

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 12, 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, Internal Audit Director Byrne, Executive Assistant Blair, and Minutes Supervisor Nice. The following members were absent: None. The meeting was called to order at **9:00 AM**.

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

Changes to the Agenda

Addition #1: Z-9, Attorney's Office, Authorize the Charlotte County Attorney's Office to initiate all necessary and appropriate legal action to enjoin the individual known as Robert Chancey Sumner from the continued violations of Charlotte County Code of Laws and Ordinances.

Deletion #1: Z-4, Parks, Recreation and Cultural Resources, a) Approve an amendment of the South Coast Baseball contract and b) Discuss the financial plan to make improvements on Field #4 at the Charlotte Sports Park to accommodate professional baseball.

Deletion #2: Z-5, Approve File #08-176, the "piggyback" purchase of material and installation of sports lighting for Charlotte Sports Park Field #4 at the unit prices on the City of Jacksonville Bid #SC-0511-06, Park and Playground Equipment with Musco Sports Lighting for the total cost of \$310,065.

Deletion #3: L-7, (a) Approve ranking of firms for Request for Proposal #08-088, Reallocation/Design-Office Space - 1st Harvard Jolly, Inc.; 2nd Alliance Design Group; and 3rd C. Alan Anderson Architect for the reallocation and design of a portion of the Administration Complex, as it relates to the Tax Collector, Budget and Human Resources Departments; (b) Approve start of negotiations; and (c) Authorize the Chairman to sign the contract

after completion of negotiations providing the fee does not exceed \$100,000.

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

Motion Carried 5:0.

Special Recognition

Proclamations - Commissioner Loftus

Arts and Humanities Council Artist of the Month

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

Motion Carried 5:0.

Clare Harvey accepted the Proclamation and thanked the Board for it's support.

Gordon A. Missimer Day

COMMISSIONER MOORE MOVED TO APPROVE GORDON A. MISSIMER DAY PROCLAMATION, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

Chairman D'Aprile advised he would make sure that Mr. Missimer received the Proclamation in recognition of 19 years of service and retirement.

Library Lovers Month

COMMISSIONER MOORE MOVED TO APPROVE LIBRARY LOVERS MONTH PROCLAMATION, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

Friends of the Library Vice President Kimberly Fee-Heurlin along with Mid-County Regional Library President Dianne McCombs and Englewood-Charlotte Friends of the Library President Margaret Johnstone accepted the Proclamation. Ms. Fee-Heurlin summarized services provided to citizens including youth programs and advised funds are needed to continue these programs.

Employee Recognition - Commissioner Loftus and County Administrator Loucks

5 Years: John Crabtree-Environmental Extension Services, Vann Johnson-Building Construction Service, Rhonda Leonard-Building Construction Services

10 Years: Glenn Bond-Public Works, William Byle-Growth Management, Randy Cole-Parks, Recreation & Cultural Resources, Kelly Shoemaker-Administration

15 Years: James Stallings-Environmental Extension Services, Robert Whidden-Utilities

25 Years: Michael Cohee-Fire/EMS

Not Attending: Charles Nader-Fire/EMS

Award Presentation - County Administrator Loucks

Mr. Loucks recognized Mark Ramsey for earning the designation of Certified Chief Information Officer from the Florida Institute of Government at Florida State University. Mr. Ramsey accepted the Certificate, expressed appreciation for the recognition, and for the opportunity to serve the Board and Charlotte County citizens. Chairman D'Aprile expressed appreciation for work well done.

VII. PRESENTATION AGENDA

(2) Commission Office, RECOMMENDED ACTION: An update by Mac Horton on the recent election of January 29, 2008

Supervisor of Elections Horton stated the election was more of a success than anticipated because of an almost 44% turnout versus a prior 18% turnout; referenced the information packet; stated the cost per voter was calculated at \$4.19 versus \$1.50 for absentee ballots and an election cost of about \$225,000 whereas a vote by mail would have cost about \$100,000 less; urged Board Members to contact State Legislators to change the voting process and provide discretion at the local level to do votes by mail; thanked Parks, Recreation and Cultural Resources staff for

providing facilities for volunteer training and early voting; encouraged attendance at the Courthouse dedication on February 29, 2008; requested the back wall of the Elections Office in the Murdock Complex be moved back to accommodate one additional desk space and employee prior to the General Election; advised he is doing everything possible to conserve funds to make the change possible; and offered to work with Budget staff on costs for the office reconfiguration. Supervisor Horton commented on the voting program for kindergarten children and pointed out their favorite ice cream flavor is chocolate.

Chairman D'Aprile reported other States do votes by mail and questioned the status of the newly acquired voting machines if vote by mail is approved. Supervisor Horton stated the same thing as prior machines and noted larger turnouts with vote by mail e.g. 80% have returned ballots in other States and jurisdictions.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Attorney Geri Waksler appeared on behalf of Benderson Development and R&D Ranch in support of the recommendations made by the Environmentally Sensitive Lands Oversight Committee (ESLOC) on Agenda Item Z-7 and urged the Board not to close off nominations because Benderson Development Corporation is ready to nominate a site that has a lot of wildlife and habitats for preservation.

Bret Clark commented in support of Agenda Item G-1, outlined the work that has been achieved with staff's assistance and the multi-jurisdictional participation necessary including citizen input to obtain the designation of S.R. 776 as a Florida Scenic Highway.

Randee LaSalle, Rotonda West and a member of the Sierra Club, commented in support of Agenda Item Z-7 relating to negotiations to lands for preservation in order to leave a legacy for the children and grandchildren of Charlotte County residents.

Russell Garrod commented on Agenda Items Z-2 and Z-8 in support of expediting development of the Habitat Conservation Plan that covers 11 species, not only Scrub Jays; stated it will be paid for in the tax roll in the first year and save many more dollars

in the future; and encouraged the Board to allow the Sales Tax Extension to sunset and bring it back properly in two years for a 10 to 15 year extension.

City of North Port Chairman Tower commented on Agenda Item Z-1, introduced North Port Commissioners, the City Engineer, and North Port citizens in Red Shirts; advised on January 28, 2008 the City unanimously voted in support of reducing speed limits on Hillsborough Boulevard but no specific limit was designated; and offered to continue working with Charlotte County officials and staff. **Chairman D'Aprile** acknowledged the Board's consensus.

Bill Phillippe commented on Agenda Item Z-7 specifically relating to the purchase of Babcock lands; the nomination and negotiation process through the ESLOC can be a very lengthy process; a decision was made in December 2007 to negotiate on seven properties whereas another three parcels have not even been appraised as of this time; and urged the Board to consider and make decisions concerning the seven properties .

Suzanne Graham commented in support of Agenda Item L-16 and agreed with Mr. Garrard's statements.

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 preservation of beaches and shores. Committee meets the first Thursday of each month at 9:00a.m. in Murdock. Term is four years.

Boca Grande 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. The term shall be for two years.

Children's Services Council seeking two volunteers to serve on the Children's Services Council for a four year term. Applicants must have a demonstrated interest in public service and have resided and maintained a residence in Charlotte County for the previous 24 months. Members will be appointed by the Governor from a list of nominees chosen by the Board of County Commissioners. Letters of intent to serve and a resume will be accepted by the Commission Office until February 28, 2008.

