

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 26, 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 Administrator Loucks, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Blair, and Deputy Clerk Lansing. The following members were absent: None.

The meeting was called to order at **9:00 AM**.

The Invocation was given by Pastor Phillip Williams of Suncoast Workshop Center, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1 - Requested by Attorney's Office - Z-5 - Authorize the Chairman of the Board of County Commissioners and the Ex-Officio of the Murdock Village CRA to execute the Second Amendment to Agreement for Disposition of Property within the Murdock Village Community Redevelopment Area.

Addition #2 - Requested by Growth Management Department - VI-3 10:00 am Second Public Hearing - Continue the second Public Hearing at 10:00 am, or as soon thereafter as may be heard, to consider approving entering into a Development Agreement by and between Benderson Development, LLC and Charlotte County for the Victoria Estates DRI.

Addition #3 - Requested by Administration - Z-6 - Direct the Administrator to draft a letter to Beach Restoration, Inc., requiring the removal of the Stump Pass Experimental Stabilization project.

Change #1 - Requested by Attorney's Office - E-3 - RECOMMENDED ACTION: Set a special meeting for the purpose of convening an Executive Session for Wednesday, February 27, 2008 at 9:00 a.m., in the County Attorney's Office, to discuss litigation strategies concerning the lawsuit captioned *Prairieland, Inc. v. Charlotte County*; Civil Case No. 05-1115-CA.

Change #2 - Requested by Administration - D-1 - RECOMMENDED ACTION: Approve Modification #1 Federally Funded Subgrant Agreement (FEMA Project Number 1539-78-R) for the wind retrofit of the Tringali facility, at 3460 N. Access Road, Englewood, FL. 34224.

Change #3 - Requested by Purchasing - L-2 - RECOMMENDED ACTION: Award Bid #08-133, Low Pressure Sewer Expansion, to General Contracting Services of Port Charlotte, Florida, in the amount of \$1,030,670.29. BUDGETED ACTION: \$1,800,000 in grant funding and \$690,000 in MSBU funding for a total budgeted amount of \$2,490,000.

Deletion #1 - Requested by Purchasing - L-3 - RECOMMENDED ACTION: Approve award of Bid #08-105, Burnt Store Water Treatment Facility Expansion, to Wharton-Smith, Inc., of Sanford, Florida in the amount of \$7,341,999. BUDGETED ACTION: Budgeted Amount \$9.5 million.

Deletion #2 - Recommended by Administration - T-6 - RECOMMENDED ACTION: Approve the Resolution authorizing the Chairman to execute the County Deed conveying the Real Property, described below, to Charlotte County Habitat for Humanity, Inc, a Florida non profit corporation. BUDGETED ACTION: None

Deletion #3 - Recommended by Public Works - Z-3 - RECOMMENDED ACTION: Board discussion and direction regarding ownership and maintenance of the greenbelts in the Rotonda West area.

Deletion #4 - Recommended by Utilities - L-1 - RECOMMENDED ACTION: Approve Change Order #1 to File #05-412, Work Order #28, Rotonda Water Reclamation Facility Upgrade, with Boyle Engineering, in the amount of \$154,601, for a total revised contract amount of \$1,380,824. BUDGETED ACTION: Budgeted Amount \$1.5 million.

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

Special Recognition

Proclamations - Chairman D'Aprile

Senior Games Week

COMMISSIONER MOORE MOVED TO APPROVE SENIOR GAMES WEEK MARCH 7, 2008 THROUGH MARCH 16, 2008, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Joanne Larson accepted the Proclamation, invited everyone to attend the events, and introduced participant/former winner Sherman Doster.

Great American Cleanup Day

COMMISSIONER MOORE MOVED TO APPROVE GREAT AMERICAN CLEANUP DAY MARCH 8, 2008, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Glenda Anderson accepted the Proclamation and described the activities.

Animal Appreciation Day

COMMISSIONER LOFTUS MOVED TO APPROVE ANIMAL APPRECIATION DAY MARCH 8, 2008, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Unidentified representatives of Suncoast Humane Society accepted the Proclamation and commented on the kickoff activities March 8, 2008.

Employee Recognition - None

Award Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Candace Wehre spoke on agenda item H-1; encouraged being more aggressive in the development of the Charlotte Harbor area and developing a work plan on a quarterly basis.

Charlotte Ventola spoke on agenda item L-2; indicated that there were several phases of the sewer expansion and that some property owners in the CRA hooked up according to the requirements in 1998 or so, but that some did not; and inquired if there was to be a re-assessment of the MSBU now or what the arrangement would be.

Mac Horton spoke in support of agenda item Z-4; indicated that a large election is coming up shortly; that new equipment must be installed at the Supervisor of Election's office to fulfill State requirements; and that he needs additional space at the Murdock Administration office by July 1, 2008.

James W. Herston spoke in support of agenda item H-1 on behalf of the Charlotte Harbor Community Redevelopment Agency (CRA).

Grace Amodio spoke in support of agenda item H-1; indicated that infrastructure is needed; and expressed concern with the number of changes, deletions and additions to the agenda, instead of preparing a new agenda.

Joan Fischer addressed agenda item Z-5; opined that Murdock Village has been mismanaged; that the commercial property on US 41 should not be sold for \$1.90 per sq. ft.; inquired as to the value of the commercial property on US 41; stated that the commercial property should be sold to pay down the debt; and offered suggestions on the management of Murdock Village.

Percy Angelo commented in opposition of agenda item Z-5 and requested that the Board reject the Amendment and have a full discussion of the project status with public participation.

David Goodrich spoke in opposition of Murdock Village and impact fees.

Jeff Poisson spoke in opposition of Murdock Village, commented on commercial property impact fees, and encouraged development.

Dr. Kevin Cronin, Charlotte Animal Hospital Veterinarian, commented on concerns he and his partners have to the Board's consideration of rescinding the impact fees reductions after money has already been invested in developing a new animal hospital with upgrades.

Bob Roush commented on the monies already expended by the small association where he resides to build a clubhouse, opined it would cause hardship if the impact fee reduction was rescinded and the association is required to pay additional funds.

Marvin Medintz mentioned the county debt on Murdock Village, opined that if any party seeks to move beyond the existing closing date, that party should be responsible for the interest paid, and inquired on the status of Babcock Ranch.

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. Must be a resident of Charlotte County and have an interest in the preservation of beaches. Meetings are held the first Thursday of each month at 9:00 am in Murdock. Term is four years.

