the adjustment to be looked at in July and 90 days thereafter it would take effect in October, so she didn't know that the Board could do that, and opined if the Board changed the numbers from what they are today whether up or down it would represent an amendment and the 90 day requirement is in place.

Commissioner Duffy asked how can they get around that. Attorney Knowlton suggested one way would be to put this up to the legislature but she doubted that would happen before the 90

days, in the meantime the Board could go ahead with the motion to amend it with the 90 day notice period. **Commissioner Duffy** said the 90 day period scares her because it could end up being a 90 day moratorium, and she didn't want that to happen to the building industry, and agreed with **Commissioner Cummings** that this could have a huge impact to Murdock Village regarding the impact fees Kitson is expecting to utilize.

Chairman Loftus said he has the same major concern regarding Murdock Village and Babcock Ranch. Attorney Knowlton advised both agreements, especially Murdock Village, rely heavily on impact fee credits. **Chairman Loftus** said they have to take that into consideration before they move forward on this, he wholeheartedly supports the building industry but the County has commitments, and they need to move the closing date on Murdock Village up to December so they can get started which will help the industry out.

Commissioner Moore said he doesn't know if this is right but it's time to take action.

Motion Failed 2:3. Chairman Loftus, Commissioner Duffy, and Commissioner Cummings opposing.

Commissioner Duffy stated she wants this brought back because she is in favor of this but they need to have all the issues including the legal issues addressed. **Chairman Loftus** agreed but reiterated they need to meet concurrency regarding Senate Bill 360 or it will shut down the industry. **(Board consensus to have this item brought back.)**

(5) Commission Office - Approve the extension of the 2007 tax roll to the Tax Collector prior to the completion of the VAB meetings, in accordance with FS 197.323

Dan Gallagher explained this is an annual process that allows the Tax Collector to begin collecting taxes prior to completion of the Value Adjustment Board hearings and before the tax roll is finalized.

COMMISSIONER D'APRILE MOVED TO APPROVE EXTENSION OF THE 2007 TAX ROLL, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

(7) Community Development - Approve the Development Agreement between Wal-Mart Stores East, LP and the Charlotte County Board of County Commissioners, as it pertains to transportation improvements associated with the Wal-Mart Supercenter project at Jones Loop and Taylor Road.

Mr. O'Kane briefly reviewed the goldenrod regarding the Wal-Mart Supercenter project at Jones Loop and Taylor Roads, and recommend going forward.

**COMMISSIONER D'APRILE MOVED TO APPROVE AGREEMENT 2007-061, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.**

(6) Public Works - Approve a Resolution approving the attached Florida Department of Transportation (FDOT) Corridor Access Management Plan (CAMP) in concept, and endorsing the position of the City of Punta Gorda outlined in the City's attached Resolution Number 2658-07.

Mr. O'Kane referred to the actions taken by the City Council last week, recalled the Board had asked if staff had any concerns on the proposed intersection changes particularly the medians, staff agrees with the City's position that the Rio Villa intersection should remain open, the State is proposing to make this a directional median that doesn't allow crossing movements, it is staff's position that would put more pressure on Aqui Esta which will be undergoing intersection improvements in the future, and he didn't recommend approval until the State has worked out the details with the City of Punta Gorda on their three concerns within the City limits.

Commissioner Moore said he supports the City's actions but asked how they retain their rights. Mr. O'Kane opined it's a dilemma, said this Corridor Access Management Plan (CAMP) study was an example of not always getting what you want, and here are what he felt were three very simple requests by the City to modify the study but the State has been slow to respond. **Commissioner Moore** asked what they can do to support the City. Mr. O'Kane responded the City Council actually turned this down, and opined maybe that's what they should do.

Rick Keeney, City of Punta Gorda Public Works Director, explained at the September 19th Council meeting they took action not to support the CAMP study, they asked FDOT for further study on three intersections and to come up with some alternative solutions, and the City also passed a resolution which was passed on to the State.

Commissioner Moore summarized this Board could vote in support of the City. Mr. Keeney responded the City would appreciate that.

COMMISSIONER D'APRILE MOVED TO NOT APPROVE THE RESOLUTION FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION CORRIDOR ACCESS MANAGEMENT PLAN, SECONDED BY COMMISSIONER MOORE.

Chairman Loftus asked if the motion could be changed to not take any action until the State gives a presentation to the Board.

Commissioner D'Aprile withdrew his motion, and **Commissioner Moore** withdrew his second.

COMMISSIONER D'APRILE MOVED TO NOT TO APPROVE THE FLORIDA DEPARTMENT OF TRANSPORTATION CORRIDOR ACCESS MANAGEMENT PLAN UNTIL THE PROBLEMS WITH THE CITY ARE RESOLVED, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

VII. PRESENTATION AGENDA - No Items

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

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

X. CITIZEN INPUT - ANY SUBJECT

Bruce Pomeroy distributed a DASH brochure, commented on the background of this organization, said the funding cut of \$38,000 could force DASH to close, and asked the Board to restore the full funding request of \$75,000.

Dr. Bill Coy addressed the speeding issue on CR 775 CR 771, explained the area is near the boat ramp, and there is a very sharp corner posing safety concerns.

Ron Hill thanked **Commissioner D'Aprile** for his support, advised he has provided Attorney Gallagher with a copy of a 2007 ordinance from Polk County, and opined now is the time to take the gable since commercial building is increasing.

DASH Executive Director Donna Leclerc thanked the Board for reading all her e-mails, commented on how DASH provides positive impacts in the families it serves, and stated services they provide can't be provided without them.