Construction Board of Adjustments and Appeals is seeking one member to serve as an alternate on this board. Must be a member of the construction industry and have a current license. This term will expire in April 2009.

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

Deep Creek Non-Urban Street & Drainage Unit Advisory Committee is seeking one volunteer. This is a three (3) year term, effective immediately, to expire Jan. 31, 2011. Must be a resident of this unit.

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 Street and Drainage Advisory Committee is seeking one volunteer to serve as a regular member for a three year term. Volunteers must be landowners and reside within the boundaries of the Unit.

Gulf Cove Waterway Advisory Committee is seeking one regular member to serve a three-year term, and one alternate member to complete a vacated term that expires on July 25, 2008.

Harbour Heights Street & Drainage Unit Advisory Committee is seeking one volunteer. This is a two (2) year term, effective

immediately, to expire on February 13, 2010. Must be a resident of this unit.

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

Placida 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.

South Gulf Cove Street and Drainage Advisory Committee is seeking two volunteers who are landowners and reside within the boundaries of the Unit, 1) one regular member to complete a vacated term ending January 9, 2010, and 2) one alternate member to complete a vacated term ending February 13, 2009.

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

South Gulf Cove Waterway Advisory Committee is seeking one volunteer who is a landowner and resides within the boundaries of the Unit to serve as the alternate member. The term shall expire on January 9, 2009.

Commissioner Cummings stated something has to be done because he has never seen a list of vacancies as long as this one. **Chairman D'Aprile** agreed. Mr. Loucks reported there are 10 agenda items to fill Committee Vacancies.

III. REPORTS RECEIVED AND FILED

Minutes for Charlotte Harbor-Community Redevelopment Agency Advisory Committee meeting January 31, 2008

IV. CONSENT AGENDA

COMMISSIONER MOORE MOVED TO APPROVE CONSENT AGENDA EXCEPT ITEMS L-5 AND L-6, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Finance Memoranda
Memorandum #1 - Status of Contingency Reserves FY 06/07
Memorandum #1A - Status of Contingency Reserves FY 07/08
Memorandum #2 - Total disbursements for the period January
15 through February 4, 2008 in the amount of
\$23,330,434.70

BUDGETED ACTION: None

B. Minutes Division

(1) RECOMMENDED ACTION: Approve minutes
9:00 AM November 20, 2007 Land Use Public Hearings
BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Reappoint Mr. Tony Ackerman as a regular member to the Boca Grande Street and Drainage Advisory Committee. The term shall be for three years. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve the reappointments to the Construction Board of Adjustments and Appeals - Mr. Ray E. Cowen, PE as the Engineer Representative and Mr. Dale Watson as the Architect Representative for three year terms. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Reappoint Mr. Mike Hadsell as the alternate member of the Englewood East Street and Drainage Advisory Committee. The term shall be for two years. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Reappoint Mr. Ronald J. Wozniak to the Gulf Cove Street and Drainage Advisory Committee for a three year term which will expire on February 12, 2011. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Reappoint Mr. John S. Eckstrom to the Gulf Cove Waterway Advisory Committee for a three year term that will expire on February 12, 2011. Staff has talked with Mr. Eckstrom and he has verbally requested reappointment. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Approve reappointment of Mr. Bob Hill and Mr. William Dallas to the Little Gasparilla Island Advisory Committee (Community Plan) effective January 12, 2007, for a two year term which expires on January 12, 2009. Both Mr. Hill and Mr. Dallas have continued to serve the Board and their Community Plan since January 12, 2007. This action brings current their terms on the committee. On April 24, 2007, the Board took action as requested and appointed Ms. Carolyn DuPree to serve a three-year term on the committee. The By-Laws of the committee call for two-year terms. The Board is requested to correct a clerical error and correct the appointment made from a three-year term to a two-year term. The two-year term shall expire on April 24, 2009. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: Appoint as regular members to the Placida Street and Drainage Advisory Committee Ms. Mary Smith, Mr. Marvin Medintz, Mr. Richard S. Roberts, Mr. William J. Dahms, and Mr. John V. Milantoni. The terms for each shall be pulled by lot number during the first scheduled meeting of the committee. BUDGETED ACTION: None

(8) RECOMMENDED ACTION: Appoint Mr. Ron Bick as a regular member to the South Gulf Cove Street and Drainage Advisory Committee. Mr. Bick is the current alternate member, and will replace Ms. Gloria Lee who chooses not to be reappointed. The term shall be for three years. BUDGETED ACTION: None

(9) RECOMMENDED ACTION: Appoint Mr. Joe Giraldi as a regular member to the South Gulf Cove Waterway Advisory Committee. The term shall expire January 9, 2009. The vacancy has been duly advertised. BUDGETED ACTION: None

(10) RECOMMENDED ACTION: Approve appointment of Lynn Ambrose from alternate member to regular member on the Tropical Gulf Acres Street & Drainage Unit Advisory Board replacing Peter MacDonald who has resigned. Length of term - until February 27, 2009. BUDGETED ACTION: None

D. Administration - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: Approve the resolution correcting a scrivener's error in the legal description of Resolution 83-01S which vacated a portion of the former route of Piper Road (South Airport Road). BUDGETED ACTION: None

Resolution 2008-009

F. Budget Office - No Items.

G. Growth Management

(1) RECOMMENDED ACTION: Adopt a resolution in support of the designation of State Road 776 as a Florida Scenic Highway by the Florida Department of Transportation. BUDGETED ACTION: None

Resolution 2008-010

H. Economic Development - No Items.

J. Environmental Services - No Items.

K. Facilities Construction and Maintenance - No Items.

L. General Services

(1) RECOMMENDED ACTION: a) Approve Amendment #3 to Contract #07-008, Charlotte Sports Park Renovation/Expansion, with Hunt Mathews/Taylor in the amount of \$206,653; and b) Authorize the Chairman to sign the Amendment. BUDGETED ACTION: Budgeted amount in FY08 is \$25,352,000 in CIP Charlotte Sports Stadium.

(2) **RECOMMENDED ACTION:** Approve Work Order #1 to Contract #07-422, Construction Engineering Inspection (CEI) Services with American Consulting Engineers of Florida, LLC of Port Charlotte, FL, for Fordham Waterway Bridges Construction Project - CEI Services in the amount of \$199,982.19. **BUDGETED ACTION:** The FY08 budget contains \$200,000 available for this change order in the Road Improvements fund. Project c410519, Fordham Waterway Bridge Replacement. Project total is \$937,000.

(3) **RECOMMENDED ACTION:** a) Rescind award, and find Enviro Construction, Inc., in default of Bid #08-001, Peachland Boulevard Sidewalks, and b) Award to the second lowest responsive, responsible bidder, Jason Bennett Contracting, Inc., of Bradenton, FL in the amount of \$1,476,137.32. **BUDGETED ACTION:** The FY08 budget has \$1,900,000 available for this contract in project c410301, Sidewalks/Schools and Missing Links. The project total is \$5,700,000.

Commissioner Loftus commented on the need to tighten up the bid process.

(4) **RECOMMENDED ACTION:** a) Rescind award and find Robert Charles, Inc., in default of Bid #08-053, Grove City Walking Park, and b) Award to the second lowest responsive, responsible bidder, ADS General Contractors, Inc., of Miami, FL in the amount of \$193,392.78. **BUDGETED ACTION:** The FY08 budget has \$255,000 available for this contract in project C410743, Grove City Walking Park. The project total is \$402,000.

