

BOARD OF COUNTY COMMISSIONERS

JANUARY 8, 2008

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 D'Aprile, Commissioner Cummings, Commissioner Moore, and Commissioner Loftus. Also in attendance were County Attorney Knowlton, County Administrator Loucks, Chief Deputy White, Executive Assistant Hunter, Minutes Supervisor Nice, and Minutes Secretary Lansing. The following members were absent: Commissioner Duffy. The meeting was called to order at 9:00 A.M.

The Invocation was given by Chairman D'Aprile, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Growth Management - Charlotte Harbor - Community Redevelopment Agency Advisory Committee Minutes - December 20, 2007

Deletion #1: Public Safety - Agenda Item R1

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Special Recognition - None

Proclamations - Commissioner Cummings

Arts and Humanities Council Artist of the Month

COMMISSIONER MOORE MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Brian Grant accepted the Proclamation.

Henry Maigret Day

COMMISSIONER LOFTUS MOVED TO APPROVE HENRY MAIGRET DAY, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Commissioner Cummings thanked Mr. Maigret for his hard work and dedication to the county and presented him with the Proclamation, a plaque, certificate and pin.

Employee Recognition - Commissioner Cummings and County Administrator Loucks

5 YEARS - Brian Bailey, Environmental Extension Services; Lynn Bokoski, Parks, Recreation & Cultural Resources; Tammy Neal, Parks, Recreation & Cultural Resources; Jennifer Pingleton, Purchasing; Richard Oliveira, Public Works; Jacqueline Stevens, Human Resources; 10 YEARS - Brian Jones, Animal Control; 15 YEARS - Anthony Cissell, Building Construction Services; David Zucosky, Parks, Recreation & Cultural Resource; Linda Free, Public Works; 20 YEARS - Jason Weinmann, Public Works; David Nagel, Facilities; Victoria Carpenter, Human Services; Lynette Carthy, Growth Management; 25 YEARS - Scott Knight, Fire/EMS; Pam Alexander, Building Construction Services

Award Presentations:

Joyce Ross commended her staff for receiving three First Place awards from Charlotte County Government Communications & Marketing Department at the Florida Government Communicators Association 2007 Annual Awards competition.

Chairman D'Aprile presented Commissioner Richard Loftus with a gavel plaque in appreciation of his service as Chairman of the Board of County Commissioners from November 2006-November 2007.

Commissioner Loftus stated it was a pleasure and an honor to serve the County.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Bruce Pomeroy commented on the sign ordinance; mentioned the volume of signs posted during the last campaign; and encouraged the Board to allow smaller candidates to display their signs

without removal. Mr. Pomeroy advised the newspaper had decreased their local news section; pointed out the lack of information available to West County; suggested local radio stations; and asked for the Commissioners' position on the Homestead referendum.

Chairman D'Aprile announced he would allow resident Nancy Razvoza additional time to speak. Ms. Razvoza spoke in support of Agenda Items S-1, S-2, and S-3; presented the Board with a signed petition; expressed the importance of strong neighborhoods; recommended MSBU's remain in separate districts; and commended Advisory Board volunteers.

Audrey Shinske thanked the Board for their support and approval of the Grove City Walking Park.

Jim Sanders urged the Board to approve Agenda Item L-9 Habitat Conservation Plan today and acknowledged possible future grant funding could cause the Item to be pulled later. Mr. Sanders spoke in favor of Agenda Item Z regarding discussion of impact fee waivers; and stated everyone should follow the rules and regulations and pay their impact fees.

II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee is seeking one member as the Building Industry Representative; term ends March 2009.

Boca Grande Street and Drainage Advisory Committee - seeking one volunteer who is a landowner and resides within the boundaries of the Unit to serve as the alternate member on the committee. The term is for two years.

Construction Board of Adjustments and Appeals - is seeking one member to serve as the alternate on this Board, and a member of the construction industry holding a current license. Term will expire in April 2009.

Gardens of Gulf Cove Street and Drainage Advisory Committee - is seeking four regular members and one alternate member who are

landowners and reside within the boundaries of the Unit. The terms for the regular members shall be pulled by lot numbers during the first scheduled meeting of the committee. The term for the alternate member is for two years.

Gulf Cove Waterway Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the Unit to serve as an alternate member on the committee. The term will expire on July 25, 2008.

Lemon Bay Street and Drainage Advisory Committee - is seeking one volunteer to serve as a regular member, and one volunteer to serve as an alternate member. The term for the regular member shall be pulled by lot number during the first scheduled meeting of the committee. The term for the alternate member is two years. Volunteers must be landowners and reside within the boundaries of the Unit.

Rotonda West Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the Unit to complete a vacated term that will expire on February 13, 2008.

South Gulf Cove Community Plan Advisory Committee - is seeking two volunteers who are landowners and reside within the boundaries of the Unit: 1) one volunteer whose term shall be for three years; and 2) one volunteer whose term shall expire on July 24, 2010.

South Gulf Cove Waterway Advisory Committee - is seeking two volunteers who are landowners and reside within the boundaries of the Unit to serve a three year term.

Town Estates Street & Drainage Unit Advisory Board - is seeking one volunteer. This is a three (3) year term, effective immediately and it expires on January 23, 2010. Please contact the Commission Office if interested.

