

BOARD OF COUNTY COMMISSIONERS

APRIL 8, 2008

A regular meeting of the Board of County Commissioner was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman D'Aprile, Commissioner Duffy, Commissioner Cummings, Commissioner Moore, and Commissioner Loftus. Also in attendance were County Attorney Knowlton, County Administrator Loucks, Finance Director Navan, Executive Assistant Gant, 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 Chairman D'Aprile, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Discussion of County Issues

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

Commissioner Moore requested Addition #1 be heard first. Chairman D'Aprile approved.

County Administrator Loucks stated the Board was aware he had been approached by some Board Members and asked to consider resigning from Charlotte County, indicated he was looking at his contract, and asked if his resignation was the will of the Board.

COMMISSIONER MOORE MOVED TO ACCEPT THE RESIGNATION OF COUNTY ADMINISTRATOR LOUCKS, SECONDED BY COMMISSIONER LOFTUS.

County Attorney Knowlton advised per Mr. Loucks contract, his resignation required a suggestion by the majority of Board Members and advised a third was required. Commissioner Duffy stated she was the third.

Mr. Loucks presented his signed Letter of Resignation to Chairman D'Aprile, indicated the Board could now take a vote to accept the letter, and stated his resignation would be effective immediately upon Board acceptance.

Attorney Knowlton indicated she had reviewed the letter, stated it was consistent with his contract and past practices, and requested if his resignation was accepted and effective immediately a Release should be executed, and Finance should be directed to issue a lump sum payment today.

COMMISSIONER MOORE MOVED TO ACCEPT MR. LOUCKS LETTER OF RESIGNATION, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:1. Commissioner Cummings opposing.

Chairman D'Aprile asked if the resignation was effective immediately. Attorney Knowlton confirmed it was, stated Mr. Loucks would sign a Release at once, noted Finance would cut a check today, and advised the Board would need to appoint an Interim County Administrator.

COMMISSIONER MOORE MOVED TO APPOINT ROGER BALTZ AS INTERIM COUNTY ADMINISTRATOR, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Commissioner Moore requested a short recess before continuing the meeting. Chairman D'Aprile stated a recess would be taken after Mr. Loucks had the chance to speak.

Mr. Loucks thanked Charlotte County for the opportunity to serve as County Administrator for over five years, expressed respect for his team, noted these were challenging and uncertain times, urged staff to adhere to their values as they confront the future, thanked the Board, and excused himself.

Chairman D'Aprile thanked Mr. Loucks, indicated the circumstances were unfortunate, asked for viewer understanding, stated sometimes things needed to be done, and indicated the meeting would continue after the break.

RECESS 9:10 AM - 9:20 AM

(Interim County Administrator Baltz replaced Mr. Loucks for the remainder of the meeting)

Special Recognition

Proclamations - Commissioner Dick Loftus

4-H Volunteer Month

COMMISSIONER MOORE MOVED TO APPROVE A PROCLAMATION PROCLAIMING APRIL, 2008 AS 4-H VOLUNTEER MONTH IN CHARLOTTE COUNTY, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

An unidentified 4-H representative accepted the Proclamation on behalf of the Organization.

Arts and Humanities Council Artist of the Month

COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION PROCLAIMING FLO MONROE AS THE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH FOR APRIL, 2008, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

Ms. Monroe thanked the County for supporting the Arts, selecting her as Artist of the Month, and accepted the Proclamation.

Commissioner Moore indicated there were Arts and Humanities Board Members in the room and commended them for their hard work.

Library Appreciation Month

COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION PROCLAIMING APRIL, 2008 AS LIBRARY APPRECIATION MONTH IN THE STATE OF FLORIDA, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

Angie Paterson thanked the Commissioners for joining Governor Crist in supporting library appreciation, mentioned the positive impact libraries have on lives, noted it's 50th Anniversary, and accepted the Proclamation.

Ronald Sartor Day

COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION PROCLAIMING APRIL 8, 2008 AS RONALD SARTOR DAY, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

Mr. Sartor accepted the Proclamation and plaque acknowledging his dedication to the County for over 17 years.

