

BOARD OF COUNTY COMMISSIONERS

MARCH 11, 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 Stoner, and Deputy Clerk Manley. The following members were absent: None.

Joyce Ross explained the meeting procedure and where copies of the agenda are located. The meeting was called to order at **9:00 AM**.

Invocation was given by Pastor Mark Coffey of Community Life Center, followed by the Pledge of Allegiance.

Changes to the Agenda - None

Special Recognition

Proclamations - Commissioner Adam Cummings

American Red Cross Month

COMMISSIONER MOORE MOVED TO APPROVE AMERICAN RED CROSS MONTH THE MONTH OF MARCH 2008, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

The Proclamation was accepted by Ernie Sturges, Board Chairman of the Charlotte County Chapter of American Red Cross, and Megarie Vansickle, Executive Director.

Arts and Humanities Council Artist of the Month

COMMISSIONER LOFTUS MOVED TO APPROVE JOANNE M. STRAMARA ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH THE MONTH OF MARCH 2008, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

The Proclamation was accepted by Joanne M. Stramara

Florida Surveyors' Week

COMMISSIONER MOORE MOVED TO APPROVE FLORIDA SURVEYORS' WEEK MARCH 16, 2008 THROUGH MARCH 22, 2008, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

The Proclamation was accepted by Greg Wires, President of the Charlotte Harbor Chapter for the Florida Surveying and Mapping Society, Kent Pahutski, Chapter Secretary, and Chapter Member Barry McCloud.

Purchasing Month

COMMISSIONER LOFTUS MOVED TO APPROVE PURCHASING MONTH THE MONTH OF MARCH 2008, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

The Proclamation was accepted by Kim Corbett, Charlotte County Purchasing Director.

Employee Recognition - Commissioner Adam Cummings and County Administrator Bruce Loucks

5 YEAR

Rose Bracken - Utilities

Beverly Cruz - Utilities

Linda Goudreau - Utilities

Reannon Juergensen - Animal Control

Sandra Lavoie - Utilities

Alyce Martin - Parks, Recreation & Cultural Resources

15 YEAR

Pamela Armstead - Information Technology

Carole Smith - Purchasing

Jack Smith - Parks, Recreation & Cultural Resources

20 YEAR

Glen Summers - Fire/EMS (not attending)

25 YEAR

Michael Cohee, Sr. - Fire/EMS

Award Presentations - None.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Chris McCarthy spoke in opposition of demolishing the El Jobean Bridge trestle (South Myakka River Fishing Pier), agenda item L-4.

Neil Heisner spoke in opposition of demolishing the El Jobean Bridge trestle (South Myakka River Fishing Pier), agenda item L-4.

Fred Tower, Chair of the North Port City Commission, thanked the Board of County Commissioners (Board) for putting the Hillsborough Boulevard speed limit matter on today's agenda and for considering a no-passing zone, agenda item Z-2.

Stewart Lewis spoke in opposition of demolishing the El Jobean Bridge trestle (South Myakka River Fishing Pier), agenda item L-4.

Charles Froman spoke in opposition of demolishing the El Jobean Bridge trestle (South Myakka River Fishing Pier), and presented a petition signed by others who are also opposed to demolition of the trestle/pier, agenda item L-4.

Mike Smith spoke in opposition of demolishing the El Jobean Bridge trestle (South Myakka River Fishing Pier), agenda item L-4.

Scott Ehrenfeld spoke in opposition of demolishing the El Jobean Bridge trestle (South Myakka River Fishing Pier), agenda item L-4.

Loretta Siugzda commented on the Hillsborough Boulevard speed limit reduction and consideration of a no-passing zone, agenda item Z-2.

Mike McClain, Chairman of the Manasota Key/Manasota Sandpiper Key Street and Drainage Unit (MSTU) spoke in support of agenda item S-2; indicated this is something that is needed; that funding has been set aside; that an MSTU can work; and thanked the Board for its support.

II. COMMITTEE VACANCIES

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

Alligator Creek Waterway MSBU/TU Advisory Committee - seeking two members. Volunteers must be residents of Charlotte County and reside within the unit. Length of term - three years.

Beaches & 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.

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 - four years.

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

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

Edgewater North Waterway Advisory Committee is seeking one member to serve for a three year term. Volunteer must be a landowner and reside within the boundaries of the unit.

Gardens of Gulf Cove Street and Drainage Advisory Committee is seeking four members and one alternate to serve on committee. Must be landowners and reside within the boundaries of the unit. Regular member terms shall be determined at first meeting. Alternate term is two years.

Gulf Cove Waterway Unit Advisory Committee is seeking one member. Volunteer must be a landowner and reside within the boundaries of the unit. Term will expire in July 2008.

Harbour Heights Street and Drainage Unit Advisory Committee is seeking one volunteer to finish the remainder of a two year term as the alternate. This term will be effective immediately and expire February 13, 2009. Volunteers must live within the unit.

Lemon Bay Street and Drainage Advisory Committee - is seeking two volunteers to serve as regular members, and one volunteer to serve as an alternate member. The term for regular members are for two and three year terms, and the term for the alternate member is for two years. All volunteers must be landowners and reside within the boundaries of the unit.

Tropical Gulf Acres Street & Drainage Unit Advisory Board - seeking two members and one alternate member. Volunteers must be a resident of Charlotte County and reside within the unit.

Charlotte Ranchettes Street & Drainage Unit Advisory Board - seeking one member and one alternate member. Volunteers must be a resident of Charlotte County and reside within the unit.

III. REPORTS RECEIVED AND FILED

Charlotte Harbor Community Redevelopment Agency Advisory Committee

IV. CONSENT AGENDA

Commissioners Moore, Loftus and Duffy requested agenda item L-4 be pulled. Commissioner Loftus stated he wanted to make a comment on agenda item L-3.