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

Charlotte Ranchettes Street & Drainage Unit Advisory Board - is seeking one alternate member. Volunteer must be a resident of

Charlotte County and reside within the unit. Length of term - until January 23, 2009.

Children's Services Council - is seeking two volunteers to serve on the Children's Services Council for a four year term. Applicants much have 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 and a resume will be accepted by the Commission Office until February 28, 2008.

Construction Industry Licensing Board - is seeking a volunteer representing the "Consumer Advocate" category. Volunteer must be a resident of Charlotte County for at least two years and have no financial interest, direct or indirect, in the building trades. Length of term: 4 years.

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 determined at the first meeting. The term for the alternate is two years.

Gulf Cove Waterway Advisory Committee - is seeking one member to serve as the alternate. Volunteer must be a landowner and reside within the boundaries of the unit. This term will expire in July 2008.

Manasota Key Street and Drainage Advisory Committee - is seeking one member 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.

South Gulf Cove Advisory Committee (Community Plan) - is seeking one volunteer to serve as a regular member who is a landowner and resides within the boundaries of the Unit to complete a vacated term that expires on July 24, 2010.

III. REPORTS RECEIVED AND FILED - None

IV. CONSENT AGENDA

COMMISSIONER MOORE MOVED TO APPROVE CONSENT AGENDA, EXCEPT ITEMS L-2 AND H-1, 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 February 5,
2008 through February 15, 2008 in the amount of \$15,292,207.73

B. Minutes Division - No items

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Consider reappointment of Richard L. Eger to the Construction Industry Licensing Board representing the consumer advocate category. Length of term is four years.
BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve the appointment of Bruce Scullary as the alternate member on the Gulf Cove Waterway Advisory Committee. All criteria for this appointment have been met and this vacancy has been advertised. This is a two year term and will expire in February 2010. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Reappoint Wayne Largent to the Manasota Key Street and Drainage Advisory Committee. The term shall be for three years. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Appoint Yvonne Ermirio as a regular member to the South Gulf Cove Advisory Committee (Community Plan). The vacancy has been duly advertised, and the term shall be for three years. BUDGETED ACTION: None

(5) *RECOMMENDED ACTION*: Appoint Carlo (Tony) Ermirio to the South Gulf Cove Street and Drainage Advisory Committee to complete a vacated term that shall expire on January 9, 2010. The vacancy has been duly advertised. *BUDGETED ACTION*: None

(6) *RECOMMENDED ACTION*: Appoint Gerald Newell to continue to serve on the Deep Creek Non-Urban Street & Drainage Unit Advisory Committee and Roxann Read as a replacement for the resignation of Donald R. Eiler. The first is a three (3) year term, effective immediately, to expire January 31, 2011. The second is to finish the remainder of a four (4) year term, effective immediately and expiring January 2009. *BUDGETED ACTION*: None

D. Administration

(1) *RECOMMENDED ACTION*: Approve Modification #1 Federally Funded Subgrant Agreement (FEMA Project Number 1539-78-R) for the wind retrofit of the Tringali facility, at 3460 N. Access Road, Englewood, FL. 34224. *BUDGETED ACTION*: None

Modification # 1 to Grant 2006-071

E. County Attorney

(1) *RECOMMENDED ACTION*: Set an Executive Session for Tuesday, March 18, 2008 at 2:00 p.m. in the County Attorneys' Office to discuss litigation strategies concerning the lawsuit captioned Thomas Scruggs and Sandra Scruggs v. Charlotte County; Civil Case No. 05-703-CA. *BUDGETED ACTION*: None

(2) *RECOMMENDED ACTION*: Cancel the Public Hearing previously set for February 26, 2008, at 10:00 AM, to address the ownership and maintenance of the greenbelts in the Rotonda West MSBU area. *BUDGETED ACTION*: None

(3) *RECOMMENDED ACTION*: Set a special meeting for the purpose of convening an Executive Session for Wednesday, February 27, 2008 at 9:00 a.m., in the County Attorney's Office, to discuss litigation strategies concerning the lawsuit captioned Prairieland, Inc. v. Charlotte County; Civil Case No. 05-1115-CA. *BUDGETED ACTION*: None

F. Budget Office

(1) RECOMMENDED ACTION: Set a Board Workshop on Tuesday, March 4, 2008 at 9:00 a.m. in Room #119, to update the Board on the MSBU Study being conducted by the Government Services Group. BUDGETED ACTION: None

G. Growth Management

(1) RECOMMENDED ACTION: Approve setting a Board Workshop for March 11, 2008, at 2:00 p.m. or as soon thereafter as may be heard, to hear and discuss a presentation on Low Impact Development (LID). BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve setting Board Workshop for March 11, 2008, at 2:00 p.m., or as soon thereafter as may be heard, to hear and discuss presentation on Tiered Impact Fees. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Set a Public Hearing for May 20, 2008, at 9:00 a.m., or as soon thereafter as may be heard, to review The Loop Development Order. BUDGETED ACTION: None

H. Economic Development

(1) RECOMMENDED ACTION: Approve the 2008 Charlotte Harbor Community Redevelopment Area Work Plan. BUDGETED ACTION: None

Commissioner Moore advised he is not opposed to H-1; opined it does not receive sufficient attention or belong on the consent agenda; noted he would like a workshop to discuss further and see where the Charlotte Harbor Community Redevelopment Agency (CRA) is going; indicated he did not like some of the language; and confirmed his desire to participate in a workshop with them.

Commissioner Loftus advised he spoke with Debrah Forester and received confirmation that a workshop would be set with the Board of County Commissioners sometime within the next few months.

COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM H-1 WITH THE UNDERSTANDING THAT A MEETING BETWEEN THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AGENCY AND THE BOARD OF COUNTY COMMISSIONERS WOULD BE HELD WITHIN THE NEXT COUPLE MONTHS, SECONDED BY COMMISSIONER MOORE.

Commissioner Duffy expressed concern that the Board was being asked to approve something without sufficient detail and opined final details should have been given initially.

Debrah Forester advised the work plan intent was for the Board to review CRA Advisory Committee discussions and decide if programming should be continued; schedule a workshop for April 8, 2008 with the Board of County Commissioners; and asked for Board direction. Ms. Forester commented it was fine to delay approval of the plan until April 8, 2008; advised on moving forward with the Gateway Project; mentioned submitting a Grant application for the Stormwater Master Plan; and indicated a number of the projects were infrastructure-based.