III. REPORTS RECEIVED AND FILED

Murdock Village - Community Redevelopment Agency Advisory Committee Minutes - December 14, 2007

Charlotte Harbor - Community Redevelopment Agency Advisory
Committee Minutes - December 20, 2007

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE IV. CONSENT AGENDA EXCEPT
AGENDA ITEMS L-9 Q-1 AND W3, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Clerk of the Circuit Court

A. Finance Division

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

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for:

TDU Ordinance Public Hearing, 2:00 p.m. October 22, 2007

Regular Meeting, 9:00 a.m. October 23, 2007

MSBU Workshop, 9:00 a.m. October 31, 2007

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office - No Items.

D. Administration - No Items.

E. County Attorney - No Items.

F. Budget Office

(1) RECOMMENDED ACTION: Approve FY 2008-2009 Budget workshop and
public hearings for the Board of County Commissioners per the
attached schedule. BUDGETED ACTION: None

G. Growth Management

(1) RECOMMENDED ACTION: a) Set two public hearings for January 22, 2008 and February 12, 2008 at 10:00 a.m. or as soon thereafter as may be heard, to consider the Development Agreement for Victoria Estates DRI and b) Set two public hearings for January 22, 2008 and February 12, 2008 at 10:00 a.m. or as soon thereafter as may be heard, to consider the Development Agreement for Charlotte Commons. BUDGETED ACTION: None

H. Economic Development

(1) RECOMMENDED ACTION: Approve the attached Resolution endorsing the financial support for the project design, construction, and maintenance of a Community Identification Structure and Landscaping in the Charlotte Harbor Community Redevelopment Area (CRA). BUDGETED ACTION: This project is included in the Capital Improvement budget (c190802) and funded by tax increment funds collected.

Resolution 2008-001

(2) RECOMMENDED ACTION: Approve a Resolution finding the Charlotte County Industrial Development Authority's Project 2007021 be approved as an applicant pursuant to the following: Qualified Target Industry Incentive (pursuant to Section 288.106.Florida Statutes); Brownfield Redevelopment Bonus Refund(pursuant to Section 228.107.Florida Statutes). BUDGETED ACTION: None

Resolution 2008-002

J. Environmental Services

(1) RECOMMENDED ACTION: Set a Workshop with the Board of County Commissioners and the Environmentally Sensitive Lands Oversight Committee for January 22, 2008 at 2:00 p.m. BUDGETED ACTION: None

K. Facilities Construction and Maintenance - No Items.

L. General Services

(1) RECOMMENDED ACTION: Approve Change Order #5, Contract 07-090, South County Grounds Maintenance - Annual to Amera-Tech, Inc. of Fort Myers, FL, for the total cost of \$3,735 to add Grounds Maintenance services for Fire Station #9. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve Work Assignment #2, Dorchester and Morningstar Waterways, to Contract #07-206, CEI Services - Stormwater, with Wilbur Smith Associates, in the not-to-exceed amount of \$280,504. BUDGETED ACTION: The FY08 budget contains \$281,000 available for this change order in the Mid-Charlotte Stormwater MSBU fund. Project c390304, Greater Port Charlotte Drainage Control, project total \$35,054,000.

(3) RECOMMENDED ACTION: a) Approve award of Bid #08-018, Installation and Removal of Fuel Tanks, to the lowest responsive, responsible bidder, Strick Equipment Sales, Inc. of Jenison, MI in the amount of \$121,991 and b) Approve CIP amendment # 08-C09 in the amount of \$121,991. BUDGETED ACTION: The installation of fuel tanks will be expensed from the Landfill's department Improvement Other Than Buildings account line in the amount of \$121,991. Funding will include \$98,499 which will be carried forward from FY07 and the remaining \$23,492 will be funded from savings in this account line from FY08.

(4) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #08-028, Rotonda Villa/Springs - Water/Wastewater Design: 1st-DMK Associates, Inc.; 2nd-Boyle Engineering Corp; and 3rd-Barraco and Associates; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations providing the fee does not exceed \$700,000. BUDGETED ACTION: Budgeted amount of \$1,343,000 in CIP c350704 Rotonda Villas & Springs MSBU WasteWater Expansion

(5) RECOMMENDED ACTION: Approve award of Bid #08-053, Grove City Walking Park, to Robert Charles, Inc., of Englewood, FL, for the total cost of \$184,660.60, to secure the services of a licensed and qualified Contractor for the construction of the Grove City Walking Park. BUDGETED ACTION: The FY08 budget has \$255,000 available for this contract in project C410743, Grove City Walking Park. The project total is \$402,000.

(6) RECOMMENDED ACTION: Approve award of Bid #08-054, 2008 County Paving Program, to the lowest responsive, responsible bidder,

Ajax Paving Industries, Inc. of Nokomis, FL in the amount of \$7,836,391.07. BUDGETED ACTION: FY08 budget available is Transportation Trust \$750,000 in project c410306, Road and Bridge Paving Program, project total \$7,428,000. Punta Gorda Non-Urban MSBU \$352,500, project c410216 Punta Gorda MSBU Paving Program, project total \$3,442,000. Greater Port Charlotte MSBU \$4,150,000, project c410311 GPC Road Paving, project total \$134,184,000. Englewood East MSBU \$5,974,768, project c410602, Englewood East Paving and Drainage Program, project total \$20,044,000.