CHAIRMAN D'APRILE MOVED TO APPROVE CONSENT AGENDA EXCEPT AGENDA ITEM L-4, SECONDED BY COMMISSIONER MOORE.
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 19, 2008 through March 3, 2008 in the amount of \$15,690,788.31.

B. Minutes Division

(1) RECOMMENDED ACTION: Approve minutes for:

November 20, 2007 1:30 PM Special Meeting - Phosphate

November 27, 2007 9:00 AM Regular Meeting

November 30, 2007 9:00 AM Special Meeting with Congressman Mahoney

December 4, 2007 9:00 AM Roundtable

(1) BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Appoint Ms. Dawn Carriere, Mr. Charles Costa, Mrs. Joanne Mercier, Mr. Robert Mercier and Ms. Sally Welch to the Burnt Store Village Street and Drainage Unit Advisory Board. Length of terms will be determined at their first meeting. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Consider appointment of Stan Munson to the Construction Industry Licensing Board representing the "consumer advocate" category. Length of term is four years. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve the appointment of Mr. Larry Singleton to the Gulf Cove Street and Drainage Unit Advisory Committee for a three year term, to replace Mrs. Claire Kuhlman who did not wish to be reappointed. This position has been advertised and Mr. Singleton meets all of the criteria for membership. BUDGETED ACTION: None

D. Administration

(1) RECOMMENDED ACTION: Approve a lease agreement between Charlotte County and the School Board of Charlotte County for the use of parcels designated available for lease to be utilized as Debris Management Sites in the event of a declaration of a state of emergency. BUDGETED ACTION: None

Agreement 2008-011

E. County Attorney

(1) RECOMMENDED ACTION: Approve a License Agreement between the West Coast Inland Navigational District (WCIND) and Charlotte County. BUDGETED ACTION: None

Agreement 2008-012

(2) *RECOMMENDED ACTION*: Approve a Sub-License Agreement between Palm Island Transit, Inc. and Charlotte County. *BUDGETED ACTION*: None

Agreement 2008-013

(3) *RECOMMENDED ACTION*: Set a Special Meeting of the Board of County Commissioners on Wednesday, March 19, 2008, at 1:00 p.m., or as soon thereafter as may be heard, to discuss the Kitson & Partners proposal and options related to the Murdock Village Redevelopment project. *BUDGETED ACTION*: None

(4) *RECOMMENDED ACTION*: Request the Board approve a Settlement Agreement and Mutual General Release in Case No. 06-2774CA, Rick Richards, Inc. v. Charlotte County, Board of County Commissioners. *BUDGETED ACTION*: None

F. Budget Office

(1) *RECOMMENDED ACTION*: Cancel a Budget Workshop scheduled for June 25, 2008 and reschedule for Wednesday, June 18, 2008 at 1:30 p.m. in Room #119 for a presentation of the FY 2008/2009 CIP. *BUDGETED ACTION*: None

(2) *RECOMMENDED ACTION*: a) Approve Budget Transfers #08-009, 08-010, 08-011 to adjust carry over balances for various account lines for the FY2007/2008 budget. b) Approve Budget Amendments 08-A13, 08-A14, 08-A15, 08-A16, 08-A17, 08-A18, 08-A19, 08-A20, 08-A21, 08-A22, 08-A23, 08-A24, 08-A25, 08-A26, 08-A27, and 08-A28 to adjust carryover balances for various account lines for the FY2007/2008 budget. c) Approve CIP amendment #8-C11 to adjust carryover balances within various CIP projects. *BUDGETED ACTION*: The attached budget transfers and amendments are to "carryover" prior year unspent budget amounts that relate to Capital Projects, grants, or purchases of Capital Equipment. The amounts were anticipated to be spent in the prior year but for various reasons were not, usually they are timing issues. The most typical example is with a major capital project such as the construction of a building, park or roadway where it is necessary to "carryover" these unspent budgeted amounts in order to have

the proper total budget to complete a project. These are not new budget items.

(3) *RECOMMENDED ACTION*: Approve the loan financing for Conservation Charlotte Program from Branch Bank & Trust as unanimously approved by the Finance Committee; and approval of Budget Amendment 08-A29 in the amount of \$31,959,726.00. *BUDGETED ACTION*: Approval of Budget Amendment 08-A29

Resolution 2008-022

G. Growth Management

(1) *RECOMMENDED ACTION*: Approve the DRC-PD-80-4WWW Partial Final Detail Plan Resolution permitting Brinker, FL, Inc. to construct the Chili's restaurant located at 355 Kings Highway. *BUDGETED ACTION*: None

Resolution 2008-023

(2) *RECOMMENDED ACTION*: Approve the DRC-PD-89-8(C) Partial Final Detail Plan Resolution permitting Charlotte County to construct the San Casa Maintenance and Operations Building. *BUDGETED ACTION*: None

Resolution 2008-024

H. Economic Development

(1) *RECOMMENDED ACTION*: Set a Board Workshop for April 10, 2008, at 10:30 a.m., or as soon thereafter as may be heard, to meet with the Community Redevelopment Agency Advisory Committee to review current projects and discuss future strategies to implement the Charlotte Harbor Community Redevelopment Area Plan. *BUDGETED ACTION*: None

J. Environmental Services - No items.

K. Facilities Construction and Maintenance - No items.

L. General Services

(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.

(2) **RECOMMENDED ACTION:** a) Approve Amendment #4 to Contract #06-190, Project Management - Dredge Projects, with Coastal Engineering Consultants in the amount of \$58,440; and b) Authorize Chairman to sign the Amendment to the Contract. **BUDGETED ACTION:** The FY08 budget has \$59,000 available for this change order in the Buena Vista Waterway Maintenance Fund. Project c390603, Buena Vista Waterway Dredge. Project total is \$746,000.

