

BOARD OF COUNTY COMMISSIONERS

JANUARY 22, 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 Duffy, Commissioner Cummings, Commissioner Moore, and Commissioner Loftus. Also in attendance were County Attorney Knowlton, County Administrator Loucks, Chief Deputy White, Executive Assistant Hunter, and Deputy Clerk Manley. The following members were absent: None. The meeting was called to order at **9:00 AM**

Invocation was given by Reverend Arthur R. Lee of St. David's Episcopal Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition # 1: Requested by: Budget Department - Z-6 - a) Approval of the E911 State Grant application in the amount of \$862,147.99; and b) Approval for the Board Chair to sign certification documents related to the application for the E911 State Grant Program requested by Charlotte County E911; and c) Approval for acceptance of the E911 State Grant if it is awarded; and d) Approval of the addition of the E911 State grant revenues to the County budget and the distribution of grant funds as attached if the funds are awarded.

Addition #2: Requested by: Administration - Z-7 - Set an all day Board retreat on February 7, 2008 from 9:00 AM to 4:00 PM for goals and strategic planning, location to be determined.

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Special Recognition

Proclamations - Commissioner Duffy

Hazardous Materials Awareness

COMMISSIONER LOFTUS MOVED TO APPROVE A PROCLAMATION FOR HAZARDOUS MATERIALS AWARENESS WEEK IN CHARLOTTE COUNTY FROM JANUARY 20, 2008 THROUGH JANUARY 26, 2008, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Wayne Sallade, Director of Emergency Management, accepted the Proclamation.

Lemon Bay Fest

COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION FOR CHARLOTTE COUNTY'S 6TH ANNUAL CELEBRATION OF LEMON BAY FEST: ENGLEWOOD HISTORY WITH ZEST! FROM FEBRUARY 2, 2008 THROUGH FEBRUARY 9, 2008, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Linda Citro, Librarian Supervisor at the Englewood/Charlotte Public Library, accepted the Proclamation, and Linda Coleman, Charlotte County Historical Center, passed out brochures listing events taking place during the Lemon Bay Fest during the week of February 2, 2008 through February 9, 2008.

St Charles Tootsie Roll Drive

COMMISSIONER LOFTUS MOVED TO APPROVE ST CHARLES BORROMEIO COUNCIL 5399 TOOTSIE ROLL DRIVE DAYS IN CHARLOTTE COUNTY FROM JANUARY 28, 2008 THROUGH FEBRUARY 2, 2008, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Don Greenlick, of the Knights of Columbus, accepted the Proclamation.

Employee Recognition - None

Award Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Bill Welsch, on behalf of Team Punta Gorda, spoke in support of locating the South County Regional Library and Historical Archive Center at the Edison College Campus, and authorizing County staff to seek Federal funds to restore the

Railroad Workers Bunkhouse in Placida at the junction of County Roads 771 and 776 (Agenda Item Z-2.)

Jane Brenner, Vice Chairman of the Charlotte County Historical Advisory Committee, spoke in support of Agenda items Z-2 and Z-5.

Judy Malbuisson, with the Arts and Humanities Council of Charlotte County, spoke in support of Agenda Item Z-5; pointed out that some of the contracted organizations do not fall under Human Services; and suggested that those that do not fall under that program be taken out and other means found to handle them.

Commissioner Moore requested that Mr. Loucks address Ms. Malbuisson's comments. Mr. Loucks explained that if this passes today the Human Service focus organization's funding requests would be channeled through the United Way process; that the non-Human Service types of funding requests would continue to come to the Board of County Commissioners (Board) and not channeled through the United Way process. Mr. Loucks stated that information packets would be sent to agencies to make them aware of opportunities.

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.

Beaches and Shores Advisory Committee - is seeking one member to serve as the District 4 representative. Applicant must be a resident of Charlotte County and have an interest in the preservations of beaches and shores. Committee meets the first Thursday of each month at 9:00am in Murdock. Term is four years.

Boca Grande Street and Drainage Advisory Committee - is seeking two volunteers who are landowners and reside within the boundaries of the Unit to serve as 1) the alternate member with a two-year term, and 2) a regular member with a three-year term.

Construction Industry Licensing Board - is 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.

Construction Industry Licensing Board - is seeking a volunteer to represent the "electrical contractor" category. Volunteer must be a resident of Charlotte County for at least 2 years and be a licensed electrical contractor. Length of term - 4 years.

Englewood East Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the Unit to serve as the alternate member with a two-year term.

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 for a two-year term. The term for the regular member shall be pulled by lot number during the first scheduled meeting of the committee. 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 the term of the alternate member that expires February 27, 2009. South Gulf Cove Advisory Committee (Community Plan) - is seeking two volunteers who are landowners and who 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, 1) to serve as the alternate member with a term expiring January 9, 2009, and 2) to serve as a regular member with a term expiring January 9, 2009.

III. REPORTS RECEIVED AND FILED

MINUTES, MV-CRAAC, Friday, January 11, 2008 - 7:30 a.m.

IV. CONSENT AGENDA

COMMISSIONER MOORE MOVED TO APPROVE THE CONSENT AGENDA, EXCEPT AGENDA ITEM L-2, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Clerk of the Circuit Court

A. Finance Division

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

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

Memorandum #1A - Status of Contingency Reserves - FY 07/08

Memorandum #2 - Total Disbursements for the period January 2, 2008 through January 14, 2008 in the amount of \$12,499,735.93

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

11/06/07 9:00 AM Roundtable

11/13/07 9:00 AM BCC Regular

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Appoint Richard Buska current alternate member to complete the vacated term of Connie Volpe who resigned on October 8, 2007, on the Rotonda West Street and Drainage Advisory Committee. The term shall expire on February 13, 2008.

On February 13, 2008, when this appointment expires, Mr. Buska has requested to be reappointed for a three-year term. This term shall expire on February 13, 2011. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Ron Bick current alternate member to a vacated regular member position on the South Gulf Cove Waterway Advisory Committee. The term shall expire on January 22, 2011. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Reappoint to the Marine Advisory Committee Maurice Sabourin representing Flotilla 89 U.S.C.G.A. for a three year term; expiration December 31, 2010. BUDGETED ACTION: None

D. Administration

(1) RECOMMENDED ACTION: Approve Amendment 3 to Contract Number 06DB-3C-18-01-W 05 and authorize the Chair to sign all required documents and forms necessary for submission to the Florida Department of Community Affairs. BUDGETED ACTION: None

Amendment Number 3 to Grant #2005-022

(2) RECOMMENDED ACTION: Approve Amendment 1 to Contract Number 06DB-3K-09-18-01-H05 requesting a six-month extension and authorize the Chair to sign all required documents and forms necessary for submission to the Florida Department of Community Affairs. BUDGETED ACTION: All funding for this agenda item is included within the \$750,000 CDBG program.

Modification Number 1 to Grant #2006-001

E. County Attorney

(1) RECOMMENDED ACTION: Set a Public Hearing for February 12, 2008, at 10:00 AM, or as soon thereafter as may be heard, to consider for adoption an ordinance rescinding Ordinance 2005-095, as required by the Stipulated Settlement Agreement between the Department of Community Affairs and the County which was executed on January 8, 2008. BUDGETED ACTION: None

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

F. Budget Office - No items.

G. Growth Management - No items.

H. Economic Development - No items.

J. Environmental Services - No items.

K. Facilities Construction and Maintenance - no items.

L. General Services

(1) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of January, 2008. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: a) Approve ranking of firms for RFP #08-051 Charlotte County Family Services Renovation - Planning and Design: 1st - Thomas A. Huff Architect, Inc.; 2nd - C. Alan Anderson Architects; and 3rd - Alliance Design Group; and b) Approve start of Negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations, providing fees do not exceed \$250,000. BUDGETED ACTION: Budget Amount in FY08 is \$3,800,000, in CIP Family Services Center.

Commissioner Loftus indicated he has concerns and unanswered questions on this issue; opined that the Board is moving forward too quickly; and that due to the funding cutbacks it should step back and look at all the CIP projects.

Commissioner Moore opined that it is a good project but should be put on hold; indicated that the design work could conceivably move forward if the project is extremely time sensitive; and shared the concerns of **Commissioner Loftus**.

Chairman D'Aprile inquired if this revenue comes from ad valorem tax. Mr. Loucks replied affirmatively, except for some Federal Grant funding available.

Andrew Stevens explained that some Americans With Disabilities Act (ADA) issues would be solved with this; commented on energy efficiency updates that would be done to the building; indicated he does not have immediate answers to **Commissioner Loftus'** questions; pointed out that at this point the only thing being

done is hiring the architect at a particular negotiated price and that the guaranteed maximum price (GMP) would come back before the Board; and stated that perhaps a reduced scope could be done on this building.

Commissioner Loftus opined that a full discussion on all Capital Improvement Program (CIP) projects should be done before moving forward on this project. Mr. Loucks indicated this agenda item could be deferred to a future date. **Chairman D'Aprile** agreed it should be placed on hold.

COMMISSIONER LOFTUS MOVED TO DELAY AGENDA ITEM L-2 TO A FUTURE DATE, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

(3) **RECOMMENDED ACTION:** a) Approve award of Bid # 08-074 Pesticides & Herbicides - Supply & Deliver, to the lowest responsive, responsible multiple bidders at the prices listed on the recommendation sheet and bid tabulation attached hereto; and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent. **BUDGETED ACTION:** This expense is budgeted in the Mosquito Control and Aquatic Weed Control FY08/09 departmental budgets under the Insecticides and Pesticides account lines. The amount budgeted for Mosquito Control is \$500,000 and the amount budgeted for Aquatic Weed Control is \$53,250.

(4) **RECOMMENDED ACTION:** a) Approve award Bid #08-089, Fiber Optic Infrastructure - Annual Contract, to Precision Contracting Services of Jupiter, Florida for the term from date of award up to and including December 31, 2008, with option to renew for two additional one-year terms, at the same prices, terms and conditions, by mutual consent; and b) Authorize County Administrator to approve additional renewals. **BUDGETED ACTION:** Funds are available in the Telco Org.

(5) **RECOMMENDED ACTION:** Approve Amendment #18 to Contract # 01-125, Sarasota-Charlotte County Beach Restoration Study, with Coastal Technology Corp. in the amount of \$246,333. **BUDGETED ACTION:** The FY08 budget contains \$274,000 for permit monitoring in the Stump Pass Beach Renourishment MSBU/TU fund. CIP project c390404 Stump Pass Maintenance Dredging, project total of \$17,265,000.

(6) **RECOMMENDED ACTION:** Approve award of Bid #08-075, Stormwater Control Structures - Quesada Avenue, to Peter A. Basile Sons, Inc. of Arcadia, FL, for the total cost of \$1,598,857.11. **BUDGETED ACTION:** Budget is available in the Mid-Charlotte Stormwater MSBU (\$1,516,594.86). Project c369501 GPC Drainage Control Structure Replacement, project total \$35,054,000 and in the CCU Renewal and Replacement Fund (\$82,262.25), project c390304, Water and Sewer Waterway Crossing Repair, project total, \$3,573,000.