Chairman D'Aprile stated the plan has been in limbo, noted the area has been neglected for many years, and opined the need to move forward. *Commissioner Duffy* agreed there is a lot of work to be done in the area, noted dissatisfaction in anything brought before the Board for a vote with insufficient detail; opined this was large sum of money.

Ms. Forester advised that as plans are developed they would bring back detail to the Board for final approval and stated this direction would allow the Advisory Committee to move forward with discussions with the Sheriff's Department, Park Programming, and other possible partnering opportunities.

Motion Carried 5:0.

(2) *RECOMMENDED ACTION*: Set a Board Workshop for March 25, 2008 at 2:00 p.m., or as soon thereafter as may be heard, to discuss economic development strategies. *BUDGETED ACTION*: None

J. Environmental Services

(1) *RECOMMENDED ACTION*: Approve to direct the Natural Resources Division and Real Estate Services Department to begin appraisals and negotiations of identified properties: R & D Cattle Site (Bond Ranch), Shell Creek Delta, and Burnt Store Inholdings. *BUDGETED ACTION*: None

K. Facilities Construction and Maintenance - No Items

L. General Services

(2) *RECOMMENDED ACTION*: Award Bid #08-133, Low Pressure Sewer Expansion, to General Contracting Services of Port Charlotte, Florida, in the amount of \$1,030,670.29. *BUDGETED ACTION*: \$1,800,000 in grant funding and \$690,000 in MSBU funding for a total budgeted amount of \$2,490,000.

Commissioner Loftus acknowledged liquidated damages and total calendar days to complete a project are on the bid specifications, but requested those items be included on the bid form itself. **Commissioner Loftus** inquired if staff had a breakdown on grant funding and the amount paid into the MSBU in response to a citizen inquiry related to L2.

Kim Corbett advised that completion date and liquidated damages would hereafter be added to the bid form and in the background of the Novus Agenda Item. Ms. Corbett explained that on the sewer budgeting for L-2, \$1.8 million is grant funding and \$690,000 is MSBU funding in the Capital Improvement Program (CIP); and that because such a good price was obtained the \$1.8 million grant funding would cover the entire project cost.

COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM L-2, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

(4) *RECOMMENDED ACTION:* a) Approve Amendment #4 to Contract #07-008, Charlotte Sports Park Renovation/Expansion, with Hunt Mathews/Taylor in the amount of \$362,125 and b) Authorize the Chairman to sign the Amendment. *BUDGETED ACTION:* Budget amount in FY08 \$25,425,000 in CIP Charlotte Sports Park Stadium.

M. Human Resources - No Items

N. Human Services

(1) *RECOMMENDED ACTION:* Approve and Chairman of the Board of County Commissioners sign the annual FTA Section 5307 grant application, Master Agreement, and authorize the County Attorney, the MPO Director, and the Transit Manager to enter their PIN numbers to make the required electronic application. *BUDGETED ACTION:* FY 08 Budget amount approved by FTA is \$1,344,478.

Grant 2008-004

(2) *RECOMMENDED ACTION:* a) Approve grant award of \$60,190 from the Department of Children & Families (DCF), Substance Abuse & Mental Health (SAMH) and b) Authorize the County Administrator to sign the Memorandum of Understanding with DCF upon receipt and review by the County Attorney. *BUDGETED ACTION:* Budget amendment #08-A12 in the amount of \$60,190.

Grant 2008-005

P. Information Technology - No Items

Q. Parks, Recreation and Cultural Resources - No Items

R. Public Safety - No Items

S. Public Works - No Items

T. Real Estate Services

(1) *RECOMMENDED ACTION: Approve the attached Resolution approving the release of portions of two (2) ten-foot (10') wide utility and drainage easements, and a portion of a twenty-foot (20') wide canal maintenance easement, all located in Port Charlotte Subdivision, Section Twenty-Seven, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portions of said easements. (Owners: John C. Haima and Vivien Haima) BUDGETED ACTION: None*

Resolution 2008-016

(2) *RECOMMENDED ACTION: Approve the attached Resolution authorizing the exchange of the County's interest in five (5) platted lots located in the Rotonda Villas Subdivision, for the interest in five (5) privately-owned, platted lots that are also located in the Rotonda Villas Subdivision, for the Rotonda Villas Lift Stations Project. BUDGETED ACTION: Funding available in Rotonda Villas Wastewater MSBU fund.*

Resolution 2008-017

(3) *RECOMMENDED ACTION: Approve a Resolution authorizing the acquisition of real property and easement interests in and around the intersection of Toledo Blade Boulevard and Hillsborough Boulevard as part of the Toledo Blade Improvement Project. BUDGETED ACTION: FY08 Funds are available in the Road Improvements Fund, Project C419905, Toledo Blade Corridor Phases 2,3. Project total is \$52,350,000.*

Resolution 2008-018

(4) *RECOMMENDED ACTION: Approve a Resolution of Necessity for the acquisition by any legal means of real property and easement interests for the Kings Highway widening project. BUDGETED ACTION: FY08 Budget is available in the Road Improvements Fund. Project C410501 Kings Highway - I75 to DeSoto County Line. Project total is \$5,722,000.*

Resolution 2008-019

(5) *RECOMMENDED ACTION*: Approve this agenda item that authorizes the acquisition of a lease for property owned by the State of Florida. This will allow for the addition of another public boat ramp, at the end of Cattle Dock Point Road, increasing access to Charlotte Harbor and the Gulf of Mexico for Charlotte County Residents. *BUDGETED ACTION*: None

Resolution 2008-020

V. Tourism Development - No Items

W. Utilities

(1) *RECOMMENDED ACTION*: Approve an Easement Encroachment Agreement for a sign that is proposed to be placed in the Charlotte County Utilities' easement at a new Chili's Restaurant located near the Wal-Mart Super Center on Kings Highway and I-75 and authorize the Chairman to sign. *BUDGETED ACTION*: None

Agreement 2008-009

X. Building & Construction Services - No Items

Y. Other Agencies - No Items

RECESS: 10:00 AM - 10:10 AM

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

(1) County Attorney *RECOMMENDED ACTION*: Conduct a public hearing on February 26, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to consider adopting a resolution of intent to use the uniform method of collection of non-ad valorem assessments for the Manchester Basin Water MSBU, the Manchester Basin Wastewater MSBU, the East and West Spring Lake Wastewater MSBU, the West Charlotte Regional Street and Drainage MSBU, the Mid Charlotte Regional Street and Drainage MSBU, and the South Charlotte Regional Street and Drainage MSBU.