(3) **RECOMMENDED ACTION:** On behalf of Charlotte Harbor Water Association, award Bid #08-132, US 41 Water Main Extension, to Consolidated Productions Groups, Inc. of Arcadia, FL, in the amount of \$605,285.36. **BUDGETED ACTION:** The project, which will be paid for with Community Development Block Grant (CDBG) Disaster Recovery Initiative Funds.

Commissioner Loftus thanked the Charlotte Harbor Water Association for its efforts in moving forward with this matter and indicated it was badly needed to increase water for fire protection in the Community Redevelopment Agency (CRA) area. **Chairman D'Aprile** clarified that this item was included under the approval of the Consent Agenda. **Commissioner Loftus** replied affirmatively.

(4) **RECOMMENDED ACTION:** Approve award Bid #08-137, South Myakka River Fishing Pier Demolition, to Williamson Brothers Marine Construction, Inc., of Bokeelia, FL, for the total cost of \$97,900, which includes the base bid and option #1. **BUDGETED ACTION:** Budgeted amount is \$700,000 in CIP Page I-40 RR Trestle Removal and Repair. The South Myakka Fishing Pier railroad trestle is one of five railroad trestles identified for removal in the 5-year CIP. These funds have been accumulating in the capital projects fund in order to achieve a suitable available balance for bidding.

Commissioner Moore stated there may be some problems down the road; that the Department of Environmental Protection (DEP) or

other state agency may require the demolition of the trestle at some point; but that he would vote against doing anything at this time.

Commissioner Loftus agreed with **Commissioner Moore**; opined that no trespassing signs should be posted and leave it alone; and indicated that he would vote against demolition at this time.

Commissioner Duffy agreed with **Commissioners Moore and Loftus**; and indicated she would vote against demolition at this time. **Commissioner Cummings** stated he has no strong feelings either way; indicated that based upon documentation and conversations he has had with engineers it is structurally a problem and more expensive to fix than demolish; opined that it would continue deteriorating over time, ultimately will have to be demolished, and would cost more at that time; and indicated he would like to see the slides that staff prepared.

Commissioner D'Aprile commented on construction that was done on the trestle; indicated he would like a study done to determine if it could be made sounder; and opined that demolishing the trestle at this time is premature.

Commissioner Loftus advised he also would like to see staff's slide presentation. **Commissioner Cummings** indicated that it appears from the packet that the Executive Director of the National Estuary Program did not agree with the consequences of the habitat of removing the superstructure; and stated that he would ask Dr. Tom Frazier his thoughts as he is an avid fisherman, a marine scientist, and has studied the estuary for decades.

Parks, Recreation, and Cultural Resources Director Laura Kleiss-Hoeft explained this was originally started with an assessment done through County Administration in 1997; that the pier on the south side of Gulf Cove in El Jobean was shut down in 1997; that it is fenced off, has no trespassing signs on it, and is not accessible by land; that the project has been reviewed by the DEP and the National Estuary Program and provided a slide presentation over viewing the trestle. Ms. Kleiss-Hoeft indicated that the decking is cracked and pieces are missing, and that the decking was put on over ten (10) years ago; that the

department is looking at the horizontal structure but not proposing that the pilings come out.

Ms. Kleiss-Hoeft stated that this project was presented to the Parks and Recreation Citizen Advisory Board, which supports the demolition of this project.

Ms. Kleiss-Hoeft pointed out that protecting habitat and creating recreational opportunities is of utmost importance to the Parks, Recreation and Cultural Resources Department; that assessments, repairs, and re-decking has been done to many fishing piers; that two new fishing piers have been added; that fishing has a powerful economic impact to the County; and stated that this project is a safety concern.

Commissioner D'Aprile inquired if there was any way at all to preserve the decking in order to preserve the fishing habitat that exists. Ms. Kleiss-Hoeft referred to paperwork from Weiler Engineering with recommendations and cost factors. Mr. Loucks stated that any reconstruction would have to take into consideration the baseline of \$97,000 and that anything being done would be over that amount; and stated that they could continue watching it and bring it back at a later time if it becomes critical. **Chairman D'Aprile** indicated it may be expensive but opined that the superstructure underneath the deck could be removed and replaced; that he would like to have the bridge remain forever; and that he would like to know what it would cost to replace the major structures.

COMMISSIONER MOORE MOVED TO DENY AGENDA ITEM L-4, SECONDED BY COMMISSIONER LOFTUS.

Purchasing Director Kim Corbett requested that the motion also include rejection of the bids. **COMMISSIONER MOORE AMENDED HIS MOTION TO INCLUDE REJECTION OF ALL BIDS THAT ACCOMPANY AGENDA ITEM L-4. COMMISSIONER LOFTUS AMENDED HIS SECOND.**

Motion Carried 5:0.

(5) **RECOMMENDED ACTION:** a) Recommend the Board approve the award File #08-187, City of Punta Gorda RFP #R008006/HR-TEMPEMP/0708, Temporary Personnel Services, to the primary firm Snelling Staffing Services, of Port Charlotte, FL and the secondary firm

Workers Temporary Services, of Port Charlotte, FL for positions and prices as listed in their submitted proposal that has been accepted by the City of Punta Gorda in accordance with the joint cooperative purchasing agreement; b) Authorize the County Administrator to approve renewal options and percentage increases in the second and third year. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Award Sole Source File #08-197, Temperature Control System Upgrades, to Tekplan Solutions, of Fort Myers, FL, in the amount of \$280,000. BUDGETED ACTION: Budgeted amount in FY08 is \$280,000.

(7) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of March, 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, and authorize the Chair to sign, a Joint Project Agreement with the Gasparilla Island Water Association, Inc. for relocation of utilities within the Coral Creek Bridge Project area. BUDGETED ACTION: None

Agreement 2008-014

(2) RECOMMENDED ACTION: Approve, and authorize the Chair to sign, a Joint Project Agreement between Charlotte County and the Englewood Water District for the Manasota Key Drainage Improvements Project, Phase I. BUDGETED ACTION: None. Construction will be in the FY09 CIP. Project #n064108 Manasota Key Drainage Ph I. Charlotte County's portion of this project is \$574,000.