Employee Recognition - Commissioner Loftus and Interim County Administrator Roger Baltz

5 Years: James Evetts, Building Construction Services; Michael Halpin, Parks, Recreation & Cultural Resources; Roy Hamp, Parks, Recreation & Cultural Resources; Paul Fullam, Public Works; Gary Marshall, Utilities; Aida Moreno, Fire/EMS. **10 Years:** Gloria Walberg, Building Construction Services. **15 Years:** Paul King, Public Works. **20 Years:** Mark Crigler, Fire/EMS; Robert Daughtry, Fire/EMS; John Louke, Jr., Fire/EMS. **25 Years:** Mary Goings, Fire/EMS, Jeffrey Philbin, Fire/EMS.

Award Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Kim Hurlei spoke on behalf of Friends of the Library Advocacy Committee, advised they brought 2,375 petitions showing support of libraries, discussed decreased library funding and increased library usage, requested no further budget cuts, and asked for Library hours to be restored. (Citizens approached the Dias and presented the Petition cards)

John Shattuck spoke of the importance of libraries, read a support letter from a 10th Grade student, and asked the Board to restore library hours and keep all libraries open.

Bill Wilcox stated his background, spoke about the Development Ordinance related to height, noted we still have small town charm, and opined if we follow other towns by building up, we will lose the charm.

Chairman D'Aprile reminded the audience to save their Growth Management comments for the 10:00 AM Public Hearing to allow attendees to now speak on other Agenda Items.

Marv Medintz mentioned he and his wife volunteered at County libraries, stated kids do not get in trouble in libraries, and urged the Board to save the libraries.

Debra Highsmith spoke on behalf of Public Hearings, read a newspaper article where **Commissioner Loftus** was quoted, and opined Mr. Louck's resignation was not the only resignation that should be accepted today.

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 for a four year term. Volunteer must be a resident of Charlotte County and have an interest in the preservation of beaches and shores. Meetings are held the first Thursday of each month at 9:00 a.m. in Murdock.

Boca Grande Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the Unit to serve as the alternate member.

Construction Board of Adjustments and Appeals is seeking one member to serve as an alternate. Volunteer must be a licensed member of the construction industry. Term will expire in April 2009.

Construction Industry Licensing Board - seeking one 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 is 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 regular members and one alternate member to serve. Must be land owners and reside within the boundaries of the Unit. Terms will be determined at first meeting and alternate term is two years.

Harbour Heights Street and Drainage Unit Advisory Committee is seeking one volunteer to finish the remainder of a three (3) year term. This term will be effective immediately and expires on February 13, 2010.

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. Must live within the unit.

Harbor Heights Waterway Maintenance District - is seeking one volunteer to serve a term of three (3) years. This term is effective immediately and will expire March 13, 2011. 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 the alternate member. The term for the 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.

Manasota Key Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the Unit to serve as the alternate member. The term shall be for two years.

Murdock Village - Community Redevelopment Agency Advisory Committee is seeking one volunteer to serve as the Member-at-Large. This committee meets on the 2nd Friday of each month at 7:30 a.m. in room 119.

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

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

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

Tourist Development Council - is seeking two volunteers to serve for a four year term. The applicant must be an owner or operator of motels, hotels, recreational vehicle parks or other tourist accommodations located in the county and subject to the tax levied per the Code, and be an elector of the county.

Town Estates Street & Drainage Unit Advisory Board is seeking one volunteer to finish out the remainder of a vacated appointment. Must live within the unit. Term effective immediately and expires Jan. 23, 2010.

West Charlotte Stormwater Utility - is seeking two volunteers who are landowners and reside within the boundaries of the Unit. The terms shall be for three-years.

III. REPORTS RECEIVED AND FILED

Minutes for Charlotte Harbor Community Redevelopment Agency Advisory Committee meeting on March 27, 2008 at 10:00 a.m.