Commissioner Loftus included this item in comments relative to Agenda Item L-3.

(5) **RECOMMENDED ACTION:** Approve to authorize staff to enter into negotiations on Bid #08-070, Public Works-San Casa Campus, with the lowest responsive, responsible bidder, White General Constructors, Inc., of Naples, FL, to construct office and warehouse space for Public Works. **BUDGETED ACTION:** Budgeted amount in FY08 is \$546,000 in CIP Project San Casa Satellite Operations Facility Addition.

Commissioner Moore expressed opposition. Public Works Director Tom O'Kane stated the bid came in higher than anticipated, asked for the opportunity to renegotiate with the vendor, commented on

the importance of providing satellite facilities, distributed photographs of the existing structures on the site, and indicated some stormwater work can be eliminated. **Chairman D'Aprile** requested the time line to renegotiate. **Commissioner Moore** suggested bringing this item back at the next meeting. **Facilities Construction and Maintenance Director Andrew Baker** explained **Public Works** can do some of the site work, the shed/storage building can be deleted from the bid, and recommended staff bring it back at the meeting after the next e.g. four weeks. **Chairman D'Aprile** announced the item would be brought back in four weeks.

(6) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #08-072, Fire Training Building-Design - 1st - Thomas A. Huff Architect, Inc; 2nd - BSSW Architects; and 3rd - Fawley Bryant Architects, Inc; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations providing the fee does not exceed \$125,000. BUDGETED ACTION: Budgeted amount in FY08 \$1,392,000 in CIP project Fire Training Burn Building.

Commissioner Moore indicated opposition but acknowledged the unfunded Statutory mandate that leaves the County no option. **Commissioner Loftus** commented on the need to evaluate State mandates, work on a regional basis to address impacts, and recommended the Board fulfill needs not wants.

COMMISSIONER MOORE MOVED TO APPROVE A) RANKING OF FIRMS FOR REQUEST FOR PROPOSAL #08-072, FIRE TRAINING BUILDING-DESIGN - 1ST - THOMAS A. HUFF ARCHITECT, INC; 2ND - BSSW ARCHITECTS; AND 3RD - FAWLEY BRYANT ARCHITECTS, INC.; B) START OF NEGOTIATIONS; AND C) AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT AFTER COMPLETION OF NEGOTIATIONS PROVIDING THE FEE DOES NOT EXCEED \$125,000 , SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Chairman D'Aprile suggested staff be more conservative with expenditures but safety must be considered and agreed with **Commissioner Loftus** on addressing needs. **Commissioner Duffy** suggested staff take steps to cut costs prior to bringing projects to the Board. **Purchasing Director Corbett** advised the Board is the only entity that can direct staff to negotiate projects or the Purchasing Procedures may be amended to allow

staff to negotiate prior to bringing an item to the Board. Mr. Loucks stated the item has been brought to the Board with a view towards direction to negotiate and reduce the project cost. **Commissioner Cummings** pointed out the item deals with negotiation only at this stage. **Commissioner Loftus** commented on the need to cut out frills and do only the necessities to comply with the Comprehensive Plan and stated wants cannot be supplied in view of the budget crisis.

Mr. Loucks noted discussion at the Retreat to set a workshop during the first part of March on the Capital Improvements Program.

(8) **RECOMMENDED ACTION:** Approve award of Bid #08-093, Storage Booster Pumping Stations to Cardinal Contractors, Inc., of Sarasota, FL for the total cost of \$2,842,710. **BUDGETED ACTION:** Budgeted amount in FY08 was \$3.4 million in Reclaimed Water Expansion Project c350601.

(9) **RECOMMENDED ACTION:** a) Approve ranking of firms for Request for Proposal #08-094, US 17 Corridor Study: 1st-Bowie Urban Planners; 2nd-Glatting Jackson Kercher Anglin, Inc; and 3rd-HDR, Inc.; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations providing the fee does not exceed \$50,000. **BUDGETED ACTION:** None

(10) **RECOMMENDED ACTION:** a) Approve ranking of firms for Request for Proposal #08-101, Update Stormwater Master Plan-Design Water Control Structures; - 1st - Giffels-Webster Engineers; 2nd - American Consulting Engineers; and 3rd-DMK Associates; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations providing the fee does not exceed \$300,000. **BUDGETED ACTION:** The FY08 budget has \$300,000 available for this proposal in project C390304, Greater Port Charlotte Drainage Control Structure Replacement. The project total is \$35,054,000.

(11) **RECOMMENDED ACTION:** Approve the award of Bid # 08-102, South County Sidewalks, to Peter A. Basile Sons, Inc. of Arcadia, FL, for the Base Bid plus the Option to provide Survey, Stakeout and Record Plans, for a total project cost of \$269,057.99. **BUDGETED ACTION:** The FY08 budget has \$525,000 available for use on this

contract in the 2002 Sales Tax Extension Fund. CIP project c410301, Sidewalks/Schools and Missing Links, project total \$5,700,000.

(12) RECOMMENDED ACTION: Approve Award of Bid #08-112, Stormwater Control Structure - Gibraltar Drive - Fordham Waterway, Mile Post 2.77 (FOR 2.77), at the unit prices bid to the lowest responsive, responsible Bidder, McLeod Land Services, Inc., for a Total Cost of \$642,205.00. BUDGETED ACTION: The FY08 budget has \$975,000 available for this contract in the Mid-Charlotte Stormwater MSB fund. The project is #c390304 GPC Drainage Control Structure Replacement, project total is \$35,054,000.

(13) RECOMMENDED ACTION: Approve the award of Bid # 08-120, Kings Highway Water Main Extension, to Stately Contractors, Inc. of Bradenton, FL, for a total cost of \$501,669. BUDGETED ACTION: Budgeted amount \$800,000

(14) RECOMMENDED ACTION: Approve: a) Award of File #08-165, Breathing Apparatus Upgrade Fire/EMS to Ten-8 Fire Equipment Inc., of Bradenton, FL for the total cost of \$484,694.06 and b) Budget Transfer # 08-002 and Budget Amendment # 08-A03 to allocate the funding in the Capital Project Fund for the purchase and the Fire Rescue Fund to repay the loan. BUDGETED ACTION: Approval of Budget Transfer # 08-002 and Budget Amendment # 08-A03

(15) RECOMMENDED ACTION: a) Approve the purchase of a Voice Over IP/Automated Call Distribution System for the price of \$321,866, from the Florida State Contract # 250-000-03-1, b) Approve the "piggyback" purchase of the Voice Over IP/Automated Call Distribution System installation for the price of \$32,400 from the National Joint Powers Alliance (NJPA) Contract #OC110204, both for File #08-169, Voice Over IP/Automated Call Distribution System, of which both portions were awarded to CDWG, Inc., c) Approve Budget Amendment 08-A09 and Budget Transfer 08-007 and d) Approve CIP Amendment 08-C10. BUDGETED ACTION: Approve Budget Amendment 08-A09/Budget Transfer 08-007/CIP Amendment 08-C10

(16) RECOMMENDED ACTION: a) Approve ranking of firms for RFP #07-363 Comprehensive Enterprise Land Records Management System: 1st - Accela, Inc., which will be deployed as a new enterprise system for Growth Management; and 2nd - Municipal Software Corporation;

b) Approve Start of Negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations provided the fee does not exceed \$2,050,000. BUDGETED ACTION: None

(17) RECOMMENDED ACTION: a) Rescind award of three (3) products on Contract #08-074, Pesticides & Herbicides-Supply & Deliver: Milestone VM and Milestone VM Plus with Red River Specialties, Inc. and Droplet Landing Zone-Sun Control with Agro Distribution, LLC and; b) Award the three (3) products Milestone VM, Milestone VM Plus and Droplet Landing Zone-LI 700 to the lowest responsive, responsible bidder: UAP Distribution, Inc. 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.