Agreement 2008-015

(3) *RECOMMENDED ACTION*: Set a public hearing for March 25, 2008, at 10:00 a.m. or as soon thereafter as may be heard, to consider approving an Ordinance amending the purpose of the Harbour Heights Streets and Drainage MSBU to include beautification and landscaping projects including maintenance of the medians. *BUDGETED ACTION*: Budget is available in the FY08 Harbour Heights MSBU from savings in the drainage maintenance program.

T. Real Estate Services

(1) *RECOMMENDED ACTION*: Approve the attached Resolution authorizing the exchange of the County's interest in two (2) platted lots located in the Rotonda Villas Subdivision, for the interest in two (2) privately-owned, platted lots that are also located in the Rotonda Villas Subdivision, for the Rotonda Villas Lift Stations Project. *BUDGETED ACTION*: Budget available for this expenditure is \$70,000 per lot if purchase was necessary in c350704.610.35088.307 4135.378935.535.61.0001 Funding for the expenditure comes from CIP MSBU fund 4135

Resolution 2008-025

(2) *RECOMMENDED ACTION*: a) Approve a Resolution ratifying a Utility Easement Agreement for the installation of light poles, and b) Authorizing the Chairman of the Board of County Commissioners to execute said Agreement from Wal-Mart Stores East, L.P. (Wal-Mart/Jones Loop Road) *BUDGETED ACTION*: None

Resolution 2008-026

V. Tourism Development - No items.

W. Utilities - No items.

X. Building & Construction Services

(1) *RECOMMENDED ACTION*: Approve the recommendation and Order of the Charlotte County Code Enforcement Board and order the demolition of an unsafe, vacant structure under Case #2008-131B. *BUDGETED ACTION*: None

Y. Other Agencies - No items.

V. REGULAR AGENDA

RECESS: 9:55 AM - 10:07 AM

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

(1) Growth Management: RECOMMENDED ACTION: Adopt a resolution establishing and amending certain fees for the Growth Management, Building and Construction Services and Public Works departments.

Jim Fendrick explained that growth management fees are for items such as fence permits, plan reviews, pavement restoration, and many others that touch various departments; that growth management fees have not been adjusted for many years; that Maximus was hired to perform a fee study; that the study results were reviewed by the Building Industry Oversight Committee (BIOC) and Development Review Advisory Committees; and that approval is recommended.

Suzanne Graham spoke on behalf of the BIOC in support of amending the fees.

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE RESOLUTION 2008-027, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

VII. PRESENTATION AGENDA - No items.

VIII. PUBLIC WORKSHOP AGENDA - Public input permitted. - No items.

Z. Regular Agenda

(1) Budget: RECOMMENDED ACTION: Update and approve schedule of FY 08/09 Budget Process.

Assistant Budget Director Linda Carr explained that this agenda item is to schedule a series of meetings and reviews based on information gathered through the strategic financial process for the purpose of presenting information to the Commissioners in order to make a more informed decision on the budget for FY08/09. Mr. Loucks explained the only thing requested is approval of the schedule.

**COMMISSIONER MOORE MOVED TO APPROVE SCHEDULE OF FY 08/09 BUDGET PROCESS, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

(2) Public Works: RECOMMENDED ACTION: a) Discussion of options for Hillsborough Boulevard speed limit and b) Set a Public Hearing for March 25, 2008, at 10:00 a.m. or as soon thereafter as possible to consider an Ordinance to reduce the speed limit on Hillsborough Boulevard, between Chamberlain and Toledo Blade, from 45 mph to 40 mph as requested by both City of North Port and Charlotte County citizens living along that section of roadway.

Tom O'Kane explained this agenda item is requesting that a public hearing be held March 25, 2008 at 10:00 AM to discuss a reduction in the speed limit on Hillsborough Boulevard between Chamberlain and Toledo Blade from 45 mph to 40 mph, as requested by City of North Port and Charlotte County citizens living along that section of roadway; and advised that if the Board concurs Public Works can go ahead and install the no-passing zones.

Commissioner Duffy inquired if is was Mr. O'Kane's recommendation to install the no-passing zone. Mr. O'Kane replied affirmatively.

Chairman D'Aprile indicated it was brought to the attention of the Board that a stop sign at Chamberlain be considered. Mr. O'Kane stated he strongly recommends against doing that; that there are many things taking place with development in North Port and Charlotte County; and that there may be more traffic controls addressed along the corridors.

COMMISSIONER MOORE MOVED TO APPROVE HOLDING A PUBLIC HEARING MARCH 25, 2008 AT 10:00 AM TO DISCUSS A REDUCTION IN THE SPEED LIMIT ON HILLSBOROUGH BOULEVARD BETWEEN CHAMBERLAIN AND

TOLEDO BLADE FROM 45 MPH TO 40 MPH, AND TO MOVE FORWARD WITH THE NO-PASSING ZONE., SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Commissioner Duffy requested clarification that there was no add-on Agenda item Z-3 regarding execution of a County Deed conveying certain property to the Charlotte County Habitat for Humanity, Inc.; and stated that there were citizens in the audience who understood that item would be on this agenda and wished to comment on it. Mr. Loucks explained that it was discussed at pre-agenda but there was additional legal review required before it could be brought forward to the Board; and that it was not added to the agenda. Chairman D'Aprile advised that the matter could be addressed during Citizen Input-Any Subject.

X. CITIZEN INPUT - ANY SUBJECT

Mike Mansfield, Executive Director of Habitat for Humanity, spoke in favor of the Board approving the Resolution authorizing the Chairman to execute a County Deed conveying certain real property to Charlotte County Habitat for Humanity, Inc., a Florida non-profit corporation when it is brought before the Board.