(7) RECOMMENDED ACTION: Approve the award of Bid # 08-063, Reconditioned Belt Press, to Ashbrook Simon-Hartley Operations, LP of Houston, TX, for a total cost of \$ 287,980. BUDGETED ACTION: None

(8) RECOMMENDED ACTION: a) Approve Renewal Option on Contract 04-274, Water and Wastewater Financial Management with Public Resource Management Group, Inc., to extend contract period through September 30, 2008 at the same prices, terms and conditions; and b) Authorize the County Administrator to approve the renewal option of one (1) additional one-year term at the same prices terms and conditions, by mutual consent. BUDGETED ACTION: Budgeted Amount \$80,000

(9) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #07-478, Development - Habitat Conservation Plan - Florida Scrub Jay: 1st - Quest Ecology Inc.; 2nd - ENTRIX, Inc.; and 3rd - Glatting Jackson Kercher Anglin, Inc.; b) Approve start of Negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations provided the fee does not exceed \$250,000 and d) Approve Budget Amendment #08-A08 in the amount of \$250,000 and Budget Transfer #08-006 in the amount of \$250,000. The request is to move monies from the Capital Projects Fund to the Public Safety Fund to fund the development of a habitat conservation plan. BUDGETED ACTION: Approve Budget Amendment #08-A08 and Budget Transfer #08-006 in the amount of \$250,000.

Commissioner Loftus indicated his opposition to approval of L-9 today; and opined scrub jay issues needed to be resolved quickly and regionally. **Commissioner Moore** stated until the grant status is known a decision would be premature. **Commissioner Cummings** spoke in favor of approval but advised a 2/2 split vote

would cause no action. **Chairman D'Aprile** inquired if approved today, could it be pulled later if the Board is dissatisfied with the conditions of the Federal Grant.

Andy Stevens explained this plan development as part of a Countywide Scrub Jay Habitat Conservation Plan could be pulled later if the Board was unhappy with the conditions of the Federal Grant; advised grant information should be available in March which would include funding for an economic analysis; opined it would be irresponsible not to consider a regional component to this plan; and advised continued cooperation with Sarasota County.

Chairman D'Aprile indicated there is no motion on the floor. Administrator Loucks advised L-9 would be brought back after notification of the Federal Grant. **Commissioner Moore** questioned protocol for a 2/2 split. Attorney Knowlton advised no activity means it would not go forward today.

(10) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #08-019, Charlotte County 2050 Comprehensive Plan: 1st - Glatting Jackson Kercher Anglin, Inc.; 2nd - Renaissance Planning Group; and 3rd - Miller Legg and b) Approve start of Negotiations; and c) Authorize the Chairman to sign the contract after negotiations provided the cost does not exceed \$395,000.
BUDGETED ACTION: None

(11) RECOMMENDED ACTION: a) Award Bid No. 08-066, Aerial Adulticide Services (Primary Services 6-Hour notification /Items A&B) to the lowest responsive, responsible bidder Vector Disease Control, Inc. (VDCI) of Greenville, MS, at the cost of \$.80, \$1.34 and \$1.61/per acre respectively; b) (Back-up Services - 6-Hour Notification/Items A&B) respectively to the second lowest responsive, responsible bidder Clarke Environmental Mosquito Management of Kissimmee, Florida, at the cost of \$.85, \$1.50 and \$1.85/per acre respectively, for the period of January 2008 through and including December 31, 2008; and c) Authorize the County Administrator to approve renewal options for up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: This expense is budgeted in the Mosquito Control Department's Contract Services-Aerial Adulticide account line in the amount of \$321,680 for FY08.

M. Human Resources - No Items.

N. Human Services - No Items.

P. Information Technology - No Items.

Q. Parks, Recreation and Cultural Resources

(1) *RECOMMENDED ACTION:* a) Approve fees for Charlotte Harbor Event and Conference Center; and b) Review Booking Agreement between Parks, Recreation & Cultural Resources and the Tourism Bureau. *BUDGETED ACTION:* None

Commissioner Loftus advised he met with staff to voice his concern that community signature events already scheduled are not affected. **Commissioner Loftus** asked for staff confirmation of the insertion of fee waiver language to protect citizens from paying additional costs; and suggested Tourist Development may have the means to make up the difference.

Laura Kleiss Hoeft responded that the booking policy ensured 12 month minimum advance reservations; indicated booking coordination and meetings among staff; mentioned the need for some flexibility when competitively bidding; commented fees being adopted would include revenue projects to help avoid tax payer support; and confirmed language insertion.

Commissioner Cummings agreed with **Commissioner Loftus**; opined the Events Center is a community amenity for Charlotte County citizens first; stated tourism benefits are important but were secondary to the community's needs; recognized the significance of economic benefits generated through tourism; noted residents whose sales tax initially built the Events Center should not pay more in fees than non-residents; and suggested using Tourism Taxes to pay for waived fees when competitively bidding.