(18) RECOMMENDED ACTION: Approve Change Orders to Bid #08-054, 2008 County Paving Program with Ajax Paving Inc. of Nokomis, FL: a) Change Order #1 in the amount of \$111,235.90; and b) Change Order #2 in the amount of \$111,162.45; for a revised total of \$8,058,789.42. BUDGETED ACTION: FY08 budget is available (\$111,235.90) in the Transportation Trust Fund. Project c410306, Road and Bridge Paving Program. The project total is \$7,428,000. And (\$111,162.45) in the Gulf Cove Streets and Drainage MSBU.

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

M. Human Resources - No Items.

N. Human Services - No Items.

P. Information Technology - No Items.

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

R. Public Safety - No Items.

S. Public Works

(1) *RECOMMENDED ACTION*: Approve a Resolution and Joint Project Agreement (JPA) with the Florida Department of Transportation (FDOT) allowing FDOT to use Charlotte County's National Pollutant Discharge Elimination System (NPDES) education programs to fulfill the education component in their NPDES permit agreement. In exchange, FDOT will reimburse the County for 300 storm drain markers per year. *BUDGETED ACTION*: None

Resolution 2008-011 and Agreement 2008-008

(2) *RECOMMENDED ACTION*: Set a Public Hearing for February 26, 2008, at 10:00 a.m. or as soon thereafter as may be heard, to address the ownership and maintenance of the greenbelts in the Rotonda West MSBU area. *BUDGETED ACTION*: None

T. Real Estate Services

(1) *RECOMMENDED ACTION*: Approve a resolution approving and 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 7, Township 40 South, Range 23 East, for the development and management of the Charlotte County Public Health Building. *BUDGETED ACTION*: None

Resolution 2008-012

(2) *RECOMMENDED ACTION*: Approve a Resolution approving the release of a portion of a twenty-foot (20') wide canal maintenance easement, located in Port Charlotte Subdivision, Section Fifty-Eight, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easement. (Owners: Herman M. and Vici J. Boyer) *BUDGETED ACTION*: None

Resolution 2008-013

(3) *RECOMMENDED ACTION*: Approve the attached Resolution approving the release of a portion of a twenty-foot (20') wide canal maintenance easement located in Port Charlotte Subdivision, Section Eight-Two, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easement. (Owners: Robert J. Tracy, Trustee and Ellen F. Kelly, Trustee) *BUDGETED ACTION*: None

Resolution 2008-014

V. Tourism Development - No Items.

W. Utilities - No Items.

X. Building & Construction Services - No Items.

Y. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Administration, RECOMMENDED ACTION: Consideration of reducing the speed limit on Hillsborough Boulevard, west of Toledo Blade Boulevard.

Mr. O'Kane explained the purpose of the agenda item; recalled the former condition of the roadway and repaving was done between the City and County; the City Police and County Deputy Sheriffs have been trying to enforce the speed limits; recommended a joint decision on the same speed limits since the center line of the roadway is the boundary for the City and County; and reported the speed limit is close to regulation standards. City Engineer Patrick Collins indicated the City has considered the speed limits since 2005, recommended the 45 mph speed limit not be reduced, and recognized safety concerns of residents. **Commissioner Moore** questioned how to help residents. Mr. O'Kane suggested bringing the issue back within two months to allow time to review no-passing zones, etc. Many audience members indicated verbal dissatisfaction. County Attorney Knowlton reported the Board has discretion to make changes in the speed limit based on warrants. Mr. O'Kane reiterated that 45 mph is the correct speed limit based on traffic engineering but this can be flexible, perhaps 40 mph limit, and suggested bringing the item back in one month. **Chairman D'Aprile** commented in support of expediting this item. Chairman Tower agreed with County Attorney Knowlton to a certain extent; acknowledged the City's flexibility in dealing with speed limit reductions outside of FDOT standards as was done on River Road that was lowered to 45 mph; and commented on regional cooperation in this matter between Charlotte and

Desoto Counties and the City. **Commissioner Loftus** commented in support of delaying action for one month to allow time for staff to evaluate a reduction of the speed limit based on safety concerns.

Chairman D'Aprile reiterated the need to expedite this item and address safety concerns. **Commissioner Cummings** stated as build out occurs, it will be more difficult to move around on current roadways; recalled the speed limit was increased on a segment of Edgewater Drive whereas other segment speed limits were maintained at lower levels creating variations in the traffic flow; he is very reluctant to reduce speed limits on certain roadways; and Hillsborough Boulevard will become an ever increasingly heavily traveled roadway. **Commissioner Duffy** requested the recommendation of the Charlotte County Sheriff's Department. Mr. O'Kane stated he has had no direct answer from the Sheriff's Department. **Commissioner Duffy** noted studies exist that reflect an increase in the speed limit and requested input from staff on the issue including State requirements. Mr. O'Kane stated 85% is generally where speed limits on these types of roadways are set according to FDOT standards and pointed out neither jurisdiction is recommending an increase in the speed limit. **Chairman D'Aprile** announced staff has received sufficient direction.

RECESS: 10:20 AM - 10:35 AM

VI. PUBLIC HEARING AGENDA - 10:00 AM

(1) County Attorney, **RECOMMENDED ACTION:** Conduct a public hearing to consider adopting 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.

Assistant County Attorney Richard Browne explained Ordinance 2005-095 is required by the terms of the settlement with the Department of Community Affairs.

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

COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2008-014 WITH CLARIFICATION FROM 1910 AS READ TO 2010, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

(2) Growth Management, RECOMMENDED ACTION: Conduct second public hearing to consider approving entering into a Development Agreement by and between Charlotte Commons, LLC, and Charlotte County for the Charlotte Commons development.

Jeffrey Crimer stated changes were made to the agreement based upon discussion at the first public hearing and offered to review them and answer questions along with Public Works staff.

Attorney Geri Waksler appeared on behalf of Charlotte Commons LLC; stated this agreement is identical to agreements entered into with Walmart for on-site and expedited off-site improvements at Kings Highway/Sandhill Boulevard and the Supercenter at Jones Loop Road for which reimbursement was made for the difference in the cost of improvements paid by Walmart and impact fees owed; there are two dysfunctional intersections, the developer is willing to work with the County and front the money for the entire improvement although the development will only impact a portion of the traffic, the improvement will be expedited, and the cost will be less because these intersection projects are not even in the County's five-year Capital Improvements Program (CIP); and in return there will be a trade-off of the impact fee credits based on the difference in the cost of construction of the improvements and the impact fees attributed to the developer but there is a lot of uncertainty about the amount of impact fees due to the rollback of impact fees. Attorney Waksler explained if the entire 514,000 square feet of improvements get through engineering and Development Review Committee, Board approvals and permits from State agencies, which is highly unlikely, prior to expiration of the rollback, the developer would pay \$1.5 million but if the improvements are constructed after expiration, the developer would pay \$7.2 million and the reality is somewhere in between; the developer is asking for impact fee credits for the difference in lieu of reimbursement; pointed out impact fee credits may be utilized on other projects; and requested approval.