Attorney Knowlton advised this matter would be on the next Board Regular Meeting Agenda. Commissioner Moore inquired if it could be brought before the Board at the March 18, 2008 Land Use Meeting. Attorney Knowlton replied affirmatively. Board consensus.

AA. County Administrator:

Mr. Loucks commented on Kitson and Partners rescinding its offer; and indicated that information would be provided to the Board in advance so that there could be discussion at the Special Board Meeting on March 19, 2008.

BB. County Attorney - None

CC. Commissioner Comments:

Commissioner Cummings indicated that the Water Authority is considering an open cut proposal for the Punta Gorda to the

Charlotte County and Water Authority interconnect at the I-75 bridge; commented on previous experiences; and opined that we need to suggest that contractors have the option of how they bid it and be certain we have talked with DEP, the Aquatic Preserve, National Estuary Program, and other necessary agencies before considering an open cut across the estuary.

Commissioner Duffy inquired if **Commissioner Loftus** had heard anything from the Water Authority about what **Commissioner Cummings** discussed. **Commissioner Loftus** advised that he had conversations with the engineer and Roger Baltz; indicated that there is also an issue with the tie-in from Wal Mart to the DeSoto County line; and opined that someone from the Water Authority needed to meet with the Commission to discuss outstanding issues. **Commissioner Duffy** advised that due to previous commitments she would not be able to attend this afternoon's meeting, but that she has been briefed on the issues.

Chairman D'Aprile expressed concern that an open cut might be severely damaging to the estuary; indicated that there needs to be discussion on the matter; and stated he would like to receive additional information for review. **Commissioner Loftus** stated that the Water Authority indicated it would save a considerable amount of money to do it this way and opined that the engineer and someone from the Water Authority needs to meet with the Commission for a full discussion.

Commissioner Moore stated he does not see a problem to have the either/or option in bidding or making it more complicated; indicated that it could make a significant difference; and inquired if **Commissioner Loftus** could give him a sense of what the Authority is flinching at. **Commissioner Loftus** stated that the Authority only said it would be less expensive to do an open cut; indicated that there needs to be a full discussion between the Commission and Water Authority; and opined that if the Commission wanted it bid both ways that the Authority would not have a problem with that. **Chairman D'Aprile** agreed that there needs to be a full with the Authority to find out what the best method is to do it, what results may occur if an open cut is done through the estuary, and what harm it may do to our area.

Commissioner Loftus indicated that the trip last week to meet with representatives from our area was very successful; that the three (3) Charlotte County representatives are working well together; that our representatives believe our projects are well worth their efforts; and that they are working toward getting as much funding as possible for Charlotte County.

Commissioner Moore requested consensus of Board approval for Public Works to evaluate the greenbelts at Rotonda with respect to drainage improvements and mowing needs; advised that any actual work done would be paid for either by the Rotonda West Street and Drainage MSBU or the Rotonda West Association; that the request comes from both the MSBU and the Rotonda West Association; and that it is believed there are some serious drainage problems and some grading that needs to be done. **Commissioner Moore** stated he spoke to Tom O'Kane and he has no problem doing the evaluation in order for them to determine a plan. **Chairman D'Aprile** agreed it should be done as soon as possible, and stated it appears consensus is given. **Commissioner Moore** requested Mr. Loucks to inform Public Works.

Commissioner Cummings clarified that the boundary for the aquatic preserve may be the I-75 bridge, and dependent upon which side they are on may make it adjacent to the preserve rather than in it, which could make some regulatory difference. **Chairman D'Aprile** advised he still wants more scientific proof that it would not affect the estuary. **Commissioner Cummings** stated the safest thing is directional drilling.

Commissioner Loftus said he believes the boundary for the Charlotte Harbor aquatic preserve starts at the west side of the US 41 bridge. **Chairman D'Aprile** indicated that the Commission would be able to make better a better decision after getting more information.

Chairman D'Aprile advised that Port Charlotte Honor Flight, Inc. needs financial assistance to transport World War II Veterans residing in Charlotte County on a one-day, all-expense-paid, round trip from Port Charlotte to Washington, D.C. to visit the World War II Memorial; and indicated that persons who wish to assist may contact organization representatives at 941-685-9163, or by calling or emailing his office.

Commissioner Duffy agreed that this is a very worthwhile organization and effort; questioned what we do in Charlotte County as a community for military personnel who return from Iraq; and opined that perhaps they could be invited to a Commission meeting and honored with a Proclamation. **Commissioner Loftus** agreed. **Chairman D'Aprile** stated that he would contact Jim Barrett, Chairman of the Veterans Council in Charlotte County, and get the names of those who have served in past wars.

RECESS: 10:40 AM - 2:00 PM

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

(Commissioner Duffy, Chief Deputy Board Services White, and Executive Assistant Stoner were not present for the 2:00 PM Board Workshop.)

Discussion on Tiered Impact Fees

Jim Dossett advised that there has been considerable discussion on impact fees; that Board members requested Growth Management do some research on tiered impact fees; that he contacted Dr. James Nicholas, who did the original impact fee study; that tiered impact fees has been done in San Diego; that Palm Beach County looked at it but did not implement it; that it is allowed by the State Constitution but that no one in Florida has done it.

Mr. Dossett stated that he recently attended the Growth Management Environmental Permitting Conference in Daytona Beach; that at that conference Secretary Tom Pellam of the Department of Community Affairs (DCA) stated that DCA would like the counties and cities to stop urban sprawl and build the infill; that DCA opined the biggest contributor to urban sprawl is the septic field; and that the second biggest contributor to urban sprawl is rezoning for that type development.

Mr. Dossett said the idea of tiered impact is to encourage builders or developers to build close to where facilities and infrastructure is available; that the farther out you build from these structures the more time you spend getting to where you want to be; commented on response times if development is built 25 miles from fire stations or emergency services; that local

service is reduced; and that it is more efficient to build in the infill areas.