Becky Bovell mentioned the importance of flexibility when assessing prospective conferences and meetings; indicated the need to be more competitive and make adjustments during negotiations; and explained the goal is to increase economic development.

Commissioner Cummings stated if flexibility meant waiving a portion of the fees that everyone else would be charged, he would not be okay with it; and indicated his approval of the scheduling, only if community events were not affected.

Ms. Bovell explained the decrease in room tax and loss of hotels had made the current situation difficult and it would be hard to achieve now; but opined it would improve with hotel infrastructure in place. **Commissioner Cummings** stated if Ms. Bovell was referring to temporary situations, investments and goals could be discussed separately.

Commissioner Moore disagreed with **Commissioner Cummings**; stated that waiving fees does not mean eliminating fees; and opined staff must be competitive and be allowed to negotiate or it would cause a burden on the revenues.

Commissioner Loftus agreed with **Commissioner Cummings**; stated he had been clear there is to be no additional burden to the tax payers; noted the need to reduce taxes; acknowledged the need to be competitive; and opined Tourist Development should pick up the balance.

Chairman D'Aprile asked what the revenue loss would be if perks were refused and the County lost the deal. Ms. Bovell clarified fee waivers were being confused with reduction in fees; indicated an outside event could bring in over \$500,000 in economic impact, provide 3,000 hotel room bookings and supply commission on retail sales; and opined the ability to negotiate could provide significant revenue, sales and tourist tax.

Chairman D'Aprile agreed with **Commissioners Loftus** and **Cummings'** concerns and stated if the perks were minimal and done right this could be a good opportunity to make money through negotiation. Ms. Bovell advised the ultimate economic impact far supersedes the loss this flexibility would cause.

Commissioner Loftus noted the goal of tourist development is to increase revenue through heads on beds and opined using that revenue for negotiations.

Commissioner Moore opined tourism would take care of itself; and expressed the importance of using outside event revenue to maintain the Event Center.

Commissioner Cummings opined there should be no problem booking the Event Center; stated if fee waivers were necessary to generate revenue concessions should be given to all users; and suggested modifying the fee structure or dedicate a portion of tourism revenue to offset outside user fee waivers.

Commissioner Moore asked if the County was charged when using County facilities. Mr. Loucks responded and Ms. Kleiss Hoeft explained the County booking policy waived fees for state, local, city or federal government purposes. **Commissioner Cummings** questioned if Parks and Recreation still charged Emergency Management for Hurricane Awareness Seminars. Ms. Kleiss Hoeft indicated she would need to check the contract.

Chairman D'Aprile clarified the position of Board Members and requested they move on. **Commissioner Loftus** commented his willingness to move the item with the stipulation that Tourist Development would cover fee negotiations. **Commissioner Cummings** added Tourist Development or whatever the appropriate revenue source would be. **Chairman D'Aprile** noted the amount would be determined by staff and opined the need to occupy the building as soon as possible.

Attorney Knowlton suggested adding language to the special considerations paragraph stating something to the effect that the differential for any adjustment in rates would be made up from the appropriate revenue source.

COMMISSIONER LOFTUS MOVED TO APPROVE FEES FOR CHARLOTTE HARBOR EVENT AND CONFERENCE CENTER WITH CONDITIONS READ INTO THE RECORD AND REVIEW BOOKING AGREEMENT BETWEEN PARKS, RECREATION & CULTURAL RESOURCES AND THE TOURISM BUREAU, SECONDED BY COMMISSIONER CUMMINGS.

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

(2) **RECOMMENDED ACTION:** Approve and authorize the Chairman to sign Partners in Parks Agreement with the Port Charlotte Cricket Club. **BUDGETED ACTION:** None

Agreement 2008-001

R. Public Safety

(2) RECOMMENDED ACTION: Approve a Mutual Aid and Automatic Response Agreement for Fire and Emergency Operations between Charlotte County and the City of Cape Coral. BUDGETED ACTION: None

Agreement 2008-002 terminating Agreement 94-255

S. Public Works

(1) RECOMMENDED ACTION: Set a public hearing for January 22, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to consider an Ordinance creating an Advisory Committee for the Buena Vista Area Waterway MSBU. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Buena Vista Area Waterway MSBU.

(2) RECOMMENDED ACTION: Set a Public Hearing for January 22, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to consider an Ordinance amending the provisions of the Manchester Waterway Benefit MSBU's Advisory Committee to bring it into conformance with the County's other MSBU advisory boards. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Manchester Waterway Benefit MSBU.

(3) RECOMMENDED ACTION: Set a Public Hearing for January 22, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to consider an Ordinance creating an Advisory Committee for the Placida Area Street and Drainage MSBU. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Placida Area Street and Drainage MSBU.

T. Real Estate Services - No Items.

V. Tourism Development - No Items.

W. Utilities

(1) *RECOMMENDED ACTION*: a) Approve the Chairman to execute the Second Amendment Between the Southwest Florida Water Management District and Charlotte County for construction of a reclaimed water transmission system and b) Approve Budget Amendment #08-A06 and CIP Amendment #08-C07 in the amount of \$218,175 to account for additional SWFWMD grant dollars for the Charlotte County Reclaim Water Expansion. *BUDGETED ACTION*: No change in project total.