(7) **RECOMMENDED ACTION:** Approve Change Order #1, Contract 07-356, Fire Station #9 Expansion Project in the amount of \$16,503. to increase the original contract amount to \$147,953 to J.C. Pilato Inc., General Contractors Punta Gorda, FL. **BUDGETED ACTION:** Budgeted amount in FY08 is \$3,989,000 in CIP Renovation of Existing Fire/EMS Stations.

M. Human Resources

(1) **RECOMMENDED ACTION:** Approve a three (3) year collective bargaining successor agreement with Suncoast Professional Firefighters and Paramedics, Local 2546, International Association of Firefighters (IAFF), AFL-CIO, for the period of October 1, 2007 through September 30, 2010, and authorize the Administrator to execute the agreement. **BUDGETED ACTION:** This agreement is budgeted through fire assessments, ad valorem taxes and transport fees.

Agreement #2008-004

N. Human Services

(1) **RECOMMENDED ACTION:** a) Approve Contract Amendment with Senior Friendship Centers of Charlotte County reducing total agency funding from \$32,436 to \$17,479 effective 2/1/08; and b) Authorize the Chairman to sign the Contract Amendment after review by the County Attorney's Office; and c) Authorize the de-obligated funds of \$14,957 be placed in a specified account for reallocation per the direction of the Board of County Commissioners. **BUDGETED ACTION:** Funding is in the General Fund - BCC Control - Human Services.

Amendment Number 1 to Grant # 2007-044

P. Information Technology - No items.

Q. Parks, Recreation and Cultural Resources - No items.

R. Public Safety - No items.

S. Public Works

(1) **RECOMMENDED ACTION:** Approve a Resolution authorizing the Chair to sign a Locally Funded Agreement (LFA) between the Florida Department of Transportation (FDOT) and Charlotte County; and approve the attached LFA between the FDOT and Charlotte County for traffic signal mast arms at the intersection of Burnt Store Road and US 41. **BUDGETED ACTION:** FY08 funds are available in Road Improvement project c419901 (\$11,133,000), Burnt Store Road Safety and Widening. Project total is \$56,466,000.

Resolution # 2008-004 Agreement # 2008-005

(2) **RECOMMENDED ACTION:** Approve, and authorize the Chairman to sign, the attached Sixth Amendment of the cooperative agreement between Charlotte County and the Southwest Florida Water Management District (SWFWMD) for The Greater Port Charlotte Flood Protection Management Plan - Implementation (K280). **BUDGETED ACTION:** The FY08 budget contains \$7,798,000 for this project in the Mid-Charlotte Stormwater MSBU, project c390304 Greater Port Charlotte Drainage Control, project total is \$35,054,000.

6th Amendment to Agreement # 2001-079

(3) **RECOMMENDED ACTION:** Approve a Resolution authorizing the Chair to sign a Transportation Post Project Maintenance Agreement with the Florida Department of Transportation (FDOT); and approve the Transportation Post Project Maintenance Agreement. The Agreement is for maintenance upon completion of the bridge on Taylor Road over Alligator Creek in Punta Gorda (CR765A at Bridge #010005 to 0.8 miles north of US 41 bridge replacement). **BUDGETED ACTION:** FY08 Budget for bridge repairs on Road and Bridge roads is in the Transportation Trust Fund.

Resolution # 2008-005 Agreement # 2008-006

T. Real Estate Services

(1) *RECOMMENDED ACTION*: Approve the Resolution authorizing the Chairman to execute a grant of a utility easement to Florida Power & Light Company, to be located in a parcel of land lying in Section 2, Township 41 South, Range 20 East, and being a part of Tract "C", Port Charlotte Subdivision, Section Sixty-Two, for the development and management of Fire Station 5 (Englewood East).
BUDGETED ACTION: None

Resolution # 2008-006

(2) *RECOMMENDED ACTION*: Approve a Resolution requesting the enlargement of a Utility Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the improvement of a forcemain line and lift station located in Rotonda Shores Subdivision, Section 26 and 27. *BUDGETED ACTION*: None

Resolution # 2008-007

(3) *RECOMMENDED ACTION*: Approve the attached Resolution, authorizing the execution of an Addendum to Lease Agreement for space at 18501 Murdock Circle, Port Charlotte, to be occupied by the Real Estate Services Department, Tourism and the Economic Development Department. *BUDGETED ACTION*: None

Resolution # 2008-008 and 3rd Addendum to Agreement # 2002-077

V. Tourism Development - No items.

W. Utilities

(1) *RECOMMENDED ACTION*: Approve the execution of the Cooperative Funding Agreement between the Southwest Florida Water Management District and Charlotte County for the Toilet Rebate Project.
BUDGETED ACTION: None

Grant # 2008-001

X. Building & Construction Services - No items.

Y. Other Agencies - No items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) County Administrator Agenda Clerk - RECOMMENDED ACTION: Evaluation of the County Administrator.

Chairman D'Aprile explained the evaluation and rating system and reviewed the County Administrator's personal performance evaluation results; advised that Mr. Loucks' contract entitles him to a cost of living raise of 2.10% as of August 2007; that the average pay for performance given to Charlotte County employees is 3.18%; that Mr. Loucks' increase would be retroactive the first pay period after his anniversary date of December 23, 2007, which is December 26, 2007. **Chairman D'Aprile** explained that the average came at 3%; and that Mr. Loucks is acceptable for this particular year.

Commissioner Loftus commended **Commissioner Duffy** for developing the comprehensive performance evaluation form; and opined that it is a benefit to the community and Mr. Loucks to look at where the Board believes there could be improvement for the community.

COMMISSIONER MOORE MOVED TO APPROVE THE EVALUATION AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR AS READ INTO THE RECORD, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Duffy requested clarification of the pay increases for the County Administrator. **Chairman D'Aprile** advised that the employee's performance increase is 3.18% and the cost of living increase is 2.10%.

Motion Carried 5:0.

Mr. Loucks thanked the Commission.

(2) County Administration - RECOMMENDED ACTION: Approve the Federal Agenda as presented.

Bob Hebert introduced Val Gelnovatch of the Ferguson Group to discuss the pending Federal Agenda and distributed Ms. Gelnovatch' summary report for the current year from last year's objectives.

Ms. Gelnovatch reported that the Ferguson Group has worked hard for the past several years to raise the visibility of the County in Washington, D.C.; and that in doing so they helped the County identify its needs and prioritize the needs into what eventually becomes a Federal Agenda.

Ms. Gelnovatch indicated that Federal funding was received for four out of the five Federal Agenda projects on the County's agenda last year and reviewed those amounts as reflected in her summary report.

Ms. Gelnovatch advised that she met with the County department heads in the Fall to get an understanding of the projects and from that meeting a draft Federal Agenda was produced.

Ms. Gelnovatch pointed out that in the past year the Ferguson Group was able to get authorization for two Water Resources Redevelopment Act projects, which would be a significant source of funding for water infrastructure in the coming years for the County.

Ms. Gelnovatch explained that there are two separate items within that bill; one is \$3 million for water infrastructure for the County and the other is a portion of a \$20 million authorization for water interconnects between the three (3) Southwest Florida counties of Lee, Collier, and Charlotte.

Ms. Gelnovatch reviewed the draft agenda for fiscal year 09; indicated that many of the projects on last year's agenda, such as the U.S. 41 Enhancements and Burnt Store Road widening, are multi-year projects; that these are items that the Ferguson Group has talked with the County's congressional delegation about in terms of large, multi-project, funding needs; and advised that those stayed on the agenda, as did the Family Services Center and the South County Archives.

Ms. Gelnovatch stated that a project called the Regional Reclaimed Water System Project was added, which would be a new Energy and Water Appropriations Bill account; and indicated that there is an account within that bill wherein an attempt would be made to get funding for the Water Resources Development Act project previously mentioned. Ms. Gelnovatch stated that the Old Railroad Bunkhouse is a viable project and something they hope the County's congressional delegation would be interested in.

Chairman D'Aprile thanked Ms. Gelnovatch and the Ferguson Group for the representation and stated he hoped the County would get the future funds. **Commissioner Loftus** commended the Ferguson Group for its results. **Commissioner Duffy** requested clarification that the funding on the water supply infrastructure and connectivity is definitely 100%, approved and signed by the President. Ms. Gelnovatch replied affirmatively; advised that Charlotte County is authorized for that funding; and explained the process required in order to receive the funding.

Commissioner Cummings pointed out that the "asks" are up almost tenfold in total number of dollars from last year and asked if it is expected that these numbers would be revised down. Ms. Gelnovatch advised that she would get **Commissioner Cummings** the initial FY08 "asks", but opined they are fairly similar to what is shown on the report; stated that she believes everything on the agenda is a reasonable ask and there is every reason to believe if Charlotte County gets Federal funding it could be at or near the amount being requested.

Commissioner Cummings commented on the closeness of the City of Cape Coral water supply Reverse Osmosis (RO) treatment plant and Charlotte County's water treatment plan near the Lee County line, the possibility for getting an interconnect where capacity could be shipped back and forth, and difficulties as a result of them being in two different water management districts.

Commissioner Cummings advised that Hendry County and other counties in the Everglades Restoration Plan (ERP) area are unhappy over the volume of land being acquired by the Feds and taking it off the tax rolls in their communities because they don't get the same increase in the property valuation in properties surrounding preserve lands; and advised that those counties are concerned about the big reservoirs going into their areas.

Commissioner Cummings indicated that the Okeechobee River is already heavily channeled and is a big ditch; that the reservoirs are not being put closer to this end of the ditch where as you try and manage the water it could also be used as a regional storage facility; that if some tweaks could be made and the reservoirs moved closer to this area there is a lot of regional benefit where several things could be done with one project; that

we may not be at a point where we would ask for that; but that it is something to be considered.

Commissioner Cummings opined that the Burnt Store Road widening and U.S. #41 Enhancement are good projects; and inquired why they were under two different funding sources.

Ms. Gelnovatch explained that the two accounts would fund the asks for either of the two projects; that the numbers are in line with what was needed for the coming year and what was asked for last year; and that there are a variety of factors considered into a number.

Commissioner Cummings stated he hoped the groundwork was being set for a bigger request for Burnt Store Road. Ms. Gelnovatch advised that the Transportation Re-Authorization Bill, which is a multi-year bill that funds large projects outside the appropriations process, comes up every six (6) years; that it is four (4) years into the cycle, and that in April 2008 they would start setting the stage with the County's congressional delegation to let them know what the County's large dollar transportation items would be. **Commissioner Cummings** opined that would be very important for the County and commented on the loss of gas tax dollars.

Commissioner Moore indicated that the Ferguson Group has done a good job; that he is not certain it is a fair burden to put upon Ms. Gelnovatch of getting into the educational and design realm; but that it is something that those in the County could promote with the legislative delegation. **Commissioner Cummings** stated that Ms. Gelnovatch has taught him to be certain she has all the ammunition she can have and he was trying to be certain she had as many resources as possible with which to make the County's case.