Mr. Dossett reviewed the map in the packet material, which is of a "pretend county"; indicated that the main thing to hinge this on is safety; and that the longer the trip to get to the library or park the safety factor increases tremendously.

Mr. Dossett indicated that libraries are set up based upon people per volume, not radius; and commented on how a service area for a library is determined. Mr. Dossett stated that Law Enforcement is much like the Fire/EMS; that it is expected to handle a certain radius; that there are officers in the more rural areas of the counties; and pointed out that response time would be longer in the urban area and keeps those services unavailable longer from the infill areas.

Mr. Dossett explained that in Public Administration for a county our size usually has one or two facilities or precinct type locations; that there are good, solid statistics on EMS and the easiest to recognize in response time to various service areas; reviewed a Hypothetical Tiered Impact Fee schedule; explained that this is what would typically be considered in doing a tiered impact fee schedule; that ranges would be set up; that the closer you are to a fire house the less you pay; and the farther you are the more you pay.

Mr. Dossett provided a comparison between costs today for a single-family permit versus cost based upon an expanded hypothetical area with a tiered system; indicated that this packet is an introduction of how it works; that Dr. Nicholas is doing the yearly impact fee update; and that if the Board is interested Dr. Nicholas could piggyback onto that a tiered impact fee study.

Commissioner Moore asked if tiered is as defensible as other methods of impact fees. Mr. Dossett said the one hardest to defend is the road; commented on cost; and explained that it is the safety issue, the per capita cost in miles traveling on the road. Mr. Dossett stated that if we go with something like this he hopes we would look strongly at other localities and how it was determined. Mr. Dossett explained that EMS is easy to defend and that libraries should be fairly easy with only one or two

tiers. **Commissioner Moore** asked why no one in Florida has done this. Mr. Dossett Mr. Dossett said to quote an email, it is "the political will", opined that we could possibly end up in court if we do not have a good study that builds it on measurable criteria that you can point back to; and indicated that there are many factors that enter into a determination, particularly the roads.

Commissioner Cummings stated that the County Comprehensive Plan (Comp Plan) provided for this to be done and pointed out it should have been done before the year 2000. Mr. Dossett advised it is still in the Comp Plan. **Commissioner Cummings** opined that if done properly this should be more defensible because you will have measured the different impacts on different communities; and indicated the way to deal with issues Mr. Dossett discussed is to do a build out scenario to determine what it would cost as the community develops and prorate that out.

Commissioner Cummings opined there is development potential in East County; agreed that the methodologies that are being suggested would be the way to create the relative rates for the various zones; that a modifier for the different levels of service that are anticipated is needed; and indicated that we anticipate having a different level of service for rural service area than for urban service area, which would tend to run counter to the need for tiered impact fees and balance it on both sides.

Commissioner Cummings opined that when the study is done it would reflect the additional distance that has to be covered and all of the costs associated more than offset the modifier for the lower level of service; and agreed that the study should be done.

Commissioner Cummings indicated that we need to scrap the per square foot for residential impact fees and go back to an ERU; recalled that the initial concept for square footage was to find a way to help provide affordable housing; and opined that if you deal with that geographically and put affordable housing in an infill area anyway you would get the benefit of the reduced impact fee.

Commissioner Cummings expressed concern that people pay impact fees for adding lanais to their home, general improvements, and remodeling with some enhancements, which do not change the trip generation or impact on anything; and indicated that we need to

go back to the ERU, one house, one unit, for residential. **Commissioner Cummings** stated that the commercial should remain per square footage because with two stores of like kind the bigger one would tend to have more business in broad aggregate terms than a smaller store.

Commissioner Cummings explained that at the present time we have an urban service area and a rural service area; that the rural service area has no sub-zones and is just a separate category; that the urban service area has two zones, infill and suburban; and yet within those there is actually four different things that we are trying to accomplish within two zones and a lot of it is self-contradictory.

Commissioner Cummings opined four zones are needed within the urban service area; that we need an infill zone, which is where we try to intensify growth, have fewer height restrictions, etc., try to put more density there to support transportation nodes and more urban levels of service; and indicated that should be the lowest level of impact fees.

Commissioner Cummings stated that the next zone would be suburban, no relation to the suburban zone that we now have, which would be a relatively neutral area; that it would be areas already built up enough that you would not change the layout or characteristics of the neighborhood in any significant way, but not a place that you want to intensify development either.

Commissioner Cummings stated the fourth zone would be the reserve, which would be something like the north portions of northwest Port Charlotte near the Hunt Estate, where the objective is to reduce density as much as possible before it reaches build out; indicated that would tend to have long trip generation and yet those folks would still demand a fairly high level of service because they are in the urban service area, which is the next higher level of fees; and stated that the highest level is the rural service area.

Commissioner Cummings opined that this series of zones would help address the sewer and septic tank issues simultaneously; and commented on controversy on the State allowing four septic tanks per acre.

Commissioner Cummings indicated that in the infill area you determine you are going to sewer it, the transaction area would all be sewer, the suburban area you would probably split where some parts close to water would be sewer, but you would try to write off some of the other areas to remain septic, the reserve areas would remain septic, and the rural service area would remain septic; that you would then run a build out scenario that shows how many septic you would have when that is done, take it to the State, and ask if that is too many; that if it is too many tweak the zones until we get a number that the State can accept and deal with the whole series of different things; that we then back into that a sewer expansion program that fits the needs of the community without going overboard and attempting to sewer the entire urban service area, which financially we cannot make work, and the flows will not work; and stated that is what he thinks about tiered impact fees and how we should tweak the Comp Plan to deal with growth management in general.

Commissioner Moore inquired if we must care about what we define as the urban service area or if Mr. Dossett's presentation could be taken literally that we don't care where the urban service happens to be for impacts if it circles around sources we have, such as fire houses, etc. Mr. Dossett explained it would depend on how the urban service area is defined; if it is right now or what it is wanted to be.