Attorney Ernest Sturges stated he is not opposed to the development but he has concerns regarding the agreement because of the situation relating to the J.C. Center that was built on property owned by the Sabbia Monti Trust, and enforcement of the Development Agreement entered into with the County in September 2003 for intersection improvements at Veteran Boulevard wherein the J.C. Property Owners Association (Association), the successor developer, was compelled to complete the improvements; the subsequent development agreement between the County and Association included enforcement language and a requirement that intersection improvements must be completed by December 31, 2007 at an additional cost of about \$200,000 to the Association; Exhibit D, #11, is inaccurate to the extent that the developer did not complete the intersection improvements because the Association did; requested enforcement procedures, specific timelines, and incompleteness penalties be incorporated into the agreement; stated the Loveland/Peachland Boulevards intersection and Peachland Boulevard where it goes from four to two lanes need to be addressed with, at least, some type of signalization; explained this is a benefit issue for J.C. Center because the Association completed the improvements and the developer should be required to pay for intersection improvements; Exhibit C shows access at a total of seven points onto Veterans Boulevard which is a limited access roadway; and opined \$2.7 million in impact fees credits would not be in the County's best interest.

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

Attorney Waksler stated the agreement is with Charlotte Commons LLC, comprised of the Sabbia Monti Trust, the land contributor, and Pimemera Group, out of Tampa, that will be doing all of the construction and the agreement only deals with off-site improvements and turn lanes into the development. Attorney Waksler advised the Board is not approving a site plan or access points at this time; the project must go through the Development Review Committee (DRC) process when access points will be considered; and reiterated approval of the proposed agreement does not approve the site plan or access points. Attorney Waksler reported the developer is not taking credit for the completion of the improvements referenced by Attorney Sturges, those improvements are not included in the \$4 million,

and it is not reflected in this agreement; stated again this agreement only addresses off-site improvements and is not associated with any other J.C. Center agreement and intersection improvements; there are time designations in this agreement as required by DRC and issuance of concurrency; and there are provisions for enforcement. **Commissioner Duffy** questioned the signalization at Peachland and Loveland Boulevards. Attorney Waksler explained the Sandhill Development of Regional Impact Order (DRI) requires that signalization within the DRI be funded through DRI sources including proportionate share contributions and pointed out the Sandhill DRI MSTU has never been utilized.

Commissioner Moore questioned the impact of recent actions in Tallahassee on the MSTU. Mr. Loucks stated the impact to be recognized this year on an existing MSTU would be a reduction of 9% whereas MSTUs going online after this year would be subject to Legislative limitations on the Board's ability to raise the millage rate and he is uncertain of impacts on MSTUs that would be created in the future. **Commissioner Moore** concluded the cost relating to **Commissioner Duffy's** inquiry would be paid out of the MSTU. Attorney Waksler pointed out improvements within the DRI have been accomplished without the use of the MSTU since 1987 when it was created, estimated the cost of a traffic monitoring study at about \$7,000, and indicated the cost of signalization levy's would not exceed the legislative cap. Mr. Loucks suggested implementing it within 12 months. Mr. O'Kane indicated two alternatives exist e.g. the developer would design and construct the improvements with a cap on impact fees which was retracted and discussions have been held with DCA officials to recommend the project be turned down contingent upon correction of the concurrency issue. Mr. O'Kane indicated staff and the developer have spent many months on this project but things have changed and the County needs to be protected. Growth Management Director Jeff Ruggieri explained a price cannot be assessed by the County under the current Developer's Agreement because the impact of the intersection is unknown; the developer's obligation is to pay their own impact and the impact fee; the developer may be refunded in transportation impact fees that are collected up front but the County is not obligated to allow impact fees above the developer's proportionate share. Mr. Ruggieri explained impact fees collected at the pre-rollback rate would amount to approximately \$7 million, the estimated cost of improvements is at \$4 million and the \$4 million could be reimbursed to the

development as impact fees with \$3 million for County impact fees or transportation impact fees. **Commissioner Cummings** questioned if issues concerning the development would be resolved if the former impact fee ordinance was reinstated. Mr. Ruggieri concurred.

Commissioner Moore concluded the developer's road impact fee/cost would be approximately \$4 million and it may increase whereas if the entire project is built out, the impact would be more in the neighborhood of \$7 million. Attorney Waksler stated the estimate for proposed improvements is \$4 million but the cost could increase or decrease once the work is bid out; commented on the unfairness of assessing the entire \$7 million in impact fees because the developer may only construct 100,000 square feet of the 514,000 square feet project in the first phase to get the lower impact fee; it would be very unlikely the developer would construct the entire project within the roll back time frame; requested the developer not be penalized based on the Board's decision to roll back impact fees; and reminded the Board that the proposed agreement is sound and has worked in two other situations. **Commissioner Duffy** commented on safety hazards regarding the intersection and expressed concern about the impact fees and assessments being insufficient to pay for the improvements. Attorney Waksler reiterated her client is willing to pay the entire cost of intersection improvements up front to expedite the project because these improvements are not even in the five-year CIP and requested impact fee credits issued for the difference between the cost of improvements and the developer's impact fee. Attorney Waksler outlined the development process from engineering, permitting, DRC approvals, and funding; indicated the first phase of 100,000 square feet of improvements may come under the current impact fee ordinance; and pointed out the developer is considering mobilization costs of equipment for more than the first phase to keep costs down although the agreement is structured in two phases.

Commissioner Loftus expressed concerns about enforcement of the agreement, the lack of a specific timeline, the five access points on the bend on Veterans Boulevard, external improvements for the Peachland/Loveland Boulevard intersection, the developer's proportionate share and commented on the need to address the roll back of residential and commercial impact fees. **Chairman D'Aprile** opined the Board's action to roll back impact

fees has created a monster; indicated opposition to allowing impact fee credits; stated improvements to the Kings Highway/Veterans Boulevard intersection need to be done expeditiously; and requested clarification regarding Exhibits C and D as to the developer's responsibility. Mr. O'Kane explained Exhibit D reflects the first phase of 100,000 square feet and specific roadway improvements that would be concurrent with the first phase, Exhibit C is for ultimate project completion, and advised the project design has been a long-term process involving State officials, County staff, and the developer. **Chairman D'Aprile** stated whatever the developer is obligated to do, it must be done without impact fee credits.

Mr. O'Kane noted a compromise exists to cap impact fees to a specific level and stated credits should not be allowed to be transferred to other projects e.g. Piper Road. Attorney Waksler recognized the necessity for the improvements to be done in order for the project to move forward; recalled when the last traffic study was done for the Super Walmart, the overall DRI traffic did not account for 5% of the traffic flow at that intersection, and it might be the same for this project; and reported the developer is willing to provide signalization at the Peachland/Loveland Boulevards intersection.