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE IV. CONSENT AGENDA, 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

B. Minutes Division

- (1) RECOMMENDED ACTION: Approve Minutes for:

January 8, 2008 - 9:00 a.m.
Regular Board of County Commissioners Meeting

January 15, 2008 - 9:00 a.m.
Land Use Meeting

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the appointment of Mr. Bruce J. Scullary as a regular member of the Gulf Cove Waterway Advisory Committee for a two year term. Mr. Scullary is currently serving as the alternate member and a regular member position became available. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Mr. Jim Benson to the South Gulf Cove Advisory Committee (Community Plan). The term shall expire on July 24, 2010, and the vacancy has been duly advertised. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Re-appoint Robert O. South to the Town Estates Street & Drainage Unit Advisory Board. He served a one year term that expired on Jan 23, 2008 and has requested reappointment. This has been duly advertised and no other requests have been forthcoming for this position. This is a three (3) year term that will expire on Jan. 23, 2011. BUDGETED ACTION: None

D. Administration

(1) *RECOMMENDED ACTION*: Approve an Amendment to Contract # 2007-049, between Charlotte County and Drug Free Charlotte County, to allow disbursement of the remaining funds (\$30,000.00) for the FY 2007/08 cycle. *BUDGETED ACTION*: None

XREF: Agreement 2007-049 and Resolution 2007-106

E. County Attorney

(1) *RECOMMENDED ACTION*: Approve a Stipulated Settlement Agreement between Department of Community Affairs (DCA) and Charlotte County and Babcock Property Holdings, LLC, Case No. APP-08-001. *BUDGETED ACTION*: None

(2) *RECOMMENDED ACTION*: a) Approve increase to the contract with Bryant, Miller and Olive in the amount of \$300,000 to assist in documenting and revising the transactions in order to ultimately dispose of the Murdock Village lands, and working to more fully entitle the lands by accomplishing the numerous complex conditions precedent and legal assistance in attracting one or more developers, and b) Approve Budget Amendment # 8-A030 in the amount of \$6,000,000 to cover the increased cost of the contract and the annual interest payment. *BUDGETED ACTION*: Approve Budget Amendment # 8-A030 in the amount of \$6,000,000 to cover the increased cost of the contract and the annual interest payment.

XREF Agreement 2003-025

(3) *RECOMMENDED ACTION*: Set a Public Hearing for April 22, 2008 at 10:00 a.m., or as soon thereafter as may be heard, to approve the amendments to the Charlotte County Local Business Tax Ordinance (Ordinance No. 95-008 and Ordinance No. 2006-110). *BUDGETED ACTION*: None

(4) *RECOMMENDED ACTION*: Set a Public Hearing for April 22, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to approve the rescinding of Ordinance No. 95-058 which established procedures for the initiation, conduct and conclusion of a Special Master proceeding under Chapter 95-181, Section 2, Laws of Florida, known as the Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA), as codified at Chapter 70.51 of the Florida Statutes, and thereby nullifying Resolution No. 95-286 which set forth standards of conduct for parties, participants and Special Masters during the Dispute Resolution Proceedings. *BUDGETED ACTION*: None

F. Budget Office - No Items.

G. Growth Management - No Items.

H. Economic Development

(1) *RECOMMENDED ACTION*: Set a meeting for April 22, 2008 at 10 a.m., or as soon thereafter as may be heard, for the Board of County Commissioners to meet as ex-officio governing board of Murdock Village Community Redevelopment Agency. *BUDGETED ACTION*: None

J. Environmental Services - No Items.

K. Facilities Construction and Maintenance - No Items.

L. General Services

(1) *RECOMMENDED ACTION*: Approve Change Order #9, Contract #06-021, Grounds Maintenance - Annual to Amera-Tech, Inc. of Fort Myers, for the total cost of \$1,630 to add trimming of Saw Palmettos and mulch for the Operations Building B at the Environmental Services Campus. *BUDGETED ACTION*: \$1630 is budgeted in various funds

(2) RECOMMENDED ACTION: a) Approve Change Order #5 to Bid #08-054, 2008 County Paving Program with Ajax Paving, Inc. of Nokomis, FL in the amount \$120,000 for a revised total of \$8,321,659.47 and b) Approve CIP Amendment number 08-C12 in the amount of \$120,000. BUDGETED ACTION: After CIP amendment 08-C12 the FY08 budget will have \$120,000 available in the Don Pedro Knight Island Streets and Drainage MSTU. CIP project C410714 Don Pedro Knight Island Paving Program. Project total is \$120,000.