COMMISSIONER LOFTUS MOVED TO APPROVE THE FEDERAL AGENDA AS PRESENTED, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Commissioner Cummings thanked Ms. Gelnovatch and the Ferguson Group for a great job; and opined that getting involved at a national level and working through the Ferguson Group has been one of the investments the County has made.

Commissioner Duffy asked what happens if funding is requested and obtained for a project but the County does not have the dollars to pay the balance on it, and referenced the Bunkhouse project as an example. Ms. Gelnovatch advised that the County has done in-kind things that have been contributed to that project and that in that particular account there is not a Federal match requirement. **Commissioner Duffy** asked if there were others that do have a Federal match requirement. Ms. Gelnovatch replied affirmatively; indicated that they differ from account-to-account; that the road projects typically have a 20% local match; and that she would get **Commissioner Duffy** the information on the Family Services Center and South County Archives.

Mr. Hebert advised that a trip to Washington to meet with the delegation would be mid-to-late February; that they would like input from the Commissioners individually; and be advised as to who would like to take the trip to Washington. Mr. Hebert stated that they would soon set with the Southwest Florida Legislative Consortium the agenda and date to go to Tallahassee; and pointed out that these meetings would be around the same time and need to be balanced.

Commissioner Duffy inquired if there was a particular time for attendance during appropriations. Ms. Gelnovatch stated the best time to go is early February but if they are unable to go in February they could go in early March; and indicated that the Ferguson Group would have submitted the projects in advance of the deadline so no critical deadlines would have been missed.

Commissioner Duffy asked how advantageous it would be if they went as part of the Southwest Florida delegation. Ms. Gelnovatch explained that their own elected officials are always the best to really talk about the needs of the County. **Commissioner Duffy** opined it would be useful to team up with Lee County or other counties to discuss such issues as the two different water districts. Ms. Gelnovatch agreed and pointed out that they speak with the congressional delegation throughout the year and can always follow up with items that you were not able to speak about personally. **Commissioner Cummings** advised he would make himself available to assist however possible.

(3) Environmental and Extension Services - RECOMMENDED ACTION: Solid Waste Management Division is seeking Board of County

Commissioners' permission to begin contract extension negotiations with Waste Management of Florida, Inc., and bring the results back to the Board for their consideration.

Jim Thomson advised that staff is seeking permission to begin contract extension negotiations with Waste Management of Florida, Inc. and bring the results back to the Board for consideration. **Commissioner Moore** requested that Mr. Thomson provide more information on this item for those who have not had the opportunity to read the background information that the Board received.

Mr. Thomson explained that Charlotte county's Solid Waste Collection Contract with Waste Management would expire September 2009; that Waste Management of Florida, Inc. expressed a desire to negotiate a contract extension with the County; that Charlotte County's Solid Waste Management Division is currently preparing for the expiration of the collection contract by gathering data, identifying alternative service levels, and surveying other County and City collection contracts; and pointed out that the Division would continue with preparations of a bid document while in the negotiation process.

Chairman D'Aprile clarified that price would also be negotiated. Mr. Thomson replied affirmatively. **Commissioner Cummings** stated that Mr. Thomson has offered the Board good guidance on this in the past; that we have a product that is superior to many of our neighbors and is less expensive than the vast majority of them; pointed out that we got a good product at a good price with a good partnership; and commended Mr. Thomson for the good work done and to Waste Management for the partnership the County has with it. Mr. Thomson agreed; stated that Waste Management is a known contractor that has provided the County with an excellent level of service; and that he hopes to bring back a good contract extension for the Board to consider.

COMMISSIONER MOORE MOVED TO GRANT PERMISSION FOR STAFF TO BEGIN CONTRACT EXTENSION NEGOTIATIONS WITH WASTE MANAGEMENT OF FLORIDA, INC., SECONDED BY COMMISSIONER LOFTUS.

Commissioner Duffy stated she received many emails inquiring about a one time per week pickup, with a possible 25% savings; that Waste Management is agreeable to doing that; but it depends on what the citizens want.

Mr. Thomson stated that would be part of the negotiations but it would not be a 50% reduction as some may think because there is still the same volume of waste to pick up, the collection truck will fill quicker, and it may be necessary to put out a couple more trucks to finish the route; that there is some savings and it would be part of the contract negotiation discussion and an option for the Board to consider.

Commissioner Cummings opined that 25% is probably the top-end of the bracket as far as potential savings; and pointed out that those who think twice a week is important have not yet been heard from but would be if there is a change to one time per week. **Commissioner Cummings** stated that when this was looked at in the past there was some industry knowledge implying that communities that had once a week pickup versus twice a week pickup with similar demographics had more dumping and litter problems, so there is a communitywide cost. **Chairman D'Aprile** said it was Mr. Thomson's job to determine what is best for the community involved and was certain he would do a good job in the negotiations to bring back to the Board with recommendations.

Motion Carried 5:0.

RECESS: 10:05 AM - 10:20 AM

(4) Utilities - **RECOMMENDED ACTION:** Provide Annual status update of Charlotte County Utilities Wastewater and Water Projects.

Charlotte County Utilities Director Jeff Pearson CCU Director gave a powerpoint presentation of the 2007 Review/2008 Outlook annual status update of Charlotte County Utilities Wastewater and Water Projects that paralleled the packet material furnished.

Mr. Pearson explained that the Rotonda Water Reclamation Facility is currently rated at 625,000 gallons per day; that the expansion is underway with an expectation of 1 million gallons per day (MGD) capacity late 2008 and 2 MGD in 2009; that the Burnt Store Water Reclamation Facility is currently rated as a .5 MGD or 500,000 gallon per day facility and under design to increase capacity to 2.5 MGD in 2010; and that the East Port Water Reclamation Facility is currently rated at 6 MGD and under design to increase capacity to 9 MGD.

Commissioner Moore clarified that the Rotonda Facility was currently at .625 MGD and is being expanded to 2 MGD or by 2 MGD. Mr. Pearson explained that it is a two-phase expansion; that the first phase is up from .625 MGD to 1 MGD, an increase of .375 MGD; and then add an additional 1 MGD by 2009.

Mr. Pearson provided a slide of the new 3 million gallon storage tank, which has recently been completed and would hold reuse water at the Rotonda Plant; advised that hydro testing is currently being done while the contractor is still on site to be certain there are no cracks and it operates correctly; and provided a slide of the Membrane Reactor Tank (MBR) where Zenon Membranes will be placed that filter out the wastewater and provide for an excellent reuse coming out the end of the plant for customers.

Mr. Pearson advised that approximately 95% of our drinking water is purchased from the Peace River Authority, which represents 70% of all water supplied by the Authority; that the other 5% is produced at the County's Burnt Store Reverse Osmosis (RO) water treatment facility, which serves customers in the Burnt Store area only; and provided an aerial photograph of the Peace River Treatment Plant and the RO membrane vessels that contain the filters that filter out the bad constituents from the water. Mr. Pearson provided an aerial photograph of expansion construction at the Peace River Facility for new treatment units; indicated that the Regional Expansion Project (REP) cost is being covered by some grant funding with a balance to be paid by the Authority Members; and that the majority of the remaining cost would be paid for by Charlotte and Sarasota Counties, with Charlotte County being responsible for 27.21% of those costs; that facility construction began March 2007 and reservoir construction began September 2007; that limited functionality is expected in late 2008; and expansion is to be fully complete in 2009.

Mr. Pearson stated that the current water treatment capacity at the Burnt Store RO plant is 1.127 MGD; that expansion to 3.6 MGD is to be completed in 2009; and that the expansion would include enhanced reverse osmosis membranes.

Mr. Pearson stated that some of the ways Charlotte County Utilities (CCU) is being responsive in diversifying water sources is that it underwent a countywide groundwater RO study; that the

study included evaluation of over 200 County and State owned parcels to identify feasible locations for the development of a local groundwater supply and construction of a water treatment facility; and that those sites were reduced to four (4) final locations, one in each area of the county.

Mr. Pearson reported that in South County the current expansion of the Burnt Store Plant should be sufficient to meet demands for the next ten (10) years; and that beyond ten (10) years if additional supply is needed in South County the Burnt Store Facility can be further expanded by an additional 3 MGD, up to 6.6 MGD.

Mr. Pearson stated that the Waterman site in West County can provide 5 MGD and defer an additional Myakka River crossing by approximately ten (10) years; that the Copley Drive site in East County could serve as the plant site for Babcock Ranch or host a plant and well field capable of 10 MGD; that if Copley were to serve as the plant to treat Babcock water it could treat 25 MGD, which Babcock is capable of supplying; that if this option is selected and a consumptive use permit granted by South Florida Water District (SFWMD) the additional 25 MGD used in conjunction with the Authority's current 16.1 MGD would meet the needs of the County for the next twenty (20) years.

Mr. Pearson explained that the key point to developing water at Babcock is that it could meet the needs without multiple groundwater sources or treatment facilities; stated that during the June 5, 2007 Roundtable the Board asked for costs and timelines for the various options; and that the final feasibility report for the project, which provides cost, timelines and other details for each option developed, was just received today.

Mr. Pearson advised that during the course of evaluating surface water supply CCU discussed future water supplies with the City of Punta Gorda (City); that the City is also currently evaluating future sources of supply to address their long term customer needs; that there has been preliminary discussion that if the County develops local groundwater the City may be interested in participating with the County; and pointed out that our current finished water permit from SFWMD is for a twenty (20) year permit to obtain Babcock Ranch groundwater.

Mr. Pearson reported that we have two (2) existing interconnects with the City of North Port; that we just completed the Englewood Water District to CCU interconnect; that currently under design is the City of Punta Gorda, Peace River Water Supply Authority and CCU interconnect, which is currently under design; and that two (2) studies are complete to possibly interconnect between the City of Cape Coral and Lee County; and the surface water study is very near finished.

Mr. Pearson provided a slide of the Englewood Water District (EWD) interconnect; and pointed out that this is a bi-directional interconnect, meaning that EWD can send us water and water can be sent back to EWD if needed, and it can be metered.

Mr. Pearson advised that the countywide wastewater plan was recently completed and is being reviewed; indicated that MSBUs approved October 2006 include Pirate Harbor and Rotonda Sands; and MSBUs approved October 2007 include Charlotte Harbor and Rotonda Villas/Springs.

Mr. Pearson showed a map of the Regional Reclaimed Water Main, which is currently under construction; commented on construction areas down SR 776; indicated that construction along Midway Boulevard is nearing completion, which is a 16" pipeline approximately fourteen (14) miles long running from the East Port water reclamation facility to Riverwood; stated that Contract 1A is the Midway portion and Contract 1B is the SR 776 portion; that the storage pumping stations at Eagle Street and Walenda Avenue have not yet been bid out; and that construction is anticipated to begin this year and be completed in 2009.

Mr. Pearson showed a picture of the 16" main reclaimed line project along Kings Highway; indicated the Operations Division for FY 2007 completed the South Gulf Cove chlorine/ammonia injection station; that East Port Laboratory received certification for bacteriological testing of potable water; that East Port Operations office/warehouse was completed; that a meter was installed at the Myakka Bridge to measure flows to West County; that pressure sensors were installed at various system locations; and acquired Gasparilla Island Water Association (GIWA) water distribution assets on the mainland in Placida.