Second Amendment to Agreement 2005-010

(2) *RECOMMENDED ACTION*: a) Recommend Board approve the Chairman to execute the Second Amendment Between the Southwest Florida Water Management District and Charlotte County for the construction of an Aquifer Storage and Recovery (ASR) well and monitoring well network that will be utilized to provide reclaim water storage to CCU customers during the annual dry season; and b) Approve Budget Amendment #08-A07 and CIP Amendment #08-C08 in the amount of \$40,000 to account for additional SWFWMD grant dollars for the Rotonda Reclaim Water ASR Well. *BUDGETED ACTION*: Budgeted Amount \$3,000,000 in FY08 Adopted CIP for project c350605 Rotonda Reclaim Water ASR Well.

Second Amendment to Grant 2006-004

(3) *RECOMMENDED ACTION*: Approve the 2008 - 2009 Charlotte County projected water demands for submittal to Peace River/Manasota Regional Water Supply Authority (PR/MRWSA). *BUDGETED ACTION*: None

Commissioner Loftus commented that the Comprehensive Plan he received from Utilities reported 225 gallons per equivalent residential unit (ERU); indicated usage per ERU and the amount of building had been reduced; expressed concern that a 10% building increase was shown in Deep Creek; and opined there were only 40 building permits issued throughout the entire county.

Jeff Pearson advised the numbers were only estimates based on past growth; advised a 4.5% total growth in that area; mentioned current demands were temporarily influenced by the drought, large inventory of vacant homes and reserved water purchased to accommodate homes after occupancy. Mr. Pearson also discussed consistent projections, peak averages, the Master Water Supply Contract, base fees, irrigation and bulk use.

Commissioner Loftus recommended moving forward without delay and suggested the immediate activation of a Utilities Advisory Board to begin the review process.

COMMISSIONER LOFTUS MOVED TO APPROVE THE 2008 - 2009 CHARLOTTE COUNTY PROJECTED WATER DEMANDS FOR SUBMITTAL TO PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY (PRMRWSA), SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

RECESS: 10:12 AM - 10:25 AM

X. Building & Construction Services - No Items.

Y. Other Agencies - No Items.

V. REGULAR AGENDA

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

(1) Redevelopment - RECOMMENDED ACTION: Conduct a public Hearing at 10:00 a.m., or as soon thereafter as may be heard, to consider acceptance and execution of a Stipulated Settlement Agreement with the Department of Community Affairs (DCA) to resolve DOAH Case No. 06-0686/05-2- NOI -0801- (A)-(N) and authorize the Chairman to sign the agreement.

Agreement 2008-003

Debra Forester provided a detailed overview of the Stipulated Settlement Agreement with the Department of Community Affairs and noted the attached worksheet was not part of the remedial changes.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Commissioner Cummings expressed concern that one of the proposed resolutions included the creation of a Vested Rights ordinance;

mentioned future county impact; and indicated his apprehension. Ms. Forester offered to provide the Board with a copy of the proposed ordinance prior to final adoption; and clarified the Stipulated Agreement did not reference the vested ordinance as a requirement.

COMMISSIONER LOFTUS MOVED TO APPROVE AGREEMENT 2008-003, SECONDED BY COMMISSIONER MOORE.

Commissioner Cummings noted Transfer of Density Units (TDU's) had not been mentioned; noted changes would be brought up on the next agenda. Inga Williams advised they were rescinding the original text amendment and noted the changes were already approved as part of the Evaluation and Appraisal Reports (EAR) adoptions. Commissioner Cummings requested details prior to changes being made.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

(2) Public Works - RECOMMENDED ACTION: Conduct a Public Hearing at 10:00 a.m., or as soon thereafter as may be heard, to consider adopting an ordinance related to the Charlotte County National Pollutant Discharge Elimination system (NPDES).

Ordinance 2008-001

Joanne Vernon provided an overview of the proposed ordinance. Commissioner Cummings asked if legally a permit was required. Ms. Vernon confirmed the need for a permit and explained this ordinance would give authority to enter properties where an illicit discharge or connection process took place and enforce clean up.

COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-001, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

(3) Redevelopment - RECOMMENDED ACTION: Conduct a public hearing at 10:00 a.m., or as soon thereafter as may be heard, to consider adopting an ordinance amending Objective 2.10 and associated policies in the Future Land Use Element of Charlotte County Comprehensive Plan.

Ordinance 2008-002

Ms. Forester provided an overview of the proposed ordinance, summarized the remedial changes, and indicated Exhibit "B" had been replaced and already provided to the Board.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-002 WITH REVISIONS, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

(4) Growth Management - RECOMMENDED ACTION: Conduct a second public hearing, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance amending the County's sign ordinance, in accordance with Section 125.66 F.S.

Nichole Dozier outlined the proposed ordinance amending the County's sign ordinance, announced some changes were made and indicated the need for Board responses to questions to complete additional changes. Ms. Dozier asked the Board if they wanted a distinction between residential and non residential parcels related to the placement, size and height of political signage; recommended the maximum sign size should be increased from 32 square feet to 40 square feet; and asked for confirmation of a 6 foot height limitation.