(3) RECOMMENDED ACTION: Terminate Contract #08-088, Re-Allocation/Design - Office Space, as of April 8, 2008, with Harvard Jolly, Inc. of Punta Gorda, Florida. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Approve Award of Bid #08-130, Rotonda Sands & Meadows - Low Pressure Sewer System, to the lowest responsive, responsible bidder, General Contracting Services of Placida, FL, for a total cost of \$3,193,037.61 BUDGETED ACTION: Budgeted Amount for Rotonda Sands \$5,416,675 in CIP c350703 and for Rotonda Meadow \$5,337,365 in CIP c350402. Total Construction budget for both projects \$10,754,040.

(5) RECOMMENDED ACTION: a) Approve Amendment #2 to Contract #05-411 Design/Build-Kosinski Bridge Replacement, for a credit of \$117,557.97, reducing the contract amount from \$4,214,649.98 to \$4,097,092.01, b) Revise the Guarantee Maximum Price (GMP) to include York Bridge Concepts to provide and apply Concrete penetrating sealer every 5 years (2013, 2018, 2023 & 2028) to the Kosinski Bridge pile caps and c) Authorize the Chairman to sign Amendment #2. BUDGETED ACTION: The savings of \$117,556 will benefit the Don Pedro/Knight Island Streets and Drainage MSBU. This is CIP project C410214 Kosinski Bridge Replacement, project total \$6,544,000.

(6) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of April, 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*: Request the Board approve and authorize the Chairman to sign the Second Amendment to the Charlotte Harbor/Gasparilla Sound Water Quality Monitoring Cooperative Agreement (W521) with the Southwest Florida Water Management District (SWFMD). *BUDGETED ACTION*: None

Second Amendment to Agreement 2001-050

(2) *RECOMMENDED ACTION*: Set a public hearing for April 22, 2008, at 10:00 a.m. or as soon thereafter as may be heard, to consider an Ordinance to reduce the speed limit on Lakeview Boulevard between Springview Avenue and Edgewater Boulevard from 40 mph to 35 mph. *BUDGETED ACTION*: The cost of speed limit sign replacement of approximately \$150 is available in the FY08 Greater Port Charlotte Streets and Drainage MSBU fund.

T. Real Estate Services

(1) *RECOMMENDED ACTION*: Resolution approving and authorizing the Chairman to execute a grant of a utility easement to Florida Power & Light Company, to be located in a portion of Cross Park, Plat of Trabue, and a portion of Murphy Street and Block 89, Jackson and Seward's and William Curry's Addition, all lying in Section 6, Township 43 South, Range 23 East, for the development and management of the Charlotte Harbor Event and Conference Center *BUDGETED ACTION*: None

Resolution 2008-031

(2) *RECOMMENDED ACTION*: Resolution approving and authorizing the Chairman to execute a grant of two (2) utility easements to Florida Power & Light Company, to be located in a certain portion of the Rotonda Shores Subdivision (also known as Parcel 5-1, Sections 34 and 35, Township 41 South, Range 20 East - Property Appraiser Acct. No. 0096875-018000-2) for the expansion and management of the Rotonda Water Reclamation Facility located on Kendall Road. *BUDGETED ACTION*: None

Resolution 2008-032

V. Tourism Development - No Items.

W. Utilities - No Items.

X. Building & Construction Services - No Items.

Y. Other Agencies - No Items.

V. **REGULAR AGENDA**

Z. Regular Agenda - No Items.

AA. County Administrator:

Interim County Administrator Baltz mentioned the eventful morning; joked on how to pronounce his name; advised it rhymes with the dance Waltz; stressed his desire to meet with the Board at their convenience to discuss their plan, intent, and his specific role for the future; noted County operations would continue as they did; indicated his confidence in County staff; and said if the Interim position was for an extended period of time he would like to meet with Human Resources and the Chairman to discuss the conditions. **Chairman D'Aprile** thanked Mr. Baltz for his comments.

BB. County Attorney:

Attorney Knowlton advised the Public Service Commission (PSC) staff recommendation came out yesterday, noted she had not fully

reviewed the report, stated it was not in our favor and would grant Sun Rivers Application for extension into Charlotte County, and said she would get the PSC report out to the Board after the meeting.

CC: Commissioners Comments

Commissioner Moore noted receiving many requests to change County towing rates, indicated he released a spreadsheet detailing Sarasota and Lee County fees, mentioned the increase in gas and insurance rates, and asked the Board to review and consider following Sarasota rules.