Deputy County Attorney Dan Gallagher explained this first public hearing agenda item requests Board approval of a Resolution of Intent to use the uniform method of collecting non-ad-valorem assessments and advised this Resolution is required by State Statute to be adopted after a Public Hearing.

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE RESOLUTION # 2008-021, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

(2) County Attorney RECOMMENDED ACTION: Request the Board conduct a public hearing and consider approving an Ordinance repealing Ordinance No. 2007-076, which provided for a temporary reduction in residential impact fees, and Ordinance No. 2007-078 which provided for a temporary reduction in certain commercial impact fees.

Attorney Gallagher explained this agenda item is to consider approving an Ordinance repealing Ordinance No. 2007-076, which provided for a temporary reduction in residential impact fees, and Ordinance No. 2007-078 which provided for a temporary reduction in certain commercial impact fees.

Steven Brown spoke on behalf of the Conservancy of Southwest Florida and opined that a significant revenue was being missed by not treating mining as a commercial activity.

Suzanne Graham noted the industry has suffered enough in the last couple years; indicated a slight increase in building permits; mentioned the Building Industry Association is working with staff on alternative revenue sources; commented that insufficient time had passed to determine if the impact fee reductions would help the community; and spoke in opposition of repealing the impact fee reduction Ordinances.

Russell Garrod opined the unintended consequences began in 1989 when impact fees were first imposed without doing an economic impact study; mentioned the Boards desire to help the Mom and Pop businesses and opined raising impact fees for commercial would hurt the smaller businesses that rent the commercial spaces; expressed concern that demand is made for someone to pay for infrastructure up front for something that has a 20-30 year life cycle; and voiced a way must be found to fund infrastructure through broad-based funding, not by demanding impact fees upfront.

Joe Dixon opined that property taxes must be raised to get the county out of the perilous debt it is in.

Jim Sanders spoke in opposition of repealing the impact fee reduction Ordinances.

George Fowler stated the rollback in impact fees was well received, helped the community, and spoke in opposition of repealing the impact fee reduction Ordinances.

Cap Rice spoke in opposition of repealing the impact fee reduction Ordinances.

Julie Mathis, Executive Director of the Charlotte County Chamber of Commerce, spoke in opposition of repealing the impact fee reduction Ordinances.

Bruce Laishley indicated Charlotte County is running out of jobs; mentioned DeSoto and Lee Counties have dropped their impact fees; opined it is the wrong time to go backward in economic stimulus; commented on a national campaign advertising being done by several companies to bring national companies to the area; and spoke in opposition of repealing the impact fee reduction Ordinances.

Earl Snyder, of Snyder Construction, indicated that ten (10) of the thirty two (32) permits issued this month are his; mentioned the work his company is doing; and opined it is critical that the Commission not repeal the impact fee reduction Ordinances.

Bill Dryburgh, President of the Punta Gorda/Port Charlotte/North Port Association of Realtors, advised that the Realtors work hand-in-hand with the building industry; noted the reduction in impact fees was a good plan; opined the Commission should wait and see if it works; and spoke in opposition of repealing the impact fee reduction Ordinances.

Douglas Tucker advised he was opposed to raising impact fees two years ago; opined the mortgage industry saw the slow down before the developers and builders; indicated there had been commercial building during the slow down; commented that the County should not depend on impact fees to solely fund road infrastructure improvements; and spoke in opposition of repealing the commercial impact fee reduction Ordinance.

Sharon Neuhofer, Coldwell Banker Sunstar Realty, stated that sixty (60) days is not enough time to determine if the rollback is working; requested the Commission leave the impact fee rollback Ordinance in place; indicated trip generations have been affected due to economic conditions; and recommended looking at the overall impact fee structure.

Bob Bombardieri opined many will not survive if the Commission makes the change proposed at this time and spoke in opposition of repealing the impact fee reduction Ordinances.

Richard Sinclair commented on people who are self employed and unable to collect unemployment, indicated unemployment is much higher than the numbers presented, and spoke in opposition of repealing the impact fee reduction Ordinances.

David Goodrich suggested tiering the structure to allow the Mom and Pop builders to continue growing and opined large developers should have the responsibility of paying for road improvements such as Kings Highway and Rampart Boulevard.

Dr. Cronin expressed concern that impact fees are passed down to the smaller builder, noted Mr. Dixon's comments on raising taxes, commented on being allowed to build across from where he presently is, and opined that the assessment value on that building would certainly be greater.

Gerald Weikoff advised he is currently launching a project called the Charlotte County Forum; commented on preliminary poll results; agreed with Mr. Dixon on the need for additional County taxes; indicated the only two sources of County revenue are taxes and services; suggested the Commission consider the taxation system and impact fees very carefully; noted the County is short on funds and still needs to build infrastructure; and opined that either taxes or services would be required to accomplish this.

Ron Hill, of Homestead Maintenance and Improvements, stated the impact fee rollback was an experiment and opined it should be allowed to run its course, indicated the County needs to find a reliable source to fund infrastructure, and that a tiered impact fee should be considered.

David Allgood noted he has been building in Charlotte County since 1981, stated that the builders are still struggling, and requested the Commission leave the rollback Ordinance in place.

George Westfur advised he has been a contractor in Charlotte County since 1973; commented on road improvement expenses being incurred by his company as the developer; indicated his confusion with the impact fee structure and how it related to the end user; and spoke in favor of keeping the impact fees rolled back.

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

Motion Carried 5:0.

Commissioner Duffy indicated she was surprised to see a rescind on the agenda today; mentioned she had expected to pursue discussions and receive additional information; commented on Lee County providing their Board with three options to consider; opined although she appreciated the information Growth Management furnished, she needed more detail to make such an important decision; and stated she was not in favor of rescinding the rollback today. **Commissioner Moore** had no comment at this time. **Commissioner Loftus** stated his concern regarding impact fees was where the infrastructure revenue would come from in order to be in compliance with Senate Bill 360, which becomes effective December 2008.