Commissioner Moore opined 4 x 8 signs were appropriate in areas other than residential. **Commissioner Loftus** had no objection to 4 x 8 signs in general. **Commissioner Cummings** opined the sign size limitation should be based on the road, not the zoning. **Chairman D'Aprile** voiced his opposition to 4 x 8 signs in

residential areas; stated 4 x 2 signs were big enough; and opined all political signs should be posted in a few spots within the county.

Commissioner Loftus suggested a motion to reduce the maximum residential size to 4 x 2. **Chairman D'Aprile** agreed the maximum size should be 4 x 2. **Commissioner Cummings** noted the importance of freedom of speech and recent case law; pointed out smaller signs reinforce the messages printed on larger signs; mentioned the sign removal restrictions and the desire to shorten them.

Derek Rooney mentioned case law compliance and suggested options available to the Board for consideration. **Commissioner Moore, Commissioner Loftus, Commissioner Cummings** and **Chairman D'Aprile** all yielded to Attorney Rooney's sign size recommendation. Attorney Rooney advised this and additional sign removal language would be read into the record later.

Jim Gallagher (Candidate for Charlotte County Sheriff) noted the right of free speech; commented smaller signs work in all areas and give the smaller candidates the opportunity to be seen; opined candidate signs be posted 60 days prior to an election and be removed 15 days after; recommended an interlocal agreement between the Sheriff, BCC and Zoning; and suggested code enforcement officers become reserve deputies to help remove signs and enforce the law.

Douglas Tucker mentioned high speed roads and signage; opined larger signs may be justified in some areas; and asked that certain areas not be limited to smaller signs.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Commissioner Cummings clarified Punta Gorda rules were not different than Port Charlotte rules; noted Port Charlotte had modeled their rules to conform with Punta Gorda; suggested changing the sign ordinance as little as possible while complying with case law; and indicated the present

system provided a good balance between sign clutter and inappropriate restriction of political speech.

Ms. Dozier and Attorney Rooney provided detail of recommended amendments to the Charlotte County Codes and read language changes into the record.

Commissioner Moore asked for rule clarification on signs in the right of way. Staff responded. **Commissioner Cummings** disagreed with the large sign residential restriction change; opined the present rules work; noted there could be a freedom of speech issue in the future. **Commissioner Moore** asked for clarification of line 17. Attorney Rooney explained there was a distinction between pure political speech signs and election or campaign speech signs; and mentioned miscellaneous clauses and permits. **Commissioner Cummings** and Attorney Rooney continued to discuss sign sizes.

Commissioner Loftus noted his original concern was to address illegal signs and rules related to right of way; and stated he had no problem with the existing ordinance.

Chairman D'Aprile polled the Board for their position on the proposed sign ordinance changes. **Commissioner Loftus** asked for language change to immediately remove illegal signs from the right of way. **Commissioner Cummings** opined to keep changes at minimum. **Chairman D'Aprile** agreed. **Commissioner Moore** commented he would yield to the majority. Attorney Rooney confirmed the changes approved by the Board.

COMMISSIONER LOFTUS MOVED TO APPROVE THE REVISIONS TO ORDINANCE 2008-003 AS READ INTO THE RECORD, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

Commissioner Cummings noted the last motion was to approve changes only and advised another motion was needed approve the ordinance.

COMMISSIONER CUMMINGS MOVED TO APPROVE ORDINANCE 2008-003, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items.

Z. Regular Agenda

(1) RECOMMENDED ACTION: Discussion of impact fees for Hacienda del Mar, LLC. Administration

Tom Lighter indicated the purpose for his appearance was to pursue an appeal; mentioned Development Review Committee (DRC) approval; noted letters and previous conversations with three Board members; stated the developer was not seeking special treatment but believed their case was unique; outlined fact history related to impact fees and schedules; explained five of seven buildings were completed; mentioned the project complied with the June 2006 ordinance with the exception of paid impact fees; suggested they pay the fees plus any loss of investment revenue associated with non payment of fees; and indicated the desire to settle without litigation.

Deputy County Attorney Gallagher advised impact fees were assessed when building permits were issued and applied for; mentioned DRC approval played no role; stated Hacienda del Mar claimed they were unaware of ordinance approval and impact fee increases; and explained the ordinance allowed ongoing projects the opportunity to pay non-refundable impact fees at 1998 rates prior to June 1, 2006 with submittal of an application to the County Administrator and application for a building permit within six months of the ordinance.

Commissioner Moore asked if the project plan and permit process was for seven buildings, noted five units were completed, questioned if the intent was to complete the remaining two buildings; mentioned a master permit and asked if any of the permits had expired. Attorney Gallagher indicated he was not familiar with the master permit Mr. Lighter mentioned; noted each building did require it's own permit; advised the first five fell under the 1998 ordinance; and stated no permits had expired. Commissioner Moore asked for additional detail regarding the final two permits. Attorney Gallagher discussed

the conditions of the ordinance and explained how they affected this project.

Commissioner Cummings opined the case was clear; stated the opportunity to pay the impact fees upfront at the lower rate was given; indicated the applicant did not seize the opportunity; and noted ignorance of the law was no excuse.