Commissioner Loftus inquired if Mr. Dossett received a copy of the San Diego impact fee and inquired if it was determined by a circle around the facilities. Mr. Dossett explained that San Diego ended up with eight (8) tiers, working their way out from the facilities; indicated that it is easier to justify by looking at the individual service; and opined that districts should not follow roads. Commissioner Loftus said that whatever is done must be done legally to avoid challenges, which is very costly; and requested that a copy of the San Diego impact fee information be furnished to the Commissioners.

Chairman D'Aprile indicated that the tiered structure of impact fees is to build the infill areas first because of the investment of amenities in these areas, and inquired what happens in a situation such as Babcock Ranch, which should build its own amenities. Mr. Dossett explained that a new town could eventually get some kind of break; pointed out that there would

be several thousand homes before amenities would be built; and indicated that we are not determining answers today, just determining if this is something to continue looking into.

Chairman D'Aprile recalled that the Babcock Ranch complex was to have all the amenities. Mr. Dossett stated it would eventually have all the amenities but not at the beginning; and indicated that the amenities would not be built until there are sufficient persons to justify doing so. Attorney Knowlton explained that the complex would have all the amenities eventually but that on day one those amenities would not be there.

Commissioner Moore inquired if a system of this nature would encourage someone creating a town to push harder to get the amenities done sooner. Mr. Dossett agreed it would be a great incentive. **Commissioner Moore** opined that if a study is being created that there should be some factoring done for the schools.

Commissioner Cummings advised that he is not debating where the zones would be but that right now there are too few zones to do this in an intelligent manner and there should be more of them. **Commissioner Cummings** indicated that there are basically five (5) different zones where we are trying to achieve different things and because we are trying to achieve different things in those zones they should be treated differently; and opined that the tools need to be lined up so they achieve a more efficient use of the infrastructure, what levels of service are anticipated, and what densities are anticipated; and stated that the cost of providing those services should determine the zone. **Commissioner Cummings** stated that although Babcock Ranch fits the description of a transition zone in our urban service area, because of its location and additional circumstances that apply, it may be unique and need a separate place.

Mr. Dossett explained the build out study that is underway and due in October addresses having several different service areas as **Commissioner Cummings** mentioned.

Commissioner Loftus agreed with **Commissioner Cummings** of going from square footage to ERU on residential rates and expressed concern with impact fees charged for additions to homes. **Commissioner Cummings** stated this could be a very important tool for commercial impact fees because the commercial

buildings keep getting larger and following development on the fringes so the infill areas where you want those amenities and services go away; opined if the impact fees are cheaper in the middle of town that provides an incentive for something to come in and replace what has moved from that area; and indicated it is possible that some of those may reduce trip generation and with a commercial node reduce overall stress on the road network.

Commissioner Moore asked if areas like Palm Island/Don Pedro are a major concern because it is a rural service area. Mr. Dossett explained those areas are unique and may have to be looked at differently, such as the Babcock complex. **Commissioner Cummings** said it would be very Floridian to have an Island Zone.

Chairman D'Aprile inquired if there are any in the country that have this type impact fee status. Mr. Dossett said he would check with Dr. Nicholas to determine if some statistics could be obtained, see how it would work for Charlotte County, and furnish it to the Commissioners.

Commissioner Cummings stated it is not surprising that Charlotte County would be the first in Florida to do this; that Charlotte County is unique in that it is the last coastal county in South Florida to develop and one of the relatively few areas that had a huge over platting problem; that most communities have already dealt with it just by building and other are trying to annex areas, which is not a satisfactory outcome; that we are the least developed county as a whole and we have the opportunity to be the best; and that because of that we must be the most aggressive. **Chairman D'Aprile** said we should look at this closer; that this is a tool we can use in managing growth.

Mr. Dossett stated he received a favorable response from the Triad group when it was presented to them yesterday.

Mr. Loucks inquired if we were clear on the direction we want to go with the impact fees and if it is something the Board wants us to continue development of. **Chairman D'Aprile** said he senses that we would like to look at this a little more in depth before making a decision. **Commissioner Moore** asked what we anticipate spending. Mr. Dossett said Dr. Nicholas is doing the study for the impact update; that if he piggybacks this onto his current contract we would be looking at a total for the update, the new

values, and the tiered impact fees of about \$40,000 to \$45,000. Consensus that was a reasonable amount.

Commissioner Loftus inquired if impact fee revisions in the study would include a change in the square footage on residential. **Chairman D'Aprile** stated the Board would like to revise that to 50,000 square feet. Mr. Loucks stated that is on the commercial side and clarified that **Commissioner Loftus** was referring to going away from square footage to ERU. **Commissioner Loftus** replied affirmatively. Mr. Loucks stated he is hearing consensus that the Board wants this brought back in sixty days and look at creating some tiers in the rate structure for commercial property in terms of development. **Commissioner Cummings** stated that in theory for the total amount of revenue coming to the county the goal should be to have it revenue neutral because it should be based on whatever percentage of expenses new growth imposes on the community; that it may change who is paying how much but not the total amount paid; and opined that the commercial part is another conversation in itself.

Commissioner Cummings stated we need to work on creating the five (5) zones; commented on a build out scenario run in the mid 1990's; indicated that the transportation infrastructure cost alone if nothing was done was \$14 billion at build out; and indicated that with smart growth management strategies the cost could be cut in half. Mr. Dossett stated his understanding right now is that he will do more research and bring back numbers to the Board, but not contract Dr. Nicholas at this point. **Chairman D'Aprile** replied affirmatively. **Commissioner Cummings** stated he is ready to go ahead any time including contracting Dr. Nicholas as needed.