Commissioner Cummings stated all information received was not new; indicated reinstatement of impact fees would not support slow market statistics; opined modest short-term changes would not substantially change the long term; indicated over the long term higher impact fees did not show a higher rate of growth; noted the Board had initially stated this rollback was temporary; opined applicants with existing projects would try harder to get them in before the deadline; pointed out the same number of individual homes scattered in an area that was already developed versus a developer who builds an equal number of homes provided identical impact; and opined it was the same for commercial operations. **Commissioner Cummings** commented on the need for incentives to enhance the local economy, meet job criteria for commercial and industrial operations, and mentioned concerns that if not approved, some major developers who could create jobs might not be approved due to taxpayers objecting to the development.

Chairman D'Aprile accepted the blame on this issue; stated his intent was to help stimulate the economy by bringing jobs back to the community for a short time; opined temporary impact fee reductions are important; expressed concern that this matter is back again because developers are taking advantage of it; indicated other counties are considering rollbacks; expressed hope that the issue will come back with solutions and addresses the concerns raised by the Board; opined there must be something that would satisfy everyone on a temporary basis; and indicated he would not make a decision today.

COMMISSIONER LOFTUS MOVED TO DELAY THIS ISSUE FOR A PERIOD OF SIXTY DAYS AND BE BROUGHT BACK TO THE BOARD AT THAT TIME WITH MORE INFORMATION, SECONDED BY COMMISSIONER DUFFY.

Commissioner Cummings asked what the one year scheduled reinstatement date was. Attorney Knowlton advised residential was to expire January 22, 2009 and commercial would sunset on February 12, 2009. Attorney Gallagher pointed out that the Ordinances were scheduled to sunset on those days but changes in State Legislature added another 90 days on before it would go into effect.

Commissioner Cummings indicated his point would be illustrated to the public when development orders for Victoria Estates and the development at the corner of Kings Highway came back and opined not having impact fees means taxpayers would pay the bill for someone else's new development, which may affect whether or not the Board approved those developments at all.

Commissioner Moore requested clarification of the sunset dates and remembered the Board voting earlier. Attorney Gallagher confirmed they had voted in November and in early December 2008, and explained the time lag was because the Ordinance was not effective until 90 days after it was enacted, which was January and February respectively for residential and commercial impact fees. **Commissioner Moore** requested clarification on the additional 90 day period. Attorney Gallagher explained the Statute reads any impact fee changes made, either decreasing or increasing, required a 90 day window before going into effect. **Commissioner Moore** asked Attorney Gallagher to review the Statute and advise him.

Commissioner Cummings suggested initiating the Ordinance change 90 days prior to the time it was scheduled for rollback so it would hit the timeline. **Commissioner Duffy** pointed out several options previously mentioned; expressed concern that the same decisions would still need to be made after a sixty-day delay; and suggested setting up a task force to come back to the Board in sixty (60) days with recommendations and dates. **Commissioner Cummings** stated in order to have an impact fee at all there must be some justification; commented on tiered impact fees; suggested shifting from a per-unit charge for a residential unit to square footage charge; agreed there are improvements that can be made to the impact fee structure; and opined what had been done makes matters worse, not better.

Commissioner Loftus stated he would like Administration to furnish information and options to the Board within the 60-day timeframe in order for the Board to make a more informed decision. **Chairman D'Aprile** stated that the rollback was done on a temporary basis to help the economy, expressed hope something could be done to lower the impact fees on a permanent basis, and clarified there was a motion and second on the floor

for a 60-day delay until more information was furnished to the Board.

Commissioner Duffy pointed out that the motion was only for a 60-day delay; opined it should be amended to include language stating after 60 days the Board would be provided with recommendations on how to approach the impact fee issue with respect to using square footage for commercial or use of a tier with regard to infill and urban service; and stated all motions should be very clear. **Commissioner Cummings** clarified the change from square footage per unit was on residential, not commercial. Attorney Knowlton stated that this matter would come back in 60 days for discussion and confirmed the Board was not asking for an Ordinance to be brought back in 60 days. Chairman D'Aprile replied affirmatively.

Motion Carried 5:0.

RECESS: 11:40 AM - 11:50 AM

(3) Growth Management Department **RECOMMENDED ACTION:** Continue the second Public Hearing 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, LLC and Charlotte County for the Victoria Estates DRI.

Jeff Ruggieri noted this item was the reconsideration of the Victoria Estates Development Agreement; mentioned addressing the issues that were requested to be brought back for further discussion; explained updates, language changes, and developer responsibilities; and indicated staffs recommendation for approval as presented.

Commissioner Loftus requested clarification of the amount of the proportionate share. Mr. Ruggieri stated it was \$1.1 million.

Commissioner Moore asked Mr. Ruggieri to explain his last comments. Mr. Ruggieri stated the difference between this Developer's Agreement and others is that the developer would conduct a transportation impact study for widening Rampart Boulevard from Kings Highway to the entrance of the development; noted there would be a laundry list of improvements

identified in the study from which to determine the proportionate fair share of impact for the development; determine what they were required to pay in improvements; indicated an income stream from the impact fees that would be collected over time from the development; and noted the Director of Public Works could take the revenue from impact fees and development and apply them to the list of improvements.

Mr. Loucks explained that the developer would make immediate improvements as a requirement of the development process; mentioned improvements were funded from their own sources not through impact fees; and indicated once houses were being built, their impact fees would come back to the County and be used for road improvements in that corridor after review by Public Works.

Thomas O'Kane stated that every development has certain access requirements that must be done regardless of impact fees or overall impact of the development, which is part of the Development Review Committee (DRC) process; explained this development was different because beyond its requirements there was a clause to complete a transportation study to decide what was needed to enhance transportation between the development entrance and Kings Highway and determine the cost estimate; and noted the County would then decide what improvements were necessary based on the monies available at that time. Mr. O'Kane explained there was not a concurrency issue in this section of roadway; that it functions at or better than level service D; and that this is different than some of the other developments that had recently been discussed.

Chairman D'Aprile inquired if Mr. O'Kane was comfortable with the proposal. Mr. O'Kane replied affirmatively and indicated that this was the normal process with the exception that the developer agreed to do an engineering study of that section of roadway to see what it would cost to do various improvements.

Commissioner Cummings asked for clarification of the initial Development Agreement, impact fees, and proportionate fair share figures. Mr. O'Kane responded in detail and advised without a Developer's Agreement, the County would have worked out whatever was required as part of the Development Review Committee (DRC) process, and noted it was unrelated to impact fees.