COMMISSIONER LOFTUS MOVED TO DENY THE APPLICANTS REQUEST, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 4:0.

ABSENT: Commissioner Duffy.

X. CITIZEN INPUT - ANY SUBJECT

George Flores spoke on behalf of the East Hillsborough Blvd. neighborhood; advised the property slated for the new Public Works facility was originally slated for a public school; mentioned industrial impact and residential considerations; requested an industrial buffer with no direct access to Hillsborough Blvd.; and requested further Board discussion and support.

Chris Specht again asked for firmer regulation revisions within the taxi ordinance; mentioned his patience, past conversations with Mr. Loucks and County Attorney's and stated non-licensed, out of town cab companies are doing business in Charlotte County; advised Lee County had already put through an ordinance that enforced jail time if caught operating without a license; and asked for Board support.

Dave Millis expressed his concern for dredge sludge dumping occurring within the Hillsborough Blvd. residential neighborhood; requested the County cease dumping until soil samples were gathered; mentioned environmental impact; and asked for the issue to be put on a future agenda for further discussion.

Mr. Loucks mentioned meeting with Hillsborough Blvd. residents; described the property and uses; advised soil samplings and site plans were complete; stated no intention to do anything further on the property without permits in order; mentioned awaiting final determination from Fish and Wildlife on

an abandoned Gopher Tortoise burrow; and noted the County's commitment to be good neighbors.

Chairman D'Aprile opined the need for more control of taxi cab ordinances; mentioned cabs are a form of public transportation; agreed residents deserve the protection of licensed drivers; and noted the importance of supporting those companies who follow the laws and regulations.

Attorney Knowlton recalled past conversations with Mr. Specht and **Chairman D'Aprile** addressing many taxi ordinance issues; discussed background check procedures, enforcement requirements, signage, vehicle inspections; noted the current ordinance met most of the concerns; indicated towing was still under review; and mentioned concerns may have changed over time.

AA. County Administrator:

Mr. Loucks advised Jeff Pearson would be providing a water supply update and brought up another issue related to the existing impact fee ordinance. Mr. Loucks commented under the ordinance, prepaid impact fees were not refundable; commented he was contacted by several citizens who had intended to build a home, prepaid their impact fees under the 1998 rates and indicated they are now requesting reimbursement since they can no longer financially afford to build a home; and asked for the Board's direction.

Commissioner Moore asked and received clarification of the ordinance related to non-refundable prepaid impact fees and opined the ordinance was clear and should remain as is. **Commissioner Loftus** agreed. **Commissioner Moore** noted the fee stays with the land.

Mr. Loucks was proud to advise the Board of an article in *Rails to Trails*, a National Publication highlighting Charlotte County's Pioneer Trail.

Jeff Pearson provided an update of Charlotte County rain totals, water supplies, water deliveries, wells, emergency ground water, and drinking water levels; and noted other Water Authority related statistics.

Commissioner Moore expressed concern that Charlotte County may potentially need to secure 1½ to 2 mgd from Englewood Water District. Mr. Pearson mentioned Mr. Morton of Southwest Florida Water Management District (SWFWMD) had recently stated to Administration the need for an Executive Order prior to receiving water through the interconnect. Mr. Pearson commented he was not aware special permission was needed; and noted a meeting was scheduled with Mr. Morton to open the interconnect and resolve any outstanding issues. **Commissioner Moore** stated the drought was serious; opined Englewood Water District had the capability to supply 1½ to 2 mgd in excess water; explained the plant was available; discussed neighboring County procedures when water is needed; and expressed his frustration with people delaying progress.

Commissioner Cummings opined the Water Authority wanted possession of the interconnect before they would allow Charlotte County to use it. Mr. Pearson confirmed the Water Authority had inquired if Charlotte County would be interested in selling the interconnect. **Commissioner Cummings** commented on Sarasota and North Port being granted savings for not using a portion of their allocation; indicated the regional problem was being solved by charging Charlotte County extra; and noted the need to develop other sources so the County is able to take its full allocation. **Commissioner Moore** pointed out Charlotte County and Englewood Water District built and paid for the interconnect on their own.

BB. County Attorney:

Attorney Knowlton noted the tentative decision to suspend monthly roundtable meetings unless there was a need; mentioned a roundtable scheduled for February without a topic; and suggested restoring the name to Board Workshop as it was in the past. **Chairman D'Aprile** and **Commissioner Cummings** agreed.

CC. Commissioner Comments:

Commissioner Loftus asked Attorney Knowlton to confirm for the record the sign ordinance rules on posting campaign signs 45 days prior to an election.

Chairman D'Aprile commented on a letter he received from the Homeless Coalition asking the Board to eliminate impact fees for their homeless center; stated they deserved consideration; and asked Mr. Loucks to follow-up. Mr. Loucks advised the issue would be put on the January 22, 2008 meeting agenda.

Commissioner Cummings mentioned a note he received from Mr. Farr regarding donation of the Court House clock; opined it was a generous offer; confirmed the bill of sale was for historical documentation; and noted follow up would be done.