Mr. Pearson indicated that Major Water Main Extensions being worked on are Seyburn Terrace and Kings Highway, Como Street, and Hillsborough Boulevard; and that Major Wastewater Projects being worked on are Sailors Way/SR-771, Deep Creek, Midway Boulevard, Harbor Boulevard/US 41, and US 41 (West Tarpon to Orange).

Mr. Pearson reviewed In-House Projects, System Maintenance, Lift Station Rehabilitations, Operations Goals, Business Service Goals, and Community Relations Outlook, sections, which paralleled the packet material furnished.

In reviewing the Water Conservation section of the packet material furnished, Mr. Pearson reported that CCU was working on a new irrigation and landscaping ordinance, that Southwest Florida Water Management District (SWFWMD) grants have been secured for toilet rebates, and that CCU is bringing in-house the enforcement of water restrictions.

Mr. Pearson stated that in response to ongoing drought conditions and as part of a responsible water resource management program CCU revised the watering irrigation schedule for its customers effective February 1, 2008 to that recommended by SWFWMD for Phase II water shortage conditions, and commented on what the conditions and restrictions are; advised that CCU staff would begin enforcement of watering restrictions and penalties February 1, 2008; that no penalties would be assessed in February 2008, but penalties would begin March 1, 2008 after a second documented occurrence; and indicated that tighter restrictions may be necessary as drought conditions continue or worsen.

Mr. Pearson explained that in accordance with our ordinance we are basically following SWFWMD's current watering restrictions; that Punta Gorda has the same schedule; and that with the drought conditions it is imperative that we be consistent with the remainder of the county. Mr. Loucks pointed out that this is the first the Board has heard of this and staff is looking for Board consensus to move forward with the recommended revised schedule.

Commissioner Loftus stated he understands the reason for changing the watering dates; expressed concern that sufficient time is not been given; and inquired how that information would be gotten out to the public. Mr. Pearson replied that it would be done through the media, newspaper ads, and bill inserts, and stated that many were already aware of it through the

committees. Mr. Loucks advised that this is only a recommendation and that the timeframe is up to the Board's discretion. **Commissioner Loftus** advised that he is concerned with the timeframe because it takes people a while to adjust to a new schedule.

Commissioner Moore clarified that the recommendation is to put this into effect February 1, 2008 with warnings first and no penalty until March 1, 2008; pointed out that there is a drought and opined that a program should be established and move forward. **Commissioner Loftus** opined that the program should be started in February, but fines issued April 2008. Mr. Pearson stated that between now and then SWFWMD could tighten the restrictions further and we might have to change to follow SWFWMD's guidelines; and indicated that what we are doing now is following what the ordinance says.

Commissioner Cummings opined that Mr. Pearson's proposed schedule is reasonable and everyone has an opportunity to be notified before fines are issued. **Chairman D'Aprile** agreed with **Commissioner Cummings**; indicated that he hears 3 Commissioners in favor of going forward and 2 against; and believes there is a 3:2 vote on this issue.

Commissioner Loftus advised there was discussion at the Peace River/Manasota Regional Water Supply Authority (Water Authority) meeting and conversations with David Moore, Executive Director of SWFWMD, and Patrick Lehman, Executive Director of the Water Authority, regarding an effort to get water from the Englewood Water District (EWD); that SWFWMD agreed to allow us to obtain water from the EWD for 100 days under an Executive Order; and that he is not certain the amount discussed of \$1.80 per thousand gallons for 100 days has been approved.

Commissioner Loftus advised that the Water Authority agreed that Charlotte County should be treated the same as Sarasota County was treated on the GAP program; commented on costs and credits; indicated that money would be taken out of the reserves, which would have to be replenished in the next Water Authority budget season; and opined that taking water from the EWD would help us not draw down on the wells and that we would get better water from the EWD than if we were getting it from the Peace River.

Assistant County Administrator Roger Baltz advised that **Commissioner Loftus** captured the detailed points and elaborated further on **Commissioner Loftus'** comments; explained that the key things that would have to fall into place for this to happen is the EWD would have to agree to a rate of \$1.80 per thousand gallons; that we would make a payment to EWD that might amount of \$270,000; that we would receive a credit from the Water Authority that would not quite match that amount and Charlotte County would absorb an estimated \$27,000 difference; that the credit is paid out of the Water Authority's budget that we pay a majority of and we would have to replenish that money; and that if you do all the math the total cost to Charlotte County might be \$150,000.

Mr. Baltz explained that in order for this to happen the EWD would have to agree to the rate of \$1.80 per thousand gallons; David Moore, Executive Director of SWFWMD, would have to issue an Executive or Emergency Order to allow this to happen; that the Water Authority Board meets on February 6, 2008 in Sarasota County and would need to agree to give this credit back to us; and finally we have a current contract with EWD that we would have to follow up with appropriate steps to amend to make it happen. Mr. Baltz advised this could be handled several ways; suggested that the Board have discussion and give approval to allow out interconnect to be used for these purposes, contingent upon the other things mentioned occurring and falling into place; and stated that there are some follow up things that would have to be done with the Water Authority and EWD to make it happen. Mr. Loucks advised that we are looking for approval for what Mr. Baltz laid out if SWFWMD gives the Executive Order.

Commissioner Moore asked, theoretically, what happens when 100 days pass, reserves are used, and the drought is no better. Mr. Baltz stated that the end of April 2008 is used because that is the timeline for the Water Authority to hypothetically complete some wells they are sinking on the RV Griffith site to help alleviate their need for water in this drought time; explained that Mr. Moore has the discretion to extend the Executive Order if desired; and that if there is still drought condition after 100 days it would all have to be re-evaluated at that time from a money point of view and from a regulatory point of view from the district.

Commissioner Duffy opined the merits of doing this outweigh the negatives and is a good alternative. **Chairman D'Aprile**

clarified that this is a temporary basis until the water levels increase in the Peace River. Mr. Baltz said this is one solution; that the other solution is the Reservoir and Expansion Project (REP), which is where we hope to deal with situations like this in a better manner with more options, water and reliability available; and indicated that this arrangement is for roughly the next 100 days or through the end of April 2008, but is also on an "as needed" basis; and pointed out that the interconnect we are talking about using is the one we just built, is owned, operated, and controlled by Charlotte County, and that we might be able to discontinue this if the water levels rise a month from now. **Chairman D'Aprile** opined there was consensus.

Commissioner Cummings stated he has not yet had it explained where in the regulatory process is the requirement that there be an Executive Director Order for us to use an interconnect that we built with no grant funding and is our interconnect; opined there has been strong-arm tactics used by the district and we are teaching them that is a successful tactic to use; that the Peace River option was to have resolved this problem; that we have been paying for a product that we have not gotten; that from a practical standpoint we need to proceed with this option, but be very clear with the conditions under which we would proceed and that our proceeding ahead would be under those conditions being met.

Commissioner Moore agreed we should proceed; stated he is happy with the attitude of SWFWMD and EWD; and opined there has been strong cooperation from the Water Authority.

Chairman D'Aprile indicated staff should proceed with the program because direction has been given. **Commissioner Cummings** stated that it was Charlotte County's time to be Chair at the Water Authority; that we forwent that; but asked that we request that next year Charlotte County be given that opportunity again. **Commissioner Loftus** explained that the discussion was that Charlotte County would take the Chair the third year.

Chairman D'Aprile agreed with **Commissioner Cummings** that Charlotte County should have the Chairmanship next year. **Commissioner Cummings** stated if we ask for it next year it would not change when Manatee County gets it; that by next year our representative should be prepared for it; and that by foregoing it this year we should only delay getting it by one year.

Commissioner Moore opined **Commissioner Loftus** should not be directed when he should be Chair of the Water Authority; that he be allowed to make that determination. **Commissioner Cummings** stated that is something that we ask as a courtesy, not as a demand. **Commissioner Duffy** opined we need to give it some time.

(5) County Administration - RECOMMENDED ACTION: Seeking Board approval for the contracting of the Health and Human Services Contracted Services to Charlotte County United Way and authorize the Chair to sign the agreement.

Robert Hebert reported that this item is for the Board to discuss and consider the potential of moving the contracted services process for the Health and Human Services type applicants to United Way to include it under their community services evaluation process for allocation of funds; that agencies not directly doing Health and Human Services, such as museums, Charlotte Harbor Environmental Center, and Arts and Humanities would be withdrawn from this and become line items in the budget for the Board to consider; and that this is only for those dealing directly with Human Services projects.

Mr. Hebert stated that envisioned in this agreement is the Board capping the fund and notifying United Way of the amount of monies available; that through United Way's community services process evaluations would be made of all applications; that decisions and recommendations would come back to the Board for acceptance or rejection as a package; that the application process would still be there and we would know the funding recommendations and how accounted for; that United Way agreed to do a six month allocation process where awards are made but funds not distributed until the Board determines the amount of monies; and that it would be in sync with the County fiscal year issues.

COMMISSIONER LOFTUS MOVED TO APPROVE AGREEMENT 2008-007, SECONDED BY COMMISSIONER MOORE.

Attorney Knowlton stated she thought this was coming up for consensus purposes, but if the Board is to approve it, she wants to make a change, which is to add audit language at the end of paragraph 5 stating " all records and contracts required by this Contract shall be available for audit, inspection or copying during normal business hours and as often as the County may deem

necessary, except for any client records protected by client confidentiality rules or regulations established by the State of Florida. The County shall have the right to obtain and inspect any audit pertaining to the performance of this Contract made by any local, state or federal agency." **Commissioner Moore** asked if United Way had seen that clause. Attorney Knowlton indicated they had not, but indicated it was standard audit language. A United Way representative from the audience stated there was no problem adding the language to the Contract. **Commissioner Loftus** agreed the audit language should be included. **COMMISSIONERS LOFTUS AND MOORE AMENDED THEIR MOTION AND SECOND TO INCLUDE THE LANGUAGE READ INTO THE RECORD BY ATTORNEY KNOWLTON TO THE END OF PARAGRAPH 5 OF THE CONTRACT.**

Commissioner Cummings commented on the down side; indicated that the Board should understand that this is less deliberative on an item-by-item basis; and that as a group they say this is all the money we will put into these general categories, not is each individual one a greater benefit than the cost. **Commissioner Cummings** stated that the Board would still be tested and asked to make changes to its recommendations because people still know it is within the discretion of the Board; that no matter what is said by ordinance the Board has the ability to make changes through the budget process; and that how strongly the policy is viewed would be determined by how strongly the Board enforces the policy.

Commissioner Cumming opined that if the Board is going to have a cap on Human Services, a similar cap should apply to the non-Human Services so that everyone is treated equally; commented on the Mental Health Services where funding was increased to help reduce public safety costs and bring additional dollars into the community, but would have gotten us into a bind had it been in these categories, which it no longer is; indicated that this may cause some opportunities to be missed; and that we would be balancing missing those opportunities with weakening the policy that exceptions would not be made. Mr. Hebert agreed and commented further on circumstances for funds added for the Mental Health.