Commissioner Duffy asked if the recommendation was to adopt Sarasota rates and noted she reviewed the list and did not find the rates to be unreasonable. **Commissioner Moore** agreed and said it would be his recommendation.

Chairman D'Aprile stated the County needs to address many issues; noted the down slope in the economy and projects the Board had had positive hopes for; mentioned several disappointments including the loss of Publix, the Skybus, and the failure of Murdock Village; spoke with Congressman Mahoney regarding airlines that may still be interested in the airport; and asked citizens to participate and allow time to work through these uncertain times.

Commissioner Cummings addressed the Community, mentioned working citizens who are unable to attend County Meetings, and opined the Strategic Financial Review meetings should all be televised to assist the Public in understanding budget issues.

Chairman D'Aprile agreed with the importance of televising the workshops and stated how confusing the budget is. **Commissioner Duffy** provided several reasons why she disagreed. Attorney Knowlton advised the meetings were already advertised for B106 but another ad could change the location to 119. **Chairman D'Aprile** explained it was his intent to hold and broadcast the meetings in 119 and joked **Commissioner Cummings** had thought yesterday's workshop was televised.

Commissioner Loftus noted his interest in adopting the County towing rate increase and indicated the County Attorney needed three Commissioners to move forward. Attorney Knowlton advised she would bring it back since she now had the will of three Commissioners.

Attorney Knowlton asked for clear direction on where the budget meetings were to be held. **Commissioner Moore** suggested Mr. Baltz work on scheduling the remaining meetings for 119 so they could be televised. Mr. Baltz stated at recess he would attempt to coordinate and mentioned it may be too soon to change the afternoon session. **Chairman D'Aprile** mentioned he was approached by the Media who believed they had a problem with B106 for today. Mr. Baltz announced he would check into it.

Commissioner Cummings mentioned when there was a room change in the past a sign was posted on B106 directing people to 119. Attorney Knowlton agreed it was not an issue as long as the room is available.

VI. PUBLIC HEARING AGENDA - 10:00 AM

(1) Growth Management - **RECOMMENDED ACTION:** Approve an Ordinance adopting a revised Planned Development Zoning District.

Ordinance 2008-036

(2) Growth Management - **RECOMMENDED ACTION:** Adopt an Ordinance approving a revision to the Rules of Construction, Chapter 3-9, Article I, Section 3-9-2.

Ordinance 2008-037

Jeff Ruggieri advised this was the second Public Hearing to adopt the proposed amendment to the Planned Development Zoning District; noted staff who work with the existing Ordinance believe the proposed amendments are timely and needed; opined the main complaint is that staff is unable to utilize and be guided by outside input under the current Ordinance regulations; stated approval would assure all comments and suggestions would carry the same weight as zoning law if incorporated into the development approval; opined this PD would raise the bar on the kind of development approved; stated the freedoms allowed would

be considered a privilege; opined future negotiations would put the County in the drivers seat; and urged the Commissioners to allow professional staff, elected officials, the public; and the development community have a meaningful say in what will work in Charlotte County. Mr. Ruggieri explained there were two staff changes made three weeks ago, read them into the record, referenced the handout provided, and clarified open space in detail as requested at Pre-Agenda.

Commissioner Duffy said she was told there was a newspaper headline today that stated Charlotte may allow taller buildings and asked if that was what this amendment was all about. Mr. Ruggieri explained the existing height restrictions and discussed the proposed changes. **Commissioner Duffy** asked for height information by location and for indoor open space clarification. Mr. Ruggieri provided detail on height, community enhancements, and trade offs.

Commissioner Loftus asked if open space and giving back to the community was similar to what was developed in Charlotte Harbor. Mr. Ruggieri confirmed it was.

Commissioner Cummings noted in exchange for height or whatever else the developer is looking for, the developer would need to offer some kind of community enhancement and asked if one of the actions taken today would be to create community enhancement definitions. Mr. Ruggieri advised it was on Public Hearing #2. **Commissioner Cummings** read the last line which states any other community enhancement as determined by the Board of County Commissioners, noted those enhancements could be whatever the Board at the time chose, and asked if those would fall under community enhancements. Mr. Ruggieri confirmed they would.