RECESS: 12:18 PM - 2:00 PM

IX. BOARD WORKSHOP AGENDA 2:00 P.M - No public input.

Conduct a Board Workshop to receive a presentation and update from Herbert Marlowe, Jr., regarding the County Operational Review

Ray Sandrock summarized the two part presentation about to be given; advised today was officially the beginning of the new budget kick off for the next year.

Mr. Sandrock followed a visual outline and explained Tax Reform FY07/08; Ongoing Impacts; an Annual Revenue Cap; and Services Funded by Property Tax.

Mr. Sandrock provided detail and impact for each item related to the January 29th Legislature Ballot Proposal; discussed millage rates, legislative rights, staffing requirements, other Budget Complexities; and asked for Board questions.

Chairman D'Aprile asked if increased millage rates were the only source of revenue available to make up the estimated 12 million dollar impact. Mr. Sandrock stated increased millage rates would be considered further during the process; commented new legislative rights were unknown; and noted all new revenue sources would be considered.

Commissioner Moore questioned what the average citizen savings would be if the new legislation was approved. Mr. Sandrock noted their countywide tax calculations were \$154.00 to \$173.00 per year depending on their location.

Commissioner Cummings expressed interest in how the portability issue would work out since many people are moving to Charlotte County to downsize from more expensive areas; opined new residents would carry larger exemptions with them and possibly cause a large deficit for the County. Mr. Sandrock agreed portability was hard to analyze because the dynamics are not yet known. **Chairman D'Aprile** opined this issue might create problems for all Florida counties; and agreed to the need of carefully keeping an eye on the issue and working toward a solution.

Mr. Sandrock indicated portability would be an ongoing issue; stated he would know more after the January 29, 2008 vote; mentioned taking the issue one step at a time; and advised there could be additional proposals afterwards; introduced Dr. Marlowe.

Dr. Marlowe discussed an action plan to help adapt the impacts to our community; described the process and how it would work for Charlotte County; noted tax reform would be an ongoing issue; mentioned an economic statewide slow down and an overall lowering of property values; opined the County would have a lower tax base next year; advised the State of Florida was in a structural deficit; explained agency and budget cuts meant less state funding for county projects; and mentioned fiscal uncertainty and restricted funding.

Commissioner Cummings noted the county received back only 13 cents on each dollar of gas taxes the county paid out to the state; opined the county was subsidizing some larger Florida cities.

Dr. Marlowe mentioned working with staff in the near future; identified strategic investments required; described eight helpful strategies that should be considered; outlined changes needed; recognized work types; and indicated the desire to meet with Board Members individually, work with resident focus groups, and receive community feedback. Dr. Marlowe advised the Board of approximately seven two hour meetings scheduled; noted the importance of studies; and commented on long term commitment and his hope to provide guidelines by May.

Commissioner Moore asked for the span of time needed for the seven meetings. Dr. Marlowe advised the meetings would be spread over a seven to ten week period.

Chairman D'Aprile commented the plan sounded so simple; acknowledged the amount of work and time involved in doing it right; opined his objective was to lower taxes; and noted they would know more after the January 29th vote. Dr. Marlowe opined the Board's ultimate decisions would not be easy no matter the outcome of the vote.

Mr. Loucks agreed the volume of work involved was major; stated the evaluation would be on a person-by-person function-by-function level; opined the role of the county would be reassessed; and stated choices would be made to determine which services would be continued and decide the value government plays in the lives of our community.

Commissioner Moore commented that 55% of general funds were not under Board control; and asked how additional pressure could be placed on congressional officers. Dr. Marlowe explained it would depend on relationships and mandates; and opined an invitation should be extended to the officers.

Commissioner Loftus acknowledged the long process ahead; opined the need for the government to step in; commended the Governor and Legislators for their support; and noted the ultimate cost for services is on the tax payers as they have contributed enough. Dr. Marlowe opined this is an opportunity to rethink how things are done.

Chairman D'Aprile commented on how difficult it is to be cost effective with required mandates and increased gas and insurance prices; noted frustration with insurance companies receiving great profits and not passing on discounts to tax payers; voiced his hope that law makers would work to regulate insurance and gas companies to better protect taxpayers who are already being hit with additional taxes; and opined Dr. Marlowe's strategic plan is realistic.

Commissioner Cummings noted the purpose of this presentation was to advise the process recommended for this year's budget cycle; expressed frustration that the perception of some may be that

this is a new process; commented that ongoing efforts are made to do more with less; and opined the best savings to taxpayers would come by being proactive and aware.

Commissioner Moore had a problem with last year's budget; and expressed hope that Dr. Marlowe's plan would be productive. **Commissioner Cummings** commented on working to meet the needs of the community without taxing people out of their homes; noted local government is providing an increased share of services once provided by the Federal Government and State; and questioned if property taxes were the most appropriate revenue stream to use and asked what other avenues were available to the county.

Chairman D'Aprile thanked Mr. Sandrock and Dr. Marlowe for their presentation and expressed the desire to work toward a solution to the issues.

Commissioner Moore announced a Town Hall meeting would be held on January 17, 2007 at Lemon Bay High School; noted the purpose was to help educate the public on taxes and on the January 29th vote. Mr. Loucks advised there would be a similar meeting held at the Punta Gorda Civic Center on January 12, 2008.

ADJOURNED: 3:00 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

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