Commissioner Moore clarified his understanding of the proposal is that the Board sets a cap of dollars, turns it over to United Way to determine awards by what agencies and how much, and brings recommendations back to the Board to either accept the total recommendation or turn it all down if any portion is not agreed

to. **Commissioner Moore** opined that we get a great benefit because United Way is a diverse part of our community that reaches out to many, is very qualified in this realm, and give the opportunity of approving the entire plan without micro-managing.

Attorney Knowlton pointed out that if that is what the Board wants to accomplish it is not currently the language that appears in the agreement; read the language in paragraph 3-A; and advised that if the Board wants to do this as a package the language in the second sentence of paragraph 3-A should be changed to read "At another meeting the Board shall evaluate agency's recommendation as a whole." **Commissioner Moore** stated that he is in favor of accepting the entire package or not. **Commissioner Loftus** agreed. **Chairman D'Aprile** requested an amendment to the motion.

Mr. Hebert asked if doing this eliminates paragraph B. Attorney Knowlton stated that paragraph B could remain. Mr. Hebert clarified that the wording being proposed by Attorney Knowlton is that at a separate meeting the Board would accept or reject the recommendations as a package. Attorney Knowlton replied affirmatively.

COMMISSIONER LOFTUS STATED THAT IS THE LANGUAGE HE WOULD LIKE TO HAVE INCLUDED IN THE AGREEMENT AND AMENDED HIS MOTION. COMMISSIONER MOORE SECONDED THE AMENDMENT TO THE MOTION.

Commissioner Cummings clarified his earlier comments; indicated that he is not saying the Board should not do it, but was offering another side to the equation and some cautions; and opined that none of the processes would be perfect.

Commissioner Duffy supported United Way taking on this responsibility because they are better qualified and more in sync with the needs of the community and organizations; opined that the Board would be happy with the recommendations of United Way; commented on some cautions to help streamline the process; and inquired if the language under 3-B that reads " If County does not accept all of Agency's recommendations this agreement is terminated." means for that particular year's recommendations or the entire agreement. Attorney Knowlton explained that it would be for that year and that the Board would then have to go back to some other process to determine how it would be handled.

Motion Carried 5:0.

(6) Budget Department - RECOMMENDED ACTION: a) Approval of the E911 State Grant application in the amount of \$862,147.99; and b) Approval for the Board Chair to sign certification documents related to the application for the E911 State Grant Program requested by Charlotte County E911; and c) Approval for acceptance of the E911 State Grant if it is awarded; and d) Approval of the addition of the E911 State grant revenues to the County budget and the distribution of the grant funds as attached if the funds are awarded.

Mr. Loucks reported that this item is for approval of a Grant application. Assistant Budget Officer Linda Carr advised that this requests approval of the E911 State Grant application in the amount of \$862,147.99 and for Board Chair to sign certification documents related to the application, acceptance of the E911 State Grant if awarded, and approval of the addition of the E911 State grant revenues to the County budget and the distribution of grant funds if the funds are awarded.

COMMISSIONER MOORE MOVED TO APPROVE GRANT 2008-002 (E911 EQUIPMENT UPGRADE PROJECT) AND GRANT 2008-003 (NG-911 PROJECT), SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

(7) Administration - RECOMMENDED ACTION: Set an all day Board Retreat on February 7, 2008 from 9:00 AM to 4:00 PM for goals and strategic planning, location to be determined.

COMMISSIONER MOORE MOVED TO SET AN ALL DAY BOARD RETREAT ON FEBRUARY 7, 2008 FROM 9:00 AM TO 4:00 PM FOR GOALS AND STRATEGIC PLANNING, WITH LOCATION TO BE DETERMINED, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Commissioner Duffy requested that one of the top priorities for the retreat be sustainability of water.

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

(1) Growth Management - RECOMMENDED ACTION: Conduct the first of two public hearings at 10:00 a.m., or as soon thereafter as may

be heard to consider approving entering into a Development Agreement by and between Benderson Development Company, LLC and Charlotte County for the Victoria Estates DRI.

Jeffrey Crimer reported that this is the first of two public hearings to consider approving entering into a Development Agreement by and between Benderson Development Company, LLC and Charlotte County for the Victoria Estates Development of Regional Impact (DRI); and that the second public hearing would be conducted by the Charlotte County Board of County Commissioners on Tuesday February 12, 2008 at 10:00 AM or as soon thereafter as may be heard in Commission Chambers, Room 119, First Floor of the Murdock Administration Building, 18500 Murdock Circle, Port Charlotte, Florida. Mr. Crimer advised that the Victoria Estates Development Agreement involves the Victoria Estates DRI at the northeast intersection of Rampart Boulevard and Kings Highway and east of the southeast intersection of Loveland Boulevard and Sunset Boulevard in the Port Charlotte area; addresses improvements at Rampart Boulevard and Kings Highway and Loveland Boulevard and Sunset Boulevard; and that Public Works staff is available to answer specific questions on the agreement.

Attorney Geri Waksler spoke on behalf of Benderson Development Company, LLC (Benderson); indicated that the agreement before the Board has a study being done by Benderson to determine what can be accomplished with the impact fees in the proportionate share they are obligated to pay, which may, or may not, cover the widening up to the project entrance. Attorney Waksler explained that they went from an earlier agreement that was on the table which had Benderson obligated to do the widening of Rampart Boulevard at one point all the way to the I-75 bridge, but not including the bridge, and back down to their project entrance.

Attorney Waksler advised that Benderson remains willing to widen Rampart Boulevard up to their project entrance, or if the Board wishes, up to the I-75 bridge, but if their impact fees are less than what the cost of the widening would be there needs to be a provision for reimbursement. Attorney Waksler stated that could take either the form of an actual dollar reimbursement as was done on the Wal Mart for the widening of Kings Highway to four lanes up to the DeSoto County line, or Benderson would be willing to accept impact fee credits that they could then use for any of their projects in Charlotte County.

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

Motion Carried 5:0.

Commissioner Moore requested that someone from staff comment on the County's rights and duties.

Tom O'Kane advised that the Board tasked staff 18-24 months ago to come back with this road widening to the entrance of the development; that when the agreement was first negotiated with the rate of the impact fees it appeared we could have the widening up to the development; but that with the rollback of impact fees there is not enough money in impact fees to pay for all of it. Mr. O'Kane indicated that the developer is willing to do the rest of the improvements provided they get impact fee credits for one of their projects or the County come up with the balance needed to offset the deficit in the funding. Mr. O'Kane pointed out that there is no money budgeted for this project and the prospects this year are not particularly good.

Commissioner Moore indicated that the impact fees were lowered on a temporary basis as an effort to help the builders; that this does not fit the mold of what was trying to be accomplished; but that now he needs to understand what was done and the start and finish rules to qualify for the lower temporary impact fees.

Mr. O'Kane clarified that it is the timing issue that **Commissioner Moore** is asking about. **Commissioner Moore** replied affirmatively. Jeff Ruggieri explained that by lowering the impact fees in situations like this one when there actually is an impact from a development that has a dollar amount associated with it that would be required to get the development up to par with our level of service and our standards, it hampered the County into making those improvements that are required; that in this situation specifically we have suggested to the developer that it needs to widen the road or put improvements into a road that the impact fees now do not cover; that the developer has stepped up and indicated he would still do the roadwork even though the impact fees won't cover what the true cost is, but that the developer wants to receive credit for impact fees above and beyond what money we are putting in. **Commissioner Moore** inquired when the impact fee for road work is assessed. Mr. O'Kane stated that it is when you get your building permit.

Attorney Waksler explained that the agreement is not based on the amount of impact fees that Victoria Estates will or will not pay; that it is based on the calculation of proportionate share, which has not changed over the course of the agreement.

Attorney Waksler indicated that expressed in the agreement, which has never changed, is that the proportionate share obligation, or the amount of road work that Victoria Estates/Benderson must do, is \$1.1 million, which is its proportionate share based on the impacts the development would have on the surrounding road network.

Attorney Waksler stated that the only thing that changed, which was before the rollback occurred, is at one point the agreement had Benderson doing the widening to I-75 and then to the entrance; that the County came back when there was discussion of the changes in the property tax and said that the \$1.1 million dollars would not cover the cost of the improvements that the County wants to see on Rampart Boulevard; that the County would not cover the cost of the improvements that the County wants on Rampart Boulevard; that the County would not have money to reimburse Benderson and it does not want to give impact fee credits to reimburse for anything above the \$1.1 million; and suggested re-structuring the agreement so it says you will do a study, figure out exactly what improvements can be done for the \$1.1 million, we will agree to that, and the County can do the \$1.1 million worth of improvements.

Attorney Waksler indicated she heard at Pre-Agenda that the County wants to see at a minimum Rampart Boulevard widened from Kings Highway to the Victoria Estates entrance on Rampart Boulevard; that the developer would contribute \$1.1 million, but any additional cost to widen Rampart Boulevard to the entrance would need to come back to Victoria Estates either in the form of a dollar reimbursement or in impact fee credits.

Attorney Waksler explained that Victoria Estates/Benderson is not getting a benefit other than the same benefit anyone else gets; that when they pay their impact fees the impact fees are now lower and the credits can go a little further, but the amount of the proportionate share has not changed; that the value of the improvements share has not changed; that the value of the improvements they always agreed to and above which they would

need additional reimbursement has not changed; that the rollback of the impact fees does not change that; that it was \$1.1 million before the rollback and is \$1.1 million now.

Attorney Waksler opined that what Mr. Ruggieri was trying to say is that if you wish improvements beyond the \$1.1 million, there needs to be a provision for reimbursement, which can be either in the form of writing the developer a check or providing additional impact fee credits; that if they have impact fee credits it means they would pay less impact fees on other projects down the road that could then impact what is or is not done on other projects; and pointed out that it does not change the developer's obligation either on this or future projects; that it changes only the way that they are paid for.

Mr. Loucks commented on how the timing works; explained that impact fees are assessed at the time the permit is pulled; that when the Certificate of Occupancy (CO) is received the cash is actually paid; that since this is a Developer's Agreement there is a different set of dynamics, which creates some lag time between actually paying the cash or getting the credits; that the credits would be given up front up to a certain amount and as they bring in their projects the balance sheet would be reduced until all credits have been used; and that you would then start paying cash for impact fees that are over and above the amount that is due to the County.

Commissioner Cummings requested clarification on when determination is made of how much would be paid per unit. Mr. Ruggieri explained that it is determined at the building permit level up-front. Mr. Loucks stated that when the building permit is applied for on a unit-by-unit basis is when the amount is assessed. **Commissioner Cummings** clarified that in approving this Developer's Agreement we are not determining what the level of impact fees will be charged, that it would be unit-by-unit as each individual home gets its CO. Mr. Ruggieri advised that the impact fees for every unit in this DRI are locked in; that the impact fee in place as of June 1, 2007 is the highest amount that can be charged per unit under this Developer's Agreement, which is prior to the Board rolling back the impact fees. **Commissioner Cummings** confirmed that regardless of what the intent of the applicant is how much money they receive back in the form of impact fee credits would be determined in no small part by whether or not this Board decides to restore impact fees to their

roll back levels. Mr. Ruggieri replied affirmatively, that it would be the timing of filing for a building permit and what the impact fee is at that time.