COMMISSIONER LOFTUS MOVED TO TABLE THE ITEM TO THE SECOND MEETING IN MARCH TO ALLOW TIME FOR STAFF TO NEGOTIATE TERMS BASED ON BOARD DISCUSSION, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner Cummings questioned the existence of a Statutory deadline. Mr. Ruggieri stated none exists at this time. **Commissioner Cummings** commented in support of approving this agreement and re-instituting the impact fees across the board and opined the core issue that needs to be addressed on an expedited basis is impact fees. Attorney Knowlton acknowledged the item would be brought back at the second meeting in March in order to alleviate the need to re-advertise.

Motion Carried 5:0.

Commissioner Duffy requested staff provide an update on the effect that the roll back of residential and commercial impact fees since the inception has had on economic recovery in the County and the length of time approved for the roll backs.

Chairman D'Aprile commented on his intent to discuss the roll backs during Commissioner Comments and the monster this has escalated from providing relief for single people with single-family homes to "mom and pop" businesses and now to conglomerates.

(3) Growth Management, **RECOMMENDED ACTION:** Conduct second 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 DRI

Mr. Crimer explained there were no changes to this agreement after the first public hearing.

Attorney Waksler stated the agreement has a structured \$1.1 million for improvements based on the proportionate share, there is no provision for additional improvements, and there are specific provisions for the study, etc.

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

Commissioner Cummings commented on the public hearing process and suggested Board Members ask questions during the presentation stages for staff and applicants.

Mr. O'Kane reported staff is working with DCA for guidance on widening Rampart Boulevard from Kings Highway to the development entrance and recommended the developer proceed with the study, agreed on what can be done, and suggested the developer be allowed to move forward based solely on work that can be done for \$1.1 million. Mr. O'Kane reiterated the prohibition against the developer transferring impact fees from the proposed development. **Commissioners Loftus and Duffy** agreed on moving forward with development impacts that can be done at a cost of \$1.1 million from Kings Highway to the development entrance.

Chairman D'Aprile concluded the Rampart Boulevard bridge to Deep Creek is not to be widened. Mr. O'Kane estimated the cost at \$15 to \$16 million. **Commissioner Cummings** commented on traffic flows on the US 41 bridge to Punta Gorda and recognized benefits would be derived from improvements on Rampart Boulevard even if

they do not go over into Deep Creek. Mr. O'Kane pointed out the purpose of the agreement is to get improvements done based on the developer's impact fees but if the Board does not desire to have these improvements done, there is no need for the agreement. **Commissioner Loftus** commented in support of getting roadway improvements done in a cost effective manner.

Mr. O'Kane suggested staff bring the item back in two weeks in order to re-evaluate and negotiate with developer based on Board discussion.

COMMISSIONER LOFTUS MOVED TO BRING THE ITEM BACK IN TWO WEEKS TO AFFORD STAFF MORE TIME TO RE-EVALUATE AND NEGOTIATE WITH THE DEVELOPER ON MOVING FORWARD WITH THE STUDY AND THE WORK TO BE DONE IN RELATION TO IMPACT FEES, SECONDED BY COMMISSIONER MOORE. Motion Carried 5:0.

X. CITIZEN INPUT - ANY SUBJECT

Randy Roberson, Gulf Cove resident, distributed and read into the record a handout opposing removal of the historic trestle on the Myakka River in El Jobean.

Russell Garrod commented on the proportionate share of impact fees, calculated \$1 million in sales tax revenues from the 1% surcharge, and suggested an economic stimulus package be established in Charlotte County as the President has proposed at the Federal level.

Veil H. Fisner, a Gulf Cove resident, commented on the fishing pier on the Myakka River; related he has caught 23 species of fish in that area and removal of the pier would have detrimental impacts on the wildlife and habitats; and suggested removal of only 20 to 50 feet from the shoreline if there is a liability issue.

Robert Ohm indicated destruction of the trestle bridge would reduce economic benefits and create more safety hazards and suggested a fence be constructed.

Charlotte Ventola concluded impact fees cannot be rolled back on a selective basis; suggested consideration be given to the number

of permits that are being effected; and stated the County can reinstated the prior impact fee ordinance.

Robert Trachsel, a Charlotte County resident for over 25 years, stated he had a building permit issued on November 13, 2007; no one told him about the roll back but he read about it in the newspaper; he had paid the impact fees but stopped payment on the check; he has spoken with **Chairman D'Aprile**, Mr. Loucks, Ms. Dozier, and Building Department personnel have refused to void the permit so he could start the process over; and opined he is entitled to the roll back and he should be given a variance.

Suzy Hackett, a Punta Gorda resident, commented on Agenda Item Z-9 in relation to recorded documents that have had adverse impacts on committee volunteers and personnel; explained an advisory board member was denied an equity loan because of certain documents recorded in the Public Records; and opined volunteers who serve on advisory committees and boards should be protected under the Florida Volunteer Act in the Florida Statutes.

Suzanne Graham commented on commercial impact fees and the process necessary to rescind the increase e.g. another public hearing would need to be noticed and held which might result in a decrease right after the increase in fees and suggested staff gather all relevant facts e.g. the number of permits, impacts to DRIs, etc.

RECESS: 12:10 PM - 1:30 PM

V. REGULAR AGENDA

Z. Regular Agenda

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

from the Capital Projects Fund to the Public Safety Fund to fund the development of a habitat conservation plan.

Purchasing Director Corbett requested approval of the ranking of the top three firms and authorizing the Chairman to sign the contract and associated budget amendments and transfers. **Commissioner Duffy** commented on the need for an answer from US Fish and Wildlife which is not anticipated until March and suggested a condition that the Chairman sign after finalization of the grant and the total cost is known. Ms. Corbett indicated the contract will be brought back to the Board for approval of the grant. **Commissioner Loftus** expressed concerns about implementation in conjunction with boundaries of surrounding counties and funding from the grant. **Commissioner Moore** noted the transfer from the CIP fund. Solid Waste Financial Manager Carie Branco explained the Budget Office has given permission to use the CIP funds.

COMMISSIONER MOORE MOVED TO APPROVE (2) PURCHASING, RECOMMENDED ACTION: A) APPROVE RANKING OF FIRMS FOR REQUEST FOR PROPOSAL #07-478, DEVELOPMENT - HABITAT CONSERVATION PLAN - FLORIDA SCRUB JAY: 1ST - QUEST ECOLOGY INC.; 2ND - ENTRIX, INC.; AND 3RD - GLATTING JACKSON KERCHER ANGLIN, INC.; B) APPROVE START OF NEGOTIATIONS; AND C) AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT AFTER COMPLETION OF NEGOTIATIONS PROVIDED THE FEE DOES NOT EXCEED \$250,000. D) APPROVE BUDGET AMENDMENT #08-A08 IN THE AMOUNT OF \$250,000 AND BUDGET TRANSFER #08-006 IN THE AMOUNT OF \$250,000. THE REQUEST IS TO MOVE MONIES FROM THE CAPITAL PROJECTS FUND TO THE PUBLIC SAFETY FUND TO FUND THE DEVELOPMENT OF A HABITAT CONSERVATION PLAN., SECONDED BY COMMISSIONER DUFFY. Motion Carried 5:0.