Chairman D'Aprile mentioned he had a problem with the 60' Countywide height, noted not wanting to see high rises next to certain communities, opined possible future evacuation and traffic problems, commended Mr. Ruggieri for his work, indicated the room was full of people concerned with the future, stated he would like more citizen and expert participation, and asked for additional clarification related to height and open spaces between buildings. Mr. Ruggieri explained the concept plan and procedures related to height restrictions.

Commissioner Loftus verified his understanding was that it would first go before the Board for conceptual approval, then to the DRC, and the public would have the opportunity for input. Mr. Ruggieri confirmed his understanding was correct.

Commissioner Duffy asked where DCA stood on height and asked if Placida was in the Urban Service area. Mr. Ruggieri provided their regulations, confirmed Placida is in the Urban Service area, and agreed there was a conflict because the area is close to the water.

Chairman D'Aprile announced he would open the Public Hearing, allow five minutes for each speaker, and asked all not to repeat what others had already stated.

Debra Highsmith spoke in detail against the proposed Ordinance, recommended sending it back for a better plan, opined small town shops are being taken over by big businesses, and suggested appointing a collaborative panel.

Wayne Largent spoke against the proposed revisions, stated it would not benefit local builders, expressed concern with allowing developers and County staff to be responsible for heights and set backs, mentioned density, infrastructure impact, and the Manasota Key overlay.

Mike McClain commended the Board, stated he does not want Port Charlotte to turn into Naples, noted he is not against development, indicated height starts at the first floor and would dominate the landscape, mentioned Manasota Key area, and commented he trusted the Board to represent the people.

Chairman D'Aprile asked staff to confirm that Manasota Key had been eliminated from this proposal. Mr. Ruggieri explained staff was working with the Committee and there was no overlap.

Bill Haag referred to the PD Ordinance related to height, pointed out untrue facts included in a circulating petition asking for support, provided the Board with an article indicating the growing failure of condo developments and pictures of local failed construction, and asked all SOS attendees to stand in support.

Michael Haymans spoke in favor of the proposed Ordinance and on behalf of several committees, mentioned citizens would have the opportunity for input, advised the Board would make the final decision on enhancements to make up for the small amount of increased height, and urged the Commissioners to allow flexibility and move forward.

Thomas Knight recommended approval, mentioned surrounding Counties are growing, stated working people are unable to attend and be heard, noted Murdock Village was lost because of delays, urged the Board to make their decision today, stated the Gasparilla Island Conservation and Improvement Association (GICIA) was running a campaign to put Commissioner opponents in office, explained many opposed are part time residents who are able to attend meetings, and said the County needs development now.

Rita Murray spoke in opposition to any height allowance in the coastal areas, said Charlotte County shorelines are among the last in Florida, noted they provide a positive impact on the environment, commented on existing flooding, drainage, water supply and evacuation problems, opined new construction would stress the environment, and indicated the number of existing vacant properties and condos.

Scott Roberts spoke in opposition and on behalf of the friends of Cape Haze and SOS members, stated they are relying on the Board to protect their homes and shores, stated they do not want West County to become another Naples or Miami, and addressed rezoning rules and evacuation issues.

Ark Hanson noted his experience as a licensed engineer, commented the Ordinance was too vague, mentioned it needed to be more clear related to height, front setbacks, parking, boat storage, restaurants, water management, pavement runoff, traffic, sidewalks, buffers, space between buildings along SR 775, and many other details that should to be addressed prior to any approval.

Chairman D'Aprile thanked Mr. Hanson for his comments, noted his expertise, and stated he would like to personally meet with him to discuss the subject further.

Marv Medintz provided handouts; spoke against the proposal; mentioned problems with the Murdock Village contract; noted developers took advantage of impact fees created to help them; urged not to rush and give away County shorelines; commented that our waters are a unique asset; suggested creating Bed and Breakfasts and Bistros instead of 80' buildings; opined this PD would change Charlotte County forever; asked the Board to slow down; reread; create a taskforce; and kill this amendment before it permanently damages the community.

Ron Hill said he can only feel part of what the waterfront homeowners are feeling, opined this Ordinance would give the community more say on what could happen, asked the number of PDs approved last year, noted the importance of being involved, and quoted **Commissioner Cummings**.