Commissioner Cummings clarified that if the impact fees remain at the rolled back rate done this year the developer would receive more impact fee credits not to have to pay elsewhere on other developments. Mr. Ruggieri replied that is correct and expressed concern with how to manage that.

Mr. O'Kane explained that the agreement was worked out that everything above the \$1.1 million would be an impact fee credit to the project; that they will pay the rate as long as it does not exceed the June 2007 level; that more of the project could be done with impact fee credits for this project; but that the worst case scenario is that you don't and there is a chance there would not be sufficient funds to do this roadway project. **Commissioner Cummings** stated that the developer's fair share of widening the road, or impact on the road, has been determined to be \$1.1 million; that if the rate of impacts remain we are taking taxpayer's money and paying for the developer's impact on the road; that it would not show up on this road, but on another; and indicated it is up to the Board to determine how long the temporary roll back stays.

Chairman D'Aprile asked where the \$1.1 million figure came from and why it is not sufficient funds to do the road. Mr. O'Kane said it has never been more expensive because the improvements were around \$3 million; that \$1.1 million is what was calculated to be the developer's impact on Rampart Boulevard; that the total cost to do the road to the entrance is \$3 million plus and the County must make up the difference; that before the rate was rolled back the developer had more than enough impact fees to pay the difference for the project, and would get impact fee credits for the balance; and now that it is rolled back the County is in a position of not having adequate funds because nothing was budgeted in the CIP for public funds to go into this project.

Chairman D'Aprile indicated that the Board needs numbers of where the funds would come from before making a decision. Mr. O'Kane clarified what information is to be included. **Commissioner Loftus** asked that the information also include where other funds would come from for completion, and if we have

the money. Mr. O'Kane stated that there are no public funds, gas tax, or other impact fees allocated for this project.

Commissioner Cummings opined that the problem is not in this Developer Agreement; that the one way the project happens is through this Developer Agreement and the builder builds it; and that the issue is if the Board rolls back to the old impact fees before the developer starts building houses. **Commissioner Cummings** indicated that the problem would not show up here and commented on where difficulties would arise. **Chairman D'Aprile** stated that the Board cannot do this without knowing the consequence.

Attorney Richard Browne indicated this is the first example of getting bitten by Senate Bill 360 and commented on the pay-and-go provision option. **Chairman D'Aprile** suggested that staff meet with each Commissioner on this issue.

(2) Growth Management - RECOMMENDED ACTION: Conduct first public hearing at 10:00 a.m. or as soon as can be heard on to consider approving entering into a Development Agreement by and between Charlotte Commons, LLC and Charlotte County for the Charlotte Commons development.

Mr. Crimer advised this is the first Public Hearing on the Charlotte Commons Development Agreement; that the second Public Hearing would be conducted by the Charlotte County Board of County Commissioners on Tuesday, February 12, 2008 at 10:00 AM or as soon thereafter as possible, at 18500 Murdock Circle, Room 119, Port Charlotte, Florida; that the land subject to the Charlotte Commons Development Agreement is part of the Sandhill Development of Regional Impact (DRI) consisting of approximately 26 acres bounding on the north and east by Veterans Boulevard, on the south by Peachland Boulevard, and on the west by Loveland Boulevard, and an approximate 5 acre tract at 23950 Veterans Boulevard, which is the east side of Veterans Boulevard. Mr. Crimer commented on some changes to the Development Agreement that Public Works reviewed and agreed to and advised that copies would be provided to the Board.

Attorney Geri Waksler appeared on behalf of developer in support of this agenda item; commented on conditions contained in the 1991 Sandhill DRI Agreement and improvement needs of the intersections; and indicated that the developer's proportionate

share obligation of the impact fees would be paid directly to improve the two intersections.

Attorney Waksler commented on the improvements to be made to the intersections; indicated that this was not in the County's five-year CIP and is being expedited; reviewed changes in the agreement; advised that what is not known is the amount of impact fees that will be paid, which would then be credited back; stated that under the commercial fee schedule adopted in June 2007, the impact fee obligation would be \$7.265 million, which is more than enough to cover the cost of doing the improvements; that under the rollback impact fees the impact fee obligation is \$1.5 million; and in that scenario to accomplish the full \$4 million there would need to be, as on Victoria Estates, a reimbursement, which can be in the form of impact fee credits for use on other projects. Attorney Waksler stated that the agreement is in place to accelerate improvements to the worst intersections in the County; that under this agreement that would get done; and that there may or may not be some reimbursement required by the County.

Chairman D'Aprile clarified that under the old impact fee schedule the obligation would be \$7.265 million, which is sufficient to do the \$4 million improvements, plus some, and that under the new impact fee reduction there is not enough money to do the improvements. Attorney Waksler replied affirmatively. **Chairman D'Aprile** indicated he likes to see development happen with some control; commented on the reason the impact fees were lowered; and opined that the developer could put in the improvements at no cost to the County.

Attorney Waksler explained that the developer did not request the rollback of commercial impact fees; that there was an agreement in place where the developer was prepared to pay the increased impact fees; that the developer would pay whatever impact fees are in effect at the time they construct; that the relief to the developer is no different than the relief to any individual homeowner or smaller commercial project; that the developer was willing to pay the impact fees before the Board rolled them back; and that the developer should not be penalized for a decision the Board made.

Chairman D'Aprile opined that the reason the impact fee reduction took place was to help the individual builder, not a

developer; and indicated that the developer has a larger impact versus the individual builder. Attorney Waksler stated that local contractors have done bids and would benefit by the development.

Commissioner Duffy stated that the improvements must be made in order for the development to happen. Attorney Waksler advised that the developer is willing to pay based upon its proportionate share but would object to paying for more than the impact they would place on the road, and not what the law provides. Attorney Waksler stated that the site-related improvement impacts are not involved; that those remain the same; and that this only impacts the intersection.

Commissioner Cummings opined that the higher priority discussion is about improvements to the traffic flow in the general vicinity; indicated that his position on the impact fees is the same as the last item and that the issues have sufficiently been addressed today; and inquired if the concept plan of the development is preliminary, subject to additional review. Mr. Crimer advised that it must still go back to Development Review Committee (DRC).

Commissioner Cummings stated he hopes an opportunity for a node to be done the way we would like to have our newer development to occur has not been missed; and commented on the need for both sides of the buildings that are double-fronted to be attractive. Mr. Crimer pointed out that would be an opportunity through DRC.

Commissioner Cummings commented on considerations being given in establishing services to the stores where loading docks and garbage collection sites are located and additional improvements to the center parking lot for better internal pedestrian facilities and landscaping.

Marvin Medintz inquired if impact fee credits are transferable from one developer to another, if there are any limitations or restrictions on the ability to transfer the impact fee credits, if impact fee credits, if granted and transferred, carry with them the lowered impact fee or whatever impact fee was in effect at the time it was going to be utilized; and indicated he sees a market where credits could be sold.

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

Motion Carried 5:0.

Attorney Waksler responded to Mr. Medintz' comments and advised that the provision calls for free transfer; that Mr. Medintz is correct that impact fee credits can be sold to someone else, which is the way that impact fee credits have been since the system was devised; and explained that what would be sold is a dollar amount, not a credit for a certain amount of square footage for development.

(3) 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 to create an advisory board for the Buena Vista Area Waterway MSBU and to amend the language of the current ordinance to bring it into conformity with other county MSBUs.

Tara Musselman advised that currently there is a committee for the Buena Vista Area Waterway MSBU through a very old ordinance that only gave the power to create the annual work program, not an actual advisory committee; and that amendment of the language of the current ordinance to bring it into conformity with other County MSBU's is requested.

Commissioner Moore requested clarification of who "The Governing Body" was, which is referenced in the proposed Ordinance. Ms. Musselman explained that the Advisory Board makes suggestions and the Board of County Commissioners have final say.

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-011, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

(4) 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 amending the terms and provisions of the advisory board for the Manchester Waterway Benefit MSBU.

Ms. Musselman pointed out that this ordinance was drafted before the actual Advisory Committees were made and has no term limits, requirements of where members reside, how long they can be a member, re-appointments, and those type issues; and that approval of an ordinance amending the terms and provisions of the Advisory Board would bring the Manchester Waterway MSBU Advisory Board into conformity with other County MSBU Advisory Boards.

Grace Amodio stated that members of the Manchester Waterway Benefit MSBU have worked hard to get the Manchester lock removed; that many current members would like to remain on the Board until the lock is removed; and inquired if those members need to write again requesting to remain on the Board.

**COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.**

Ms. Musselman advised that the current members would remain on the committee; that there is no need to send a letter for re-appointment; and that terms would be set at the next meeting.

**COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-012, SECONDED BY COMMISSIONER DUFFY.
Motion Carried 5:0.**

(5) Public Works - *RECOMMENDED ACTION*: Conduct a public hearing at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an Ordinance to create an advisory board for the Placida Area Street and Drainage MSBU.

Ms. Musselman advised this item is to create an Advisory Board for the Placida Area Street and Drainage MSBU; that there currently is not one; and that there are currently at least three (3) people who would like to form a formal committee.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

**COMMISSIONER CUMMINGS MOVED TO APPROVE ORDINANCE 2008-013, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.**

RECESS: 11:25 AM - 11:30 AM

Mr. Loucks suggested that Regular Agenda Item Z-5 be heard before Regular Agenda Item Z-4 after returning from the break.

VII. PRESENTATION AGENDA - No items.

IX. BOARD WORKSHOP AGENDA - No public input - No items.

X. CITIZEN INPUT - ANY SUBJECT

Dominic DeLucia, owner of Tropical Bay Inn Motel on Bayshore Road, commented on difficulties with drugs, prostitution, fighting, other criminal activity, and the homeless where his business establishment is located; that he has not had assistance from the Sheriff's Department and their response time is very slow; and requested assistance from the Board of County Commissioners.

Chairman D'Aprile opined that there must be a way to prevent people from disturbing a business; explained that the Board of County Commissioners does not have the authority; and asked if the Attorney's office could check into what could be done about the problem. Attorney Knowlton advised there are laws on the books that prevent disturbing the peace, public intoxication, etc. but the issue may be a problem in the Sheriff's Office responding in time that the persons causing the disturbance are still on the premises. **Chairman D'Aprile** suggested that business dealers call the Sheriff's Office immediately. **Commissioner Duffy** expressed concern that citizens' rights are being violated; that she previously asked the Attorney's Office to look into what Sarasota is doing because they were having the same problem and have been dealing with it. Attorney Knowlton reported that the Attorney's Office is still looking into this. **Commissioner Moore** opined that it may be necessary to do things that are not wanted, such as closing the park in the evening.