Jay Smyth spoke on behalf of the Rotonda Elks, and asked for approval of Consent Agenda Item S-4. **Chairman Loftus** advised him this item had already been approved.

Kaye Dailey thanked the Board for their discussion regarding impact fees, said he hoped the Board would support lowering impact fees, and asked why this wasn't done sooner.

Russell Garrod opined there already is a moratorium because if someone came to him today it would take 90 days before he could be in permitting, stated he supports one year, he supports the suggestion of no taxes on construction products, opined the County could collect impact fees over a 10 year period, and if the period was extended for 2 years it would probably benefit Murdock Village.

Douglas Tucker voiced support for the builders who are the economic engine of this County, opined there's been a soft moratorium for about a year anyway, and thanked **Commissioner D'Aprile** and **Commissioner Moore** for trying to do something for the builders and getting them jobs.

Blair McVety with Charlotte County Seawalls stated South Gulf Cove is the only place where they can only do retaining walls not seawalls, everyone supports this but it seems the Board can't get it's act together, this has been going on since 1997, retaining walls just aren't enough, and asked the Board to please put someone in charge of this and get it done.

John Bednerick spoke on behalf of the Charlotte/DeSoto Building Associate (CDBIA), asked the Board to go back and review its ordinance, reported it calls for a 5.88% reduction in impact fees to be in effect by October 1st, and asked that at least

that be put that into effect. Mr. Bednerick addressed Murdock Village, noted there won't be any impact fees for years until actual building begins, opined the longer they delay the longer it will be before any action takes place, and reiterated his request for the Board to please revisit this now.

Mr. Loucks responded to Mr. Bednerick and advised the 5.88% reduction will be in effect on October 1, 2007.

AA. County Administrator:

Mr. Loucks reminded everyone the final budget hearing will be held in these chambers on September 27, 2007 at 5:01 PM. Mr. Loucks advised he'd met with individuals representing the airport tenant owners and staff regarding aviation easements which is an easement that basically notifies people there is air-space above their property that will be used, the County has been asked to build that into their land development codes for new developments to ensure aviation easements are required for new developments, and asked if there was Board consensus for staff to move forward with this. (**Board consensus.**)

Commissioner Cummings reported there is a grass airstrip off of Jones Loop Road, he's been told that although it's privately owned it's designated as a public airport, apparently someone is interested in building a house at the end of this airstrip, it appears there's a public benefit to this airstrip staying open, opined it would benefit them if staff looked into this, and suggested this could be looked into at the same time and brought back to the Board if it's necessary. Mr. Loucks responded they'd look into it.

Mr. Loucks said his last item was a note of caution for the viewing audience, and advised that whenever anyone sends anything like letters or emails to any government facility or agency such as Charlotte County the law requires it be made part of the public record.

BB. County Attorney:

Attorney Knowlton briefly updated the Board on the Strand decision.

CC. Commissioner Comments:

Commissioner Moore advised there will be a Water Authority (WA) meeting this Thursday regarding phosphate issues and they must have someone there.

Commissioner D'Aprile reiterated the importance of backing Panama City regarding property taxes, and said he wanted this brought back at their next meeting. **Chairman Loftus** agreed, said the County Attorney needs to review this, and he will have it brought back at the next meeting.

Commissioner D'Aprile noted the speaker from DASH said a lot of things that made sense, and said he didn't know if they have the money but he would like to reconsider giving them more money.

Commissioner Duffy agreed, and said the Council on Aging is also asking for more money along with others. **Commissioner Duffy** commented on emails she's received recently, specifically the need to take a look at how many families can reside in a single dwelling as well as multiple cars being parked in the front yard of a home.

Commissioner Cummings opined there is some merit regarding the issue of the letter from Panama City on appraised property valuations, and said he didn't agree it's the responsibility of the Property Appraiser but rather a result of what's happening in the market, and he would like to chat with the County Property Appraiser before taking any action because he happens to think he does a pretty good job.

Commissioner Cummings referred to the issue of the WA adding a Chief Executive Officer and an Executive Assistant to the WA organizational chart, said if the Board wants to give him any direction on this he would need it by this Board's next meeting, and opined it's probably this change or no change at all.

Chairman Loftus clarified the upcoming WA meeting in reference to trying to reach a resolution regarding Mosaic will include Charlotte, Sarasota and Lee Counties, and he understood that Mosaic had asked that either the Chair or the Vice Chair of this Board attend those meetings but he may have a conflict because

he's an alternate on the Peace River Water Authority. Attorney Knowlton said she agrees there is a conflict that excludes **Chairman Loftus** and **Commissioner Cummings**, and so **Commissioner Duffy** as Vice Chair is next. **Commissioner Duffy** responded she was okay and felt comfortable with this.

Commissioner Cummings commented on the upcoming meeting regarding the phosphate issue, voiced concern that Mosaic is bringing experts but they're being excluded from doing the same, and opined that puts them at a total disadvantage,

Mr. Loucks advised during the last few minutes according to Mr. Evetts someone had spoken to Senator Bennett and his interpretation of the statute is that the 90 day period applies to increases not reductions in the fees but agreed it needs to be reviewed legally to see if that is the case. Attorney Knowlton said she didn't know what they wanted to do with that information because all she could say was the statute says 'new or amended'.

Chairman Loftus summarized Attorney Knowlton will get clarification and an interpretation on this.

ADJOURNED: 12:00 PM

Signature on file in commission Minutes
Chairman

ATTEST:

**BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS**

**By: Signature on file in Commission Minutes
Deputy Clerk**

/ksm