Commissioner Moore expressed confusion in asking Dr. Nicholas for free information and get some numbers versus determining an actual plan; opined this has enough merit to move forward on a more contractual basis to get some firm numbers; is inclined to go deeper with this; and has no problem going ahead with a contract with Dr. Nicholas. **Chairman D'Aprile** indicated there is sufficient expertise in Growth Management to gather some additional information before spending any more money at this time. Mr. Dossett agreed.

Commissioner Moore indicated that we are in a stale-mate on our impact fee situation and inquired if there is immediate concern to the speed we are or are not running about big projects coming on board and getting permitted at the old rate. Jeffrey Ruggieri stated he is not familiar with anything coming down the pipe but there is always the risk; that the discussion of rescinding the rollback would be coming up in about six (6) weeks; and opined that today's discussion gives staff the direction it needs to go in to move toward more growth management decisions.

Commissioner Moore stated that the roll back issue would not be resolved for several months; indicated that he prefers to do this correctly at one time; but that he was concerned if there was something coming that should cause the Board serious immediate concern. Mr. Ruggieri stated he is not aware of anything at the present time and indicated that when the rollback comes back is entirely up to the Board. **Commissioner Moore** stated that his understanding from Legal it is that plus ninety (90) days more. Attorney Knowlton confirmed that. **Commissioner Cummings** opined that the rollback to what it was could be easily done; that creating a tiered structure is a long procedure; and that he expects that to take more than a year. **Commissioner Moore** stated he just wants to be certain the proper steps are being done.

Chairman D'Aprile expressed concern that the Board was jumping around to various topics; clarified that direction was given for the tiered impact fee structure; inquired if the Board was looking to bring back the original impact fees; indicated he does not agree with doing that, but is looking for modifications to come back with square footage restrictions; and opined it is the obligation of staff to find a way to do that. Mr. Loucks explained that the impact fee rollback matter was to be brought back in sixty (60) days in accordance with **Commissioner Loftus'** motion of a couple weeks ago. Mr. Ruggieri explained staff is collecting data to give the Board a more comprehensive snapshot of what the various fees are and what they could have been; and that this information would be brought forward in about six (6) weeks in accordance with **Commissioner Loftus'** previous motion.

Discussion on Low Impact Development (LID)

Mr. Dossett provided a summary on the evolution of how we got to the point we are today and why we need a new paradigm on how to

handle stormwater; indicated that while the Corps of Engineers was draining the swamp the developers were draining subdivisions; that the dirt ended up downstream and when the streams slowed down the dirt precipitated out of the solution and the streams became full; that retention ponds were built in the neighborhoods with no treatment; that the water comes in, sits for 24 to 40 hours, drains out, and there is still pollution going downstream and changing the environment.

Mr. Dossett indicated stormwater was then addressed as to quality; commented on other types of ponds that were built; and pointed out that those ponds took up a great deal of space, were expensive to design, build, inspect, and maintain. Mr. Dossett indicated that some of the problems with ponds are mosquitoes, West Nile Virus, costly inspection/maintenance burden, significant safety liability, consume large amounts of land, are often aesthetically unpleasing, and do not mimic pre-development hydrology; that the water does not get back down in the ground, which is the whole idea of LID.

Mr. Dossett explained that a few years ago he taught a course in Virginia with the State on LID; and indicated that LID works well in sandy, flat areas such as Southwest Florida. Mr. Dossett stated that the key factor is to get away from taking water, putting it in pipes, running it to ponds, and letting it sit in ponds and evaporate; and indicated what is needed is to get the water back into the ground as soon as possible. Mr. Dossett provided a slide of a hydrologic system; stated that normally in a forested area 10% of the water runs off the property, 40% goes back through the leaves of the trees by evaporation, and 50% goes back into the ground; and indicated that after development of sites about 50% of the water runs off the site and only about 15% of the water gets down in the ground; and which is where LID designs are important.

Mr. Dossett explained that Low Impact Development is an approach to Site Design and Stormwater Management that seeks to mimic the pre-development runoff characteristics on a development site; indicated that this is done by Integrated Management Practices (IMPs) such as rain gardens which are lowered, not raised; and commented on various low impact design methods.

Mr. Dossett reviewed a slide describing the four (4) steps of LID; indicated that many things are available that have not been taken advantage of; commented on the importance of educating landowners on care, maintenance and pollution prevention such as changing gutters around, installing rain barrels, and the use of Florida friendly plants.

Mr. Dossett commented on flexibility of design and benefits to developers using LID and not having so much land used for ponds; stated this could be an incentive for developers to use the system; indicated a drawback is that it costs a little more to design and there are not so many who know how to design it; explained how the use of LID cuts cost; stated that getting the fresh water back into the ground pushes the saltwater out; and opined it is time for Florida to begin using LID.

Mr. Dossett requested that the Board of County Commissioners support a County sponsored LID class for designers made up of engineers, representatives from the state, and the South Florida Water Management District (SFWMD); indicated he would like the County to request where possible that this be the first choice of stormwater methodology when looking at Planned Developments (PDs); and provide a short video on TV 20 to educate the public on the use of rain barrels, getting water to gardens, and LID practices.

Commissioner Loftus opined it should be done immediately; indicated he would like this incorporated in the Charlotte Harbor management plan; and stated it would help with the salt water intrusion in that area.

Commissioner Cummings advised that he is supportive of all the suggestions; opined the County needs a building code that minimizes fill on a site and encourages stem wall construction instead of a hill; indicated that it is important to the estuary to keep the aquifer in proper maintenance; and stated that the large reservoirs cause a loss of water to the system by opening it up to evaporation. **Commissioner Moore** commented on concerns with total maximum daily loads (TMDLs).

Commissioner Cummings suggested looking at low impact estate type development in eastern Charlotte County; opined that land development regulations should be tweaked with a goal of avoiding

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having billiard table type estate development; indicated a need to talk to people such as the Executive Director of the Corkscrew Sanctuary where estate type development is adjacent to discuss options where wildlife can pass through; and commented on looking at the concept of clustering that we are using right now.

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**

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