AA. County Administrator:

Mr. Loucks indicated that we are looking at tracking the state-held Triathlon to Charlotte County; that the event is Sunday, May 4, 2008; that it would require closing the Tom Adams Bridge to

boat traffic from 7:45 AM to 11:00 AM; and that Board approval is needed.

Commissioner Loftus opined the bridge did not open that often. Mr. Loucks advised that it required Coast Guard approval and would be duly coordinated. **Commissioner Moore** offered support; indicated it would only be for three (3) hours; and stated that it should be advertised as much as possible, including in Venice. **Commissioner Cummings** inquired if there were any commercial operations that boaters needed to get to; reported that typically waterways have priority over the roads; and opined it may not be as simple as it sounds. **Chairman D'Aprile** indicated there is Board consensus to look at the possibility of doing this.

Mr. Loucks indicated a Tax Reform Amendment speaking engagement schedule was handed out; that a meeting had been held at the Lemon Bay High School in West County last Thursday; that the Property Appraiser inquired if there would be such a meeting held in Chambers; and that if the Board was interested in doing so, it would probably be scheduled for Friday, January 25, 2007 with the same format as used in West County.

Commissioner Moore opined it is a great service to the public. **Commissioner Duffy** stated it was a tough point; that she personally could not recommend anything; and was not certain she could contribute much. Mr. Loucks said we have taken a neutral position and only laying out the facts and answering questions about what it means in terms of budget impacts of doubling the homestead; that we are not advocating one position or another. **Chairman D'Aprile** pointed out that everyone is aware of this but not certain how it affects them; indicated that the public should be given all the information possible and have whomever possible available to provide explanations; and indicated Board consensus was given. Mr. Loucks announced the meeting for discussion with questions and answers of Proposition I would be set for Friday, January 25, 2008 at 6:00 PM in Commission Chambers, Room 119, 18500 Murdock Circle, Port Charlotte, Florida.

BB. County Attorney:

Attorney Knowlton advised that the hearing before the Public Service Commission (PSC) on Sun River's expansion into Charlotte County's service area was held last week at the Cultural Center; that **Commissioner Cummings** did a wonderful job conveying the

Board's message to the PSC that it was inconsistent with the Comprehensive Plan; and that the outcome would not be known for several months.

CC. Commissioner Comments:

Chairman D'Aprile advised that Port Charlotte Honor Flight, Inc. is requesting assistance in raising funds for World War II Veterans to travel to Washington, D.C. to see the National World War II Memorial; and indicated that the impact connection fees on the Homeless Coalition needs to be placed on the agenda for discussion. Mr. Loucks explained that it would be brought back the first meeting in February 2008.

RECESS: 1:20 PM - 2:00 PM

VIII. PUBLIC WORKSHOP AGENDA - 2:00 PM Environmentally Sensitive Lands Oversight Committee (ESLOC)

(Commissioner Duffy was not present for the workshop.)

Chairman D'Aprile explained the 2:00 PM Workshop was between the Board of County Commissioners (Board) and the Environmentally Sensitive Lands Oversight Committee (ESLOC); and provided a summary of what would be discussed at the workshop. Mr. Loucks stated that this is a good opportunity for the Board and ESLOC committee to compare notes, see if expectations are the same, and if the process is working.

Andrew Stevens with Natural Resources provided a brief review of the Ordinance; indicated that the flow chart has been tweaked to meet the recommendations of the Board and members of the Oversight Committee; commented on the process for site selection to the Conservation Charlotte Program as diagramed on the chart provided in the packet material; and indicated that one area added to the flow chart is that ESLOC would see the contracted price and make recommendations to the Board.

Mr. Stevens reported that the first site, Shell Creek Preserve, a 370 acre site on Shell Creek, went through the process without the contracted price in seven (7) months, and was one of the fastest acquisitions of any program in the state.

Bruz Meade provided a summary of how the real estate appraisal process works based upon the information contained in the packet material; indicated that all appraisers engaged by Real Estate Services are Florida State Certified and approved by Florida Communities Trust (FCT); and that Southwest Florida Water Management District (SWFWMD) also utilizes the FCT approved appraiser list.

Mr. Meade explained the appraiser must take into consideration the subject property's highest and best use when placing value on the property; and indicated that the 4 criteria for the highest and best use are is it physically possible, is it legally permissible, is it economically feasible, and is it maximally possible. Mr. Meade advised that in the appraisal process the assignment is identified, what needs to be appraised in the scope of work is identified, and quotes are obtained from six (6) State Certified Appraisers; indicated that each assignment requires two (2) independent appraisals; and that typically the two lowest bidders are awarded the appraisal assignment. Mr. Meade commented on appraisal fees; indicated appraisals typically take five (5) to seven (7) weeks to be completed and are normally good for six (6) months; and that when the appraisal is completed Real Estate Services does an in-house review to be certain it is accurate and reasonable, deals with the appraiser for any corrections necessary, and when deemed satisfactory the report is turned over to Natural Resources.

Mr. Meade stated that appraisals are only used as tools to determine the basis for potential negotiation; that appraised value does not necessarily mean the purchase value; and that the final use of the property is also taken into consideration. **Chairman D'Aprile** inquired if when doing the appraisal they look at the economy and what property sold for months ago versus what the property is selling for today. Mr. Meade replied affirmatively.

Jim Cooper asked how comparable value is determined if something hasn't sold. Mr. Meade explained that the appraiser uses the best information available; indicated that ideally they go back within the last twelve months to get comparable sales, but may have to go back further; and that sales are adjusted by the date of the sale.

Clarke Keller indicated that things are changing rapidly and inquired if an appraisal would be updated if a purchase price is not reached after a couple months, or wait the full six (6) months that the appraisal is good for; and if it is costly. Mr. Meade indicated it is a judgment call; that they use the market to their advantage in the negotiation process; that an update may not be ordered but the former market versus the current market would be taken into consideration; and that it is a bit costly to do.

Douglas Tucker commented on multiple sellers or multiple transactions on a single piece within a short period of time and inquired if sales price in a recent past on that property is taken into account, considering the quick drop in values in a short period of time. Mr. Meade advised that what the prior owner paid for the property is taken into consideration, but offers are based on what we believe the market value to be.

Mr. Cooper inquired if an appraiser takes into consideration the factors in environmentally sensitive land that might include if we would do conservation easements, partnerships, or other programs. Mr. Meade advised that if part of the scope of work is to put a value on a conservation easement the appraiser would be instructed to do evaluation in that manner; indicated that the typical appraisal would be based on the fair value if we buy in fee, or the full bundle of rights; and stated that they do take into consideration mitigation requirements associated with the Florida Scrub Jay, which is part of their due diligence.

Mr. Cooper indicated he was inquiring about other factors that could enter into it because there are many factors that ESLOC looks at in environmentally sensitive land other than just raw land. Mr. Meade stated that in looking at it from a negotiation standpoint they are not out to get the highest and best use or develop the property and it has a lesser value to the County; and indicated that we start at the fair market value and keep in the back of our minds what the final use of the property would be to the County.

Mr. Cooper commented on property with wetlands or undevelopable acreage. Mr. Meade advised that acreage that is not buildable would be backed out. Mr. Loucks explained that appraisals are starting points for negotiations.

Ruth Bromberg asked if it was common practice to get a third independent appraisal if the two appraisals obtained are wide apart. Mr. Meade replied affirmatively.

Mr. Keller asked if there was a process for determining the starting point of negotiations, or if there was a cap above the appraised value. Mr. Meade stated that generally speaking the goal is to purchase below the appraised value.

Al Campitelli explained the process more in depth; explained the appraisals are a tool for us; that we then look at what we want to do with the property; that we are not always acquiring the property for highest and best use, which is what the appraiser's set their values at; that our use of the property may be 60% of the highest and best use; and that when an offer is made to purchase a property at 60% of that appraisal to start or end with, this is what we want to pay for it for our use.

Chairman D'Aprile indicated that one appraisal is obtained from the seller, and one from us; that the seller bases his price on the highest and best use possible; that we are purchasing land not to build on or make a profit on, but to preserve, so using the appraisal idea described would lower the value; and stated that if the person who wants to sell their property knows that ahead of time they would know that we are not going to offer the amount of money they want, or even what the appraisal says. Mr. Campitelli replied affirmatively and stated that our job is to buy the property for what we want to use it for, which is one of the main things we negotiate on.

Mr. Tucker confirmed that the question if the seller is willing to sell their property under appraisal value appears in the Willing Seller Form and that in most cases the response is yes. Mr. Campitelli responded affirmatively. Mr. Tucker indicated he has difficulty justifying how we can purchase a piece of property for more than what was paid for it a year ago in a higher market. Mr. Campitelli explained that it would depend upon when it was purchased and what was included in the purchase price; pointed out that deeds do not reflect exactly what the price of the property is; and indicated that the appraisal compares the market value of like and kind properties to the property being appraised and makes adjustments to the values of those like and kind properties.

Fred Klowden indicated that often what happens in the negotiation process or when people are making a decision to nominate their property onto the program depends on who they are selling it to and the potential outcome, such as property that has a long family history; and indicated that ESLOC has discussed the use of an outside contractor to aid in the negotiation process in order to get the best value for the properties and program.

Eric Sutton of SWFWMD commented on several model options available when looking at land acquisition and when certain model types are used; indicated that SWFWMD has been successful using an outside contractor; and opined it is all about relationships with land owners.

Commissioner Loftus inquired about the cost of an outside contractor. Mr. Sutton said it was affordable but he did not know the exact dollar amount.

Mr. Cooper asked how SWFWMD was handling the declining market. Mr. Sutton stated it is a difficult time for owners and buyers; that large land holdings are not seeing the decline because traditionally they have larger staying power; that at that time appraisals are relied on heavily; that we always try to achieve under appraised value, but look at expectations; and indicated that low-balling can ruin a relationship.

Chairman D'Aprile opined that appraisals should be based upon what the property would be used for.

Mr. Campitelli commented on negotiations; indicated that the parties meet initially, sit down, and develop a repore; that there were three (3) negotiations in progress; that one terminated relations and one has not yet been heard back from; that the Safron/Shell Creek property just closed; and that Real Estate Services was able to obtain a donation of 14 acres from the property owners, which saved the County and the Conservation Charlotte Program over \$385,000.

Al Cheatham commented on the use of outside experts; indicated that we should be careful in implying that because a piece of property has environmentally sensitive attributes that we all agree are good that it automatically makes it worth less money than what it might be; but agreed that we should always try to get the best deal.

Mr. Keller agreed with Mr. Cheatham; indicated that this is where having the contractor involved is important; that we must get property for as little as possible; and that it is just doing the best for the people who support us.

Ms. Bromberg stated the citizens of Charlotte County have historically made it clear that preserving these special lands is very important to them.

Chairman D'Aprile indicated the objective of the program is to purchase as much land as possible; indicated that most people don't consider that this land is now taken off the tax roll, we don't get money for it, and we now must maintain it; and pointed out that land must be purchased for the least amount of money possible because of the maintenance costs.