(3) Commission Office, RECOMMENDED ACTION: Select, by ballot, one (1) person, who resides in the unit, to serve as a regular member of the Harbour Heights Street & Drainage Unit Advisory Committee.

Ballots were marked and passed to Mr. Loucks who announced Stephen Vieira received three votes and William D. Moyer received two votes.

COMMISSIONER CUMMINGS MOVED TO APPROVE APPOINTMENT OF STEPHEN VIEIRA TO SERVE AS A REGULAR MEMBER OF THE HARBOUR HEIGHTS

**STREET & DRAINAGE UNIT ADVISORY COMMITTEE, SECONDED
BY COMMISSIONER MOORE.**

Motion Carried 5:0.

(6) Commission Office, RECOMMENDED ACTION: Authorization for Commissioner Cummings to sign the Charlotte Harbor National Estuary Program's (CHNEP) Comprehensive Conservation and Management Plan update on March 25, 2008. Commissioner Cummings is Charlotte County's representative on the CHNEP Policy Committee.

COMMISSIONER MOORE MOVED TO AUTHORIZE COMMISSIONER CUMMINGS TO SIGN THE CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM'S (CHNEP) COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN UPDATE ON MARCH 25, 2008 AS HE IS CHARLOTTE COUNTY'S REPRESENTATIVE ON THE CHNEP POLICY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

(7) Environmental and Extension Services, RECOMMENDED ACTION: Approve direction to Staff regarding Conservation Charlotte and the Environmentally Sensitive Lands Oversight Committee (ESLOC), a) Use of Wild-lands Consultant in the negotiation process; b) Begin negotiations on remaining Deep Creek properties; c) Delay appraisal and negotiations on outstanding properties; and d) Suspend new nominations.

Andy Stevens requested direction on the four items as set out in the golden rod. **Commissioner Cummings** recognized ESLOC's efforts to provide as much information as possible for Board Members to make informed decisions and opined these acquisitions are good for the community and the future of wildlife and habitats as evidenced by the referendum approved by voters.

Commissioner Loftus questioned public notification of the nomination deadline. Mr. Stevens indicated none. **Commissioner Loftus** stated a cutoff date should be established and agreed Board Members need as much information as possible. Mr. Stevens explained three sites have been approved by ESLOC to move forward with obtaining appraisals but staff has indicated a desire to wait on these until after further action is taken on the other seven properties. Mr. Stevens advised four of the properties have gone through the process to the extent that negotiations on

appraisals are being done. **Commissioner Moore** expressed the belief that staff should have the right to solicit help and continue negotiations with willing sellers while assistance may be had from US Fish and Wildlife on funding. **Commissioner Cummings** explained the difference in staff and ESLOC's interpretations of utilizing Wild-land's for assistance. **Commissioner Duffy** requested the balance for Wild-lands in this process. Ms. Branco stated about \$34 million is remaining for property acquisitions. Mr. Loucks suggested the Board vote and provide clear direction. Mr. Stevens explained the appraisals were done on parcels of willing sellers but some sellers are unwilling to participate.

Commissioner Duffy expressed a willingness to move forward with the acquisition of the Deep Creek parcel; stated she is not in favor of suspending nominations; a great many of the nominations have been made due to current market conditions; and suggested additional evaluation in order to make the best selections for this program. **Commissioner Cummings** questioned funding of Wild-lands' costs and pointed out revenues from the .2 of one mill was approved for environmental lands acquisition and the balance in the General Fund cannot be used for management plans. Ms. Branco reported they are not protected ad valorem funds and commented on staff's intent to bring forward some management plans. **Commissioner Cummings** stated the issue is what part of the money is the County willing to pay interest on and what part is incorporated into the acquisition costs. Mr. Loucks explained Wild-lands' costs maybe rolled into acquisition costs. **Commissioner Cummings** stated all due diligence costs should be taken out of the General Fund and allocated to each environmental land acquisition.

Commissioner Duffy questioned using Sarasota County's guidelines in this acquisition process because it includes deadlines for nominations. Mr. Stevens indicated numerous meetings have been held with Sarasota County staff regarding their process and issues. **Commissioner Loftus** opined the most parcels should be available for Board review and agreed with **Commissioner Duffy** on setting a specific deadline for nomination submittals.

COMMISSIONER CUMMINGS MOVED TO APPROVE STAFF TO CONTINUE AS THE LEAD AND TO CONSULT WITH WILD-LANDS ON EACH PROPERTY ACQUISITION

AND ROLL IN WILD-LANDS' EXPENDITURES TO ACQUISITION COSTS, FAILED DUE TO LACK OF SECOND.

Discussion ensued on incorporating Wild-lands' costs, the lack of knowledge pertaining to actual acquisition costs, and proceeding solely with the first part of the motion.

COMMISSIONER LOFTUS MOVED TO APPROVE STAFF'S FIRST RECOMMENDATION FOR REAL ESTATE SERVICES STAFF TO CONTINUE THE LEAD ROLE IN THE NEGOTIATION PROCESS, UTILIZING WILD-LANDS CONSULTANT ON AN AS NEEDED BASIS, AS DETERMINED BY STAFF, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Commissioner Cummings opined his motion would have been a better one.

COMMISSIONER CUMMINGS MOVED TO APPROVE STAFF'S SECOND RECOMMENDATION FOR REAL ESTATE SERVICES STAFF TO BEGIN NEGOTIATIONS ON THE STEVEN AND PAMELA BAKER AND THE PALM ISLES, LLC PROPERTIES WITHIN THE DEEP CREEK BOUNDARIES ON WHICH APPRAISALS HAVE BEEN COMPLETED AND NEGOTIATION RESULTS ARE TO BE BROUGHT BACK TO THE BOARD FOR CONSIDERATION, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ESLOC'S RECOMMENDATION TO MOVE FORWARD WITH NEGOTIATIONS AND APPRAISALS ON THE THREE NEW PROPERTIES AND SET A TIME CERTAIN DEADLINE FOR NOMINATION SUBMITTALS, SECONDED BY COMMISSIONER MOORE.

Commissioner Moore requested clarification on the applicability of the time certain on which groups. Commissioners Loftus, Duffy and Cummings noted the time certain is applicable to the fourth recommendation to close nominations.

Motion Carried 5:0.

Mr. Stevens explained the difference in the fourth recommendation by staff and ESLOC to suspend acceptance of new nominations until the Board makes a decision on properties currently in the negotiation process. Commissioner Duffy recalled discussion this morning about a site that might be nominated and be a beneficial

property for conservation. Mr. Stevens clarified that would be a temporary suspension.

Commissioner Moore recalled remarks made early on about the uncertainty regarding criteria and deadlines for these acquisitions.

COMMISSIONER LOFTUS MOVED TO TO ESTABLISH A DEADLINE FOR ACCEPTING NOMINATIONS FOR 30-DAYS FROM TODAY, SECONDED BY COMMISSIONER DUFFY.

Commissioner Cummings stated the intent was to keep nominations open to provide incentives to close some of the acquisitions in a more timely manner and suggested six months. Chairman D'Aprile and Commissioner Loftus agreed with the six-month period. Commissioner Duffy commented in support of the 30-day time frame because six months could change the whole concept. Chairman D'Aprile reiterated support for the six-month time period to allow more willing sellers to bring forward parcels and commented on over-inflated prices of property acquisitions when government is involved. Commissioner Moore noted 12 parcels are currently in the process and suggested considering them as round one. Commissioner Cummings expressed understanding that nominations would be accepted during the six-month time period while the negotiation process is going on. Chairman D'Aprile announced the nomination period would be stay open for six months.