Commissioner Cummings asked about the changes made in this instance and confirmed that instead of having the developer do all the projects in the corridor, they would follow a standard Development Order that states the developer must do the local improvements that any developer is required to do, plus pay their impact fees, and the County would then allocate those impact fees based on priorities. Mr. O'Kane advised that there was nothing in a Development Agreement that referred to what is required as part of the Development Review Committee (DRC) process; pointed out that two years ago the Board asked staff to negotiate with the developer to make those improvements; noted there were so many impact fees to be collected it did not make a difference what the developer's proportionate fair share was because they would get all their impact fees back in building improvements from Kings Highway to the project entrance.

Commissioner Cummings asked how many credits the developer would get to use and stated he understood there were two types of requirements a developer must meet in regards to their impacts in the normal process. Mr. O'Kane explained in this case they would not receive any credits, there was also a proportionate fair share calculation of the amount of impact the development had on Rampart Boulevard, and continued to discuss the subject further.

Commissioner Cummings inquired if impact fees were left at the present level versus reinstating the impact fees to where they were before, would there be more money to address transportation impacts in Charlotte County. Mr. O'Kane replied he did not recall the exact amount under the old scenario, but the amount available would be substantial.

Commissioner Duffy requested clarification on when impact fees were collected. Mr. Ruggieri stated impact fees were assessed at the time the building permit was applied for and could be collected anytime prior to Certificate of Occupancy.

Attorney Waksler explained the process began two years ago; pointed out the development agreement request had not been initiated by the Applicant; noted the original agreement was negotiated and finalized prior to the roll back of impact fees; commented if approved, the Applicant would do the required

improvements either way; indicated their proportionate share was \$1.1 million; discussed the right of way study needed for widening Rampart Boulevard; and explained the development agreement terms in detail.

Commissioner Cummings asked Attorney Waksler to compare the two agreements and asked several questions related to the agreements, methodology, expenses, and impact fees. Attorney Waksler responded and noted the proportionate share would remain 1.1 million regardless.

George Westfur expressed his confusion to related impact fees and developer obligations, stated he has followed all staff requests for studies, paid required fees, and opined impact fees were typically paid by the end user.

David Goodrich questioned the total cost to widen the road, asked the number of units predicted for the development, questioned what the total revenue of impact fees planned at the lower and higher rate fees were, opined there were too many variables, and asked who would be paying the difference after the \$1.1 million. **Chairman D'Aprile** commented that Mr. Goodrich was confusing this issue with another and said he would clarify it with him after the meeting.

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

Mr. Ruggieri noted Mr. O'Kane and Attorney Waksler had met to add clarification language to the right away study and mentioned the new language would be included in the motion. Mr. O'Kane referenced page 8, impact fee #2, and read the language into the record. Attorney Browne suggested the changes be approved on behalf of the Applicant. Attorney Waksler approved the changes for the record.

COMMISSIONER MOORE MOVED TO APPROVE WITH CHANGES READ INTO THE RECORD, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Cummings commented on his support of the motion and developers agreement; expressed concern that if impact fees were

not reinstated before receiving those building applications, the same deficit would continue to exist; opined revenues and expenses had not changed; and noted the importance of addressing transportation impacts and fees.

Motion Carried 5:0.

Chairman D'Aprile suggested allowing Citizen Input - Any Subject to be heard prior to the 2:00 PM hearing.

X. CITIZEN INPUT - ANY SUBJECT

Keith Waltz commented on permits; read the definition for the word permit; provided his septic history; noted he was not upset because he was required to pump his septic, he was upset because he was being charged for the permit; suggested the County cap the price, inspect the equipment, and stop using the permit fee as a County revenue.

Chairman D'Aprile and Mr. Loucks advised the State Health Department was responsible for septic issues and referred him to Steve Mitnick.

Kenda Sweve commented on revenue generation, the economic development of Charlotte County, and encouraged looking into new opportunities to increase revenues and help address the impact fee issue.

Steven Brown discussed the mining issue, mentioned there were 60 active excavation mining permits, encouraged the Board to rezone each mine to its appropriate zoning category, and opined rezoning would help with appraisals later.

Suzanne Graham clarified her earlier comments and opined the building industry and Board should work together as a team.

RECESS until 2:00 PM

V. REGULAR AGENDA

Z. Regular Agenda

(5) Attorney's Office Authorize the Chairman of the Board of County Commissioners and the Ex-Officio of the Murdock Village CRA to execute the Second Amendment to Agreement for Disposition of Property within the Murdock Village Community Redevelopment Area.

Attorney Knowlton explained that under the Disposition Agreement for Murdock Village the due diligence period was set to expire on Friday, February 29, 2008, advised the developer was requesting a thirty (30) day extension until March 31, 2008, and indicated that during the same thirty (30) day period the developer would like to discuss another proposal, which would carve out forty (40) acres of commercial property and revise the terms and conditions of the Disposition Agreement.

Syd Kitson stated these are difficult economic times; noted his appreciation for citizen input; commented on the credit crunch, the slow down in the housing market and the general slow down of the economy; and indicated his request is for a one month extension to try and structure a deal to allow both parties to work through this down turn, assure the success of Murdock Village, and allow the County to realize its full benefit and value. Mr. Kitson offered to answer questions and noted the proposal he provided to the Board.

Commissioner D'Aprile stated he had not yet had the opportunity to fully review the proposal; asked how much property Mr. Kitson was interested in purchasing; questioned the price he was considering; indicated the County was waiting for an appraisal; noted his desire to work together for success; indicated the need to find a solution; and opined once the project was complete it would bring in revenues and enhance the Town Center Mall.

Mr. Kitson expressed his desire to move forward and continue the proposed process; requested a 2 year extension from the closing date; explained during that period of time the County would be free to sell off any portion of the property at full market price with all proceeds going directly to the County; opined the County could maximize those revenues going forward; and commented that Kitson and Partners would continue with the conditions proceeding to closing.

Mr. Kitson understood the 40 acre commercial parcel was being sold at a reduced price; explained that was true on the County side, but opined in order for value to be achieved, the parcel needed to be combined with several expensive frontage lots along Tamiami Trail which has cost \$6 million to date; noted once combined the pricing was no longer below market value; and mentioned taking the four weeks to be sure this would benefit Kitson and Partners and the County.