Commissioner Cummings indicated that when land of coastal counties is purchased for preservation purposes there is an increase to the surrounding land, which more than offsets the decrease in the taxable value of the lands set aside for preservation; and indicated that from a tax generation point in Charlotte County it normally shows a net gain.

Commissioner Loftus expressed concern with the cost of maintaining the properties; indicated that he initially thought maintenance cost was included in those dollars; and opined that should be considered when properties are purchased. Mr. Loucks advised that when the program was first developed we were allowed to use the collections to provide for maintenance; and explained changes wherein all proceeds had to be used for property purchase and debt service.

Mr. Cooper inquired if tax reform circumvented the language that the voters voted upon. Mr. Loucks explained that tax reform did not govern the millage rate; that it governed the revenues collected; that it was a broad sweeping tax reform package that came out of the Legislature; that the only things exempt were revenues that were dedicated to a voted referendum; and indicated that if we took some of that money and used it for maintenance and it was not a voted referendum for debt service then that becomes susceptible to having the tax reform applied to it.

Dr. Coy pointed out that in the property evaluation process if it is found the property management would be expensive the property is turned down.

Mr. Cooper opined that some of the money could be set aside from the cost; commented on how this was accomplished through the Sarasota County program; and suggested this be worded to the public in some type press release in language they can understand.

Commissioner Moore commented on affordability and sustainability difficulties with the Babcock Ranch Preservation Lands.

Bill Wilcox commented on experiences the State has had with environmentally sensitive land acquisitions; indicated that the Florida Forever Program has been extremely successful; that as more land is acquired it creates a land management liability; and that if there are creative ways the State can look at ancillary land uses that are adjacent or associated with environmental land purchases to offset some of the management costs they are eager to do so. Mr. Wilcox explained that the experiment for the Babcock/Crescent B Ranch is to determine if the cattle operations, agricultural fields, sod, limited hunting and pine tree harvesting can generate enough revenue to cover the base management costs; and indicated that it is not a universal solution because there is not always a farming operation that can be relief on for the future. Mr. Wilcox commented on creative approaches that could be used that creates temporary revenue when considering purchasing a piece of property; and provided scenarios of properties being considered for purchase, which would have operations upon the land that could generate revenue for future maintenance.

Mr. Tucker advised that other properties have been looked at that have value in other areas such as mining, ranching, etc; inquired if it was the intent of the referendum to purchase lands and do operations of that sort on it; and could it be justified to the citizens that a piece of land be purchased and in order to maintain the land purchased we may need to sacrifice this piece of land for a short period of time to make sure that the rest of the pieces we purchase are funded. Mr. Wilcox opined it is a significant enough departure that it should be discussed very openly and publicly; that it would need to have support of the

public; and that he does not recommend those things be considered without public support.

Commissioner Moore indicated that the orange grove land was extremely significant for its connectivity between two major pieces of land; that it could be justified why something is being done there with ultimate direction of restoring it as well; but that it would be more difficult to sell its use as a rock mine. Mr. Tucker inquired if monies received from uses done on pieces of property that were acquired and paid to Conservation Charlotte would have to be used to purchase more property or if some of the monies could some be used to offset property maintenance. Attorney Knowlton stated she would have to look into it.

Mr. Keller commented on possibly purchasing parcels and discarding areas that are not environmentally sensitive; questioned if that could be dedicated just for maintenance; and indicated that there should not be speculation with taxpayer's money.

Mr. Tucker commented on a parcel of property being looked at that had the potential for mining. **Chairman D'Aprile** opined that Charlotte County and mining together should not be.

Mr. Stevens commented on the Acquired Land Uses and Management portion; indicated that costs associated with land management are very site specific; that Tippicanoe II mitigation activities are permit driven through the Capital Improvement Habitat Conservation Plan (HCP); that Conservation Charlotte sites would be stewardship driven, not permit driven; that restoration efforts would be made when funding was available and could take place over several years; and commented on restoration needs and costs associated with the Shell Creek Preserve site.

Mr. Stevens indicated that the Board directed staff to negotiate on a Deep Creek site of approximately 450 acres at the end of Sandhill Boulevard; that at the time only two appraisals for 40 acres of the site were available; that appraisals have now been received for the two larger parcels owned by private citizens who are willing sellers; that staff requests direction to begin negotiations on the other two parcels; and that there would be no additional costs other than staff time. **Commissioner Moore** requested clarification of what was needed. Mr. Stevens advised that this was a discussion item to advise the appraisals had been

completed and would like to bring this forward on the next agenda if possible.

Mr. Stevens advised there had been discussions with ESLOC for an ordinance revision to incorporate the current flow chart to include the box that reviews the contracted price; that several committee members want Wildlands Conservation, Inc. (Wildlands) to become more actively involved in the negotiations; and that staff believes Real Estate Services has the expertise and ability to perform the negotiations, but would like to bring Wildlands in on a case-by-case basis.

Mr. Klowden explained that ESLOC officially voted that it wanted a recommendation to the Board to include consultation with an outside contractor because they believe there are cost saving bonuses and benefits to the program and county and that they are potentially able to more than offset the costs.

Mr. Keller asked Mr. Sutton if one of the uses SWFWMD found for their contractors is providing a buffer between government and private citizens willing to sell their land. Mr. Sutton stated that it was beneficial in one case; explained that the geographic range for SWFWMD is very broad; but that it is certainly a popular model of what is suggested for many programs with less of a geographic area.

Dr. Coy opined it would tie the advisory committee to the expertise of a person who can sit down and confirm that it would be advantageous for both parties. Attorney Knowlton inquired if the committee was suggesting that including the outside contractor would be on an "as needed" basis as determined by Real Estate Services or as determined by the committee. Mr. Tucker agreed that there was consensus of the committee to have Wildlands included in the negotiations; opined that services of the outside contractor would be determined by Real Estate Services; and indicated that he did not want to pay for duplication of services. Mr. Klowden stated that Real Estate Services has a number of expertise and are very good at purchasing other types of properties; that he does not necessarily believe Real Estate Services has the expertise in securing environmentally sensitive land; and that the expertise in real estate for an outside contractor such as Wildlands is conservation land purchases. **Chairman D'Aprile** indicated that it has been made clear that we need to address the issue further

of whether or not an outside contractor is needed to make a determination.

Commissioner Loftus expressed concern with the cost of an outside consultant. **Commissioner Moore** indicated everyone needs to state what they are actually thinking in order for the Board to make informed decisions.

Ms. Bromberg opined there is no one better experienced in considering the manageability of a particular property than Wildlands; and is not certain Real Estate Services has that expertise. Mr. Loucks requested clarification if we are talking about Wildlands doing the negotiations; (**Chairman D'Aprile** replied no.) or just involved in the assessment. Dr. Coy responded that the suggestion is for Wildlands to be involved in the assessment as to the total picture of the negotiation aspect. Mr. Loucks requested clarification of Wildlands' current involvement.

Mr. Stevens explained that currently if Wildlands is needed on a complex purchase Real Estate Services would request their involvement. Mr. Tucker stated that this came up initially because Real Estate Services went to the committee with considerations of cancelling the contact and the concern of the committee with that happening based on the fact that it wanted Wildlands' expertise; and indicated that it was his understanding that ultimately the decision for utilization of Wildlands was up to the Board.

Mr. Loucks advised that the direction to Real Estate Services came from him based upon an email that compromised every value that the organization holds dear, which concerned him as to whether or not the right people were involved. Mr. Cooper commented on what was agreed to in the contact and the accepted bid; indicated that they do not match; that there was a mistake; but that he does not know how.

Chairman D'Aprile requested Board direction. **Commissioner Loftus** indicated he would like this brought back at a Board meeting.

Commissioner Cummings recapped that staff wants to use Wildlands on an "as needed" basis but not on every project because there are times Real Estate Services is competent to handle it; that

for the development of management plans Natural Resources has a fair amount of talent as well; that the voted position of the committee is that it wants Wildlands to look at each project first for that contact with the landowners who may not want to talk to a government official; and in the event there are creative opportunities to identify what set of rights they want Real Estate Services to acquire, not on an as needed basis, in the belief that over the long term that would generate more savings than it cost in money to Wildlands. **Commissioner Cummings** pointed out that currently because of the change in tax reform the only place officially designated to pay Wildlands from is Natural Resources General Fund Budget, which presents a problem of how much money can be paid. **Commissioner Cummings** reported that there is \$300,000 a year in the Capital Improvements Program (CIP) allocated toward environmental land acquisition; that it is in every year for the next five (5) years; and that unlike most CIP projects it is a recurring revenue stream.

Commissioner Cummings commented on changes as a result of the referendum; indicated that if a portion of the funds are used toward land management and another part used to create more opportunities for savings through Wildlands it would address some of the budget constraints that Natural Resources is dealing with and meet the need that the committee has identified to hopefully generate sufficient savings; but that it would not be known for sure until it actually pays off. **Commissioner Cummings** commented on where funding could come from; opined there is a way of addressing the concern of all parties in that matter; that no one knows for certain if paying Wildlands additional money would pay off; but stated that the folks we have asked to advise us on this have very strong feelings about; that they voted and wanted it communicated to the Board; and that the issues for the Board is if we will pay for it and how.

Chairman D'Aprile indicated **Commissioner Cummings'** is in favor. **Commissioner Cummings** replied affirmatively. **Commissioner Moore** stated he would like it brought back to the Board. **Chairman D'Aprile** indicated the consensus is to have it brought back to the Board.

Mr. Stevens advised that ESLOC developed an A and B list criteria and added three (3) properties to their A list at their January 7, 2008 meeting; requested that there be discussion to delay the

appraisals on those three (3) properties and decisions on the properties that are currently undergoing negotiations; and consider suspending new property nominations until the committee and Board make recommendations on the property currently in negotiations and properties that would start the appraisal process as well as negotiations on the three (3) new properties, which would be a total of nine (9) current properties. **Chairman D'Aprile** confirmed all nine (9) properties were on the A list. Mr. Stevens replied affirmatively.

Mr. Klowden advised that some properties that would otherwise have been on the B list were improved and moved to the A list. Mr. Tucker stated that the committee does a good job of looking at the work plans and determining which should be brought to the Board; and indicated that he had suggested, but lost on the vote, developing the A/B list after appraisals came in so determination could be made as to which would be a higher priority to purchase first based on price and work plan.

Dr. Coy explained that the committee is made up of capable people and indicated that it is hard for all to rise to the level of being on the same page at the same time during a meeting.

Mr. Tucker stated that the committee is very diversified and there are times when we do not effectively communicate together, but that as time goes on and tough decisions must be made he hopes they can work well together. Ms. Bromberg indicated she appreciates being able to have a meeting like this. Mr. Cheatham indicated that this a valuable time; that when the negotiated properties come back to the Board and it compares that with what is available; that at some point the decision must be made as to what order the properties would be purchased; that the Board should be aware that the committee has an interest in that area, though it is not its role to make that decision; and opined that the Board should get as much input from the committee as possible in order to make the best decision.

Commissioner Loftus stated that the Board of County Commissioners needs as much information as possible before making decisions.

ADJOURNED: 3:50 PM

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January 22, 2008

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

gm