COMMISSIONER LOFTUS MOVED TO ESTABLISH A DEADLINE FOR ACCEPTING NOMINATIONS DURING THE NEXT SIX MONTHS, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

Commissioner Moore questioned when serious discussions will be held on financing, bonding and funding options. Mr. Loucks stated discussion will be held at the Finance Committee Meeting scheduled for March 3, 2008 and recommendations will be brought back to the Board. Mr. Thomson expressed the intent to bring back an agenda item in April on properties in negotiation.

(8) Communications and Marketing, RECOMMENDED ACTION: Presentation of proposed timeline for the sales tax extension program

Communications and Marketing Director Joyce Ross distributed a handout on the March 8, 2008 publication of the status of projects and gave a slide presentation and updated the Board on advertisements and publications on the use of Sales Tax revenues; explained staff's intent to bring back another update to the Board in May, after citizen input; and the goal is to place a referendum on the November 2008 ballot for the Sales Tax Extension with finalization for the campaign in July to allow more time for early and absentee voting. **Commissioner Loftus** stated the public should be made aware of all projects for which Sales Tax revenues have been utilized including the Justice Center and Jail. **Commissioner Cummings** recalled the increase in the tax base and a portion of the millage rate was used for capital expenditures. Mr. Loucks recalled some of the funds were used for the Event Center, Jail, and Human Service facilities following Hurricane Charley. **Commissioner Cummings** indicated consideration may be needed on whether to cut services or charge fees. Mr. Loucks stated that would be at the Board's discretion.

Ms. Ross stated re-design of the insert will be necessary to include County and City Sales Tax projects and it will not be ready until April, after the March 8, 2008 deadline. **Commissioners Moore and Loftus and Chairman D'Aprile** agreed on the inclusion of all Sales Tax projects on the insert.

Commissioner Duffy requested clarification of the \$0.550 million on the first page. Ms. Ross stated that represents \$550,000. Mr. Loucks indicated staff will proceed with the timeline as discussed.

(9) Attorney's Office, **RECOMMENDED ACTION:** Authorize the Charlotte County Attorney's Office to initiate all necessary and appropriate legal action to enjoin the individual known as Robert Chancey Sumner from continued violations of Charlotte County Code of Laws and Ordinances.

County Attorney Knowlton recapped Code Enforcement actions against Mr. Sumner since 2005 and requested direction on filing a lawsuit against him for allegations made in recordations in the Official Records for an injunction to prevent him from filing additional records with the Clerk's Office.

COMMISSIONER LOFTUS MOVED TO APPROVE THE COUNTY ATTORNEY FILE A LAWSUIT AS REQUESTED, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

VII. PRESENTATION AGENDA

(1) Parks, Recreation and Cultural Resources, RECOMMENDED ACTION: Acknowledgement of donations to the Parks, Recreation and Cultural Resources Department for the 1st quarter of Fiscal Year 2008

Parks, Recreation and Cultural Resources Assistant Director Mike Koenig updated the Board on the purchase and planting of trees pursuant to the Tree program, reported numerous donations from individuals, and outlined benefits of Library youth programs, donations and benefits derived from the Historical Society. Chairman D'Aprile commended staff.

VIII. PUBLIC WORKSHOP AGENDA - No Items.

IX. BOARD WORKSHOP AGENDA - No Items.

AA. County Administrator

Mr. Loucks commented on and distributed FDOT's transportation trends and conditions brochure; noted the expiration of the term of the District Medical Examiner on July 1, 2008; and requested direction on scheduling a meeting with Sarasota County and the City of North Port on April 1, 2008 to discuss traffic impacts of West Villages. Commissioner Loftus suggested waiting until after Sarasota County and the City work up a proposal. Mr. Loucks reported Charlotte County staff is providing input.

Chairman D'Aprile recommended waiting until after Sarasota County and the City resolve their issues. Commissioner Moore pointed out a lot is going on in West County, commented in support of joining in because the development will have a huge impact on West County residents and roadways, and suggested Mr. O'Kane be involved.

Mr. Loucks commended staff for their efforts on the Annual Report and indicated copies can be made available. Ms. Ross showed the video based on the Annual Report including efforts to rebuild after Hurricane Charley, establishment of the Family Services

Center, neighborhood events, the referendum approved for Conservation Charlotte and the acquisition of preservation lands including Buck Creek and Shell Creek parcels and habitats, the new trees program, Stump Pass dredging project, infrastructure needs for future growth under the CIP projects and funding sources, the Enterprise Charlotte Park, Piper Road improvements, efforts of the Economic Development staff to relocate businesses to the Airport Park, Sales Tax Projects including Oyster Creek Regional Park, South County and Charlotte Harbor Bayshore Parks, constructions of fire stations, the new Public Safety complex, renovations to the Old Courthouse, construction of the new Event Center, water and wastewater expansions, the water reclamation line to Riverwood, Murdock Village, summarized over \$13 million reductions in the 2007/08 expenditures, and continued budget efforts. **Chairman D'Aprile** stated it is an award-winning project and congratulated Ms. Ross. **Commissioner Loftus** agreed and stated the video is clear and concise and easy to understand.

BB. County Attorney - No items.

CC. Commissioner Comments

Commissioner Duffy commented on her availability to consult with Legislators. Mr. Loucks pointed out the Southwest Florida Consortium meeting is scheduled for April 2, 2008 in Tallahassee, Florida. **Commissioner Duffy** commented on topics on her agenda to discuss with Legislators and mentioned she is mainly available to meet during the first week. **Commissioner Duffy** opined the Economic Development Director and Assistant gave a great presentation on stimulating economic development and suggested it be given to the Board. **Commissioner Cummings** one way to reduce the use of Sales Tax revenues would be to reduce private property owners compensation to a reasonable level even though the State filters more costs down to counties. **Chairman D'Aprile** referenced the packet provided to Board Members and County Administrator on "Hands Across the World" programs and suggested the organization submit an application for grant funds; commented on the need to modify impact fees for small businesses as a way to put people back to work; and requested the County Attorney to bring back a proposal. **Commissioner Loftus** suggested re-evaluating the rollbacks on residential and commercial impact fees. **Commissioner Moore** requested information from staff on the number of applications for Developments of Regional

Impact and mining permits. Commissioner Cummings recalled Publix and Walmart, projects referenced by Attorney Waksler, and the Burnt Store sector and suggested a review of the variation of permit applications and changes on impact fees to determine a trend line.

Commissioner Cummings recalled Collier County encountered growth in conjunction with increased impact fees that may have been attributed to more amenities and agreed on the need to revisit the Board's decision. Commissioner Cummings commented on scrutiny by United Way in relation to possible funding for the "Hands Across the World" program. Chairman D'Aprile recalled the intent of the impact fees rollback was to put people back to work and to help small businesses but it has back fired. County Attorney Knowlton requested direction on the rollback date. Chairman D'Aprile suggested May 1, 2008. County Attorney Knowlton indicated the item would be brought back to the Board.

ADJOURNED: 3:35 PM

Signature on file in Commission Minutes
Chairman

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

djn