Commissioner Duffy asked for clarification on the acreage and costs for this project and asked if Kitson and Partners could negotiate. Mr. Kitson advised the 5.5 acres of frontage property was \$6 million, the County's 40 acre parcel was approximately \$3.35 million, stated they were already at the maximum, mentioned if the Commissioners were not happy with this part of the contract they could work in another direction, and pointed out being challenged with the price of frontage lots needed to make this project work. **Commissioner Duffy** asked if there were other options and opined the financial timing was terrible. Mr. Kitson mentioned retail was up, but opined the economy could change at anytime.

Commissioner Loftus agreed this is a difficult time for the economy throughout the world, indicated his willingness to move forward with the extension; stated the need for answers before making a final decision; and expressed the desire to protect the interest of the citizens. **Commissioner Moore** clarified the parcel pricing for frontage lots vs. internal lots and opined they were both overpriced. Mr. Kitson agreed he was getting hit hard on the lot costs; indicated the need to look at the parcels as one parcel; opined they could only pay a certain combined amount retail for the project to work; noted he would welcome putting it out to the open market to yield the County the highest income; and stated the key was to get the County the most money possible to pay down their debt as soon as possible. **Commissioner Cummings** stated he had no problem with a 30 day extension and commented the need for further discussions related to the proposal.

Attorney Knowlton recommended changing the 30 day extension to March 25, 2008 which falls on a Board meeting day; mentioned using the extension period to outline additional options, gather more information, and provide the appraisal; indicated there was little resemblance between the proposals; and advised the Board of another possible extension later.

Commissioner Moore asked if the Board had the ability to move forward if they chose to on March 25, 2008. Attorney Knowlton answered she would provide the Board with recommendations by the next Board meeting. Mr. Kitson recommended extending the 30 days to the April 8, 2008 Board meeting. **Commissioner Duffy** opined the issue warranted a special Board meeting and mentioned her desire to meet with the outside consultants prior to the meeting. Attorney Knowlton and Mr. Loucks discussed the proposed meeting dates; mentioned not knowing the outside consultants schedules; and decided to schedule the meeting for March 31, 2008. **Commissioner Loftus** agreed with **Commissioner Duffy**, indicated the need for detailed information, and enough time to review.

COMMISSIONER MOORE MOVED TO APPROVE 30 DAY EXTENSION UNTIL MARCH 31, 2008 WITH CONDITIONS TO BE HEARD AT AN ADDITIONAL MEETING (SECOND AMENDMENT TO AGREEMENT 2007-062), SECONDED BY COMMISSIONER LOFTUS.

Chairman D'Aprile addressed Mr. Kitson, noted mutual investments, and the need for flexibility.

Motion Carried 5:0.

(2) County Administration **RECOMMENDED ACTION:** a) Board consideration of the request from the Charlotte County Homeless Coalition of County payment of the Impact Fees assessed by various County Departments and b) Approve Budget Transfer #08-008 in the amount of \$106,434.16.

Mr. Loucks provided an outline of the requested fee waivers, mentioned the County was unable to waive the fees but had another solution, and asked Robert Hebert to explain in more detail. Mr. Hebert stated Charlotte County Homeless Coalition was requesting impact and other fee waivers, advised the fees would need to be paid through the reserve contingency fund, and mentioned the fees amounted to \$106,434.16

Commissioner Duffy asked for clarification of the \$11,670.00 kitchen impact fees already paid in advance. Mr. Hebert explained they paid the impact fees to get the kitchen up and running and advised the amount was taken from Charlotte County Utilities (CCU) estimates.

Kevin Russell explained the kitchen was completed ahead of the shelter, mentioned they paid the impact fees to receive the Certificate of Occupancy and open the kitchen early, and agreed the cost was high.

Commissioner Duffy asked if the fees paid covered water and sewer connections for the kitchen only and commented there was water and sewer already in the building. Mr. Russell noted what was added to the kitchen expansion and Mr. Loucks explained water and sewer procedures to **Commissioner Duffy**. **Chairman D'Aprile** opined his confusion on why they needed to pay for the hook up and also pay monthly for water and sewer.

Jeff Pearson pointed out CCU provided credits for their existing capacity and explained the \$11,670.00 reflected the remaining balance. Mr. Russell commended CCU on their support and agreed the costs seem high.

Commissioner Cummings indicated the amount of water being used in the County, discussed connection fees and plant capacities, and advised restaurant costs are very expensive.

COMMISSIONER LOFTUS MOVED TO APPROVE THE COUNTY TO PAY RELATED NEW CONSTRUCTION ASSESSED FEES ON BEHALF OF CHARLOTTE COUNTY HOMELESS COALITION AND APPROVE BUDGET TRANSFER (ITEM B) IN THE AMOUNT OF \$106,434.16, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner D'Aprile said he toured the facilities, expressed the importance of providing these services to the Community, and noted his belief in allowing a waiver for this cause.

Commissioner Moore expressed concern that this was not County property. Mr. Russell advised the building was paid for by the State, noted it was subject to a land use agreement, and noted the Board would have final approval prior to any changes made to the property.

Commissioner Duffy asked what the Coalition would do without Board approval. Mr. Russell stated they would have to pay it and noted it would take reserve funds away from other programs such as food. *Commissioner Duffy* asked if the people using the facility were Charlotte County residents. Mr. Russell said most were, but advised they did not check residency for a meal; and stated this shelter was not for someone who drinks all day, that it was for people who want help to help themselves. *Commissioner Moore* commended Mr. Russell for his contributions to the County.

Motion Carried 5:0.

Mr. Russell thanked the Commissioners for their support.

(Regular Agenda items Z-1, Z-4, Z-6 continued after VII 2:00 PM Presentation Agenda)

VII. PRESENTATION AGENDA 2:00 P.M.

(1) Environmental & Extension Services Dept. RECOMMENDED ACTION: Pandion Systems, Inc. presenting and answering questions about Draft 2 of the Babcock Ranch Preserve Conceptual Management Plan. Representatives from the Florida Division of Forestry, Florida Fish and Wildlife Conservation Commission, Babcock Ranch Inc., and Babcock Ranch Management will also be present and available for questions.

Andy Stevens introduced Christine Denny of Pandion Systems, Inc. and advised the presence of many other associated representatives available to answer questions.

Ms. Denny provided a detailed outline of the Conceptual Management Plan for the preserve which included Acquisition History, Intent, Goals and Challenges, Management Requirements, Groups Involved, The CMP Process, Public Use, Educational Goals, Ranch Operations, and Cultural Resources.

Commissioner Duffy asked if the Bermont Crossing Trail went under the road. Edward Flowers of the Department of Forestry advised the Crossings location and length, noted it was three trails, and indicated it was almost complete. **Commissioner Duffy** asked for clarification of organic farming and how it was being funded. Kathy Olsen of Lee County explained the goal was to reduce fertilizers and pesticides running into the river, and stated organic farming was not new but used throughout the country. Ms. Denny referenced the cost estimates outlined on pages 109 and 110 of the proposal and noted the outline included the proposed implementing departments.

Commissioner Loftus liked the aggressive plan, expressed concern related to generating revenue sources, and asked about hunting and rock mining in the area. Ms. Denny advised interim hunting presently within the plan allows hunting to begin as early as September of this year, mentioned following the master plan creation, a tiered hunting structure would allow hunting back on the property, commented that by 2010 Babcock Ranch Management should come up with alternative revenue income ideas, and mentioned several other plans within the Conceptual plan that should provide additional income opportunities. **Commissioner Moore** liked the proposal, agreed the ranch should prosper and continue to be a working ranch, talked about Conserve Charlotte, discussed competing eliminates mentioned within the proposal, and commended Charlotte County, Lee County, the State, and Kitson and Partners for their support of this project.

(2) Health Department RECOMMENDED ACTION: Update on Charlotte County Health Department's accomplishments presented by Steven Mitnick.

Steven Mitnick provided an update, described the new Health Department website, and advised Charlotte County had met the national standard, was certified as "Public Health Ready", and is prepared to meet any public health emergency that may occur.

Mr. Mitnick commented on the success of the drive-thru Flu Shot Clinic tested in November and mentioned the new Health Department facility in Punta Gorda and the improvements made to Englewood and Port Charlotte. **Commissioner Loftus** was impressed with the Drive-Thru Clinic.

Commissioner Duffy asked if the \$115 septic pumping was on the website and asked why citizens were being charged a fee. Mr. Mitnick visually showed the attendees where to find the information on the Health Department Website, explained the fee covered an inspection, noted no revenue income to the County, and confirmed the County was only enforcing State requirements. Mr. Mitnick again mentioned the new website and advised he was open to comments and ideas. **Chairman D'Aprile** suggested reaching the public on Channel 20 Public TV. **Commissioner Moore** asked if the fee could be saved by training the pumping technician to do the inspection. Herman Velasco explained the Health Department requirements as mandated.

(Regular Agenda items Z-1, Z-4, Z-6 continued.)

(1) Commission Office RECOMMENDED ACTION: Appoint by ballot one member to the Construction Industry Licensing Board representing the Electrical Contractor category. Consider Wade Warden whose term is due to expire in March, 2008, he has expressed an interest in serving another term. And consider Bruce Erny who has also submitted a resume for consideration. Length of term is four years.

The Commissioners voted and forwarded the ballots to Mr. Loucks. Mr. Loucks read the votes as follows: one (1) vote for Bruce Erny and four (4) votes for Wade Warden.

COMMISSIONER MOORE MOVED TO APPOINT WADE WARDEN 5/0, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

(4) Purchasing RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #08-088, Re- Allocation/Design-Office Space - 1st-Harvard Jolly, Inc; 2nd-Alliance Design Group; and 3rd-C. Alan Anderson Architect for the re-allocation 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.

Kim Corbett provided an overview of the ranking of the firms for Request for Proposal related to the second floor.

Commissioner Moore noted Andrew Baker and Vickie Potts comments last week. Commissioner Loftus stated he would not approve the allocation of these funds.

COMMISSIONER MOORE MOVED TO APPROVE RECOMMENDATION OF FIRST PLACE RANKING OF HARVARD JOLLY, INC., START OF NEGOTIATIONS, AND AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT AFTER COMPLETION OF NEGOTIATIONS PROVIDING THE FEE DOES NOT EXCEED \$100,000, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 3:1. Commissioner Loftus opposing.

ABSENT: Commissioner Duffy.

(6) Administration RECOMMENDED ACTION: Direct the Administrator to draft a letter to Beach Restoration, Inc., requiring the removal of the Stump Pass Experimental Stabilization project.

Commissioner Cummings commented this was not optional and opined there was nothing to discuss. Chairman D'Aprile explained no vote was required and this was mandated by the State Department.

Ms. Corbett provided background, work plan status, and time line.

Commissioner Duffy asked how the tube removal was being funded. Commissioner Cummings asked about the tube removal process. Ms. Corbett responded. Commissioner Moore opined having no options

and noted the need to review future responsibilities within the contract.

VIII. PUBLIC WORKSHOP AGENDA Public input permitted - No Items

IX. BOARD WORKSHOP AGENDA No public input - No Items

AA. County Administrator:

Mr. Loucks announced the Habitat Conservation Plan (HCP) was approved and noted moving forward on the design for the Winchester Extension and invited everyone to attend the Court House Grand Re-Opening scheduled Friday, February 29, 2008 at 1:00 PM.

BB. County Attorney:

Ms. Knowlton advised there was an Executive Session February 27, 2008 at 9:00 AM.

CC. Commissioner Comments:

Commissioner Duffy indicated receiving citizen concerns related to the El Jobean area trestle. Mr. Loucks advised the deck and rails were to be removed, explained reflectors were to be installed, noted the cost would be \$90,000, and stated the issue would come back to the Board for approval. **Commissioner Duffy** mentioned the cost was lower than the original estimate and commended citizens for their suggestions. Mr. Loucks explained the \$500,000 originally mentioned was a Countywide allocation to cover these type of projects.

Commissioner Duffy noted the earlier conversation related to septic pumping, mentioned receiving complaints from residents in unapproved areas, and asked Mr. Loucks to look into it further. **Commissioner Duffy** brought up "Green" construction, provided detail, discussed possible incentives, and asked the Commissioners for approval to move forward. **Chairman D'Aprile** and **Commissioner Loftus** agreed.

Commissioner Duffy noted receiving complaints from beach complex neighbors regarding an increase of noise since the tennis courts were moved, mentioned attending Sheriff Department meetings, and opined a solution was needed.

ADJOURNED 3:54 pm

Signature on file in Commission Minutes
Chairman

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

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