Jim Grismer opined the issue is very complicated; noted balancing factors to make the County successful during tough economical times; indicated he was not convinced this was the way to achieve economic development objectives, opined the amendment would dramatically change the coastline, asked the Board to reconsider, and said the County would be well served to look at other approaches.

Sharon Nauhfer spoke in favor of the proposed Ordinance; noted it provides the flexibility and options needed; and indicated it would allow each proposal to be considered individually.

Martin Lyons spoke against the proposed waterfront height amendments and on behalf of the Boca Grande Homeowners Association and Dunes of Boca, noted they were not opposed to development in other areas, asked that the 1,200' rule maintain the low profile West County skyline; mentioned Manasota Key overlay, and handed out pictures of existing buildings and sketches of what the area would look like with proposed height amendments.

Julie Mathies represented the Charlotte County Chamber of Commerce, spoke in support of the proposed amendment, opined the changes were forward thinking, and would allow more community consensus building within community.

Gail Giles said she was not against development or Ordinance amendments; stated she is against haste and rushing approval, suggested creating a panel to decide what is in the best interest of Charlotte County, noted many failed skeletons line the landscape at the expense of residents, opined keeping our shorelines clear so not to destroy our most valuable asset.

Sarah Watkins represented the GICIA, spoke against approval, noted developers will still come to Charlotte County and are able to build up as long as they are 1,200' from the waterfront, and asked the Board to send back and rethink.

Percy Angelo asked the Board to recognize the lack of standards within the Ordinance, provided copies of a 2007 Countywide online survey which confirmed 75% of citizens believe the County is doing a fair to poor job on managing growth, opined this decision is for the voters, mentioned the 1,200' rule, disagreed citizens would have more say, noted not being able to speak at past workshops, and urged the Board to reject this proposal.

RECESS: 11:40 AM - 11:55 AM

Chairman D'Aprile resumed the Public Hearing. **Commissioner Duffy** asked **Commissioner Moore** to explain his suggestion to create a committee of citizens to discuss this issue further. **Commissioner Moore** expressed the need for a public meeting, said he has respect for all involved, appreciated public input, has heard many misquotes, opined a small balanced group could work together to help the Board make the right decision, mentioned success at a similar meeting in Sarasota County, commended staff for their hard work, and indicated the importance of taking a chance. **Chairman D'Aprile** agreed more consideration was needed and suggested they continue the discussion after the Public Hearing.

Chairman D'Aprile agreed there were several public misquotes heard today, advised he would clarify one by explaining the County was not the only party affected by Murdock Village, noted developer Sid Kitson and Partners had lost their \$200,000 deposit plus over \$2 1/2 million dollars in paperwork, and stated the County was not just sitting back allowing people to take advantage.

Commissioner Loftus agreed there was a tremendous amount of misinformation and advised he had provided many citizens with correct information and was still being misquoted.

Karen Mauwer spoke on behalf of the Englewood Chamber of Commerce and in support of the proposed amendments, asked the Board to put into effect what allows them to make a decision on each proposal, and urged them to decide today and not to delay.

Ted George provided the number of citizens that were for and against the amendments at the March 2008 meeting, stated the opposition was clearly focused on height, opined Gasparilla Island is an untouched jewel, described old and unusable docks and buildings at the entrance of Boca Grande, discussed the private purchase (\$34 Million) of the 3.3 acre peninsula infested with iguanas, opined the investor would receive no return on the investment without some height, and suggested working with this amendment to provide increased flexibility.

T.J. Thornbury said he grew up in Port Charlotte, noted he would never support anything that would not be positive for the Community, commented many are over dramatizing the small changes, and asked the Board not to rush their decision.

The owner of Boca Boats noted the growth he has seen since 1996, opined many are focusing on one project and do not want the changes in their backyards, said the County and developers need flexibility, advised his business needs to relocate by 2010, spoke in favor of passing the amendments.

Randee LaSalle opined Floridians wish to protect Florida, expressed concern that final approval would not be done on the Consent Agenda, stated the need for consistency, flexibility, standards, open space, 35' height in coastal high hazard areas, and asked for a delay until a committee can be put in place.

Steve Schoff opined this may not be the best way to promote change, suggested promoting a target area study to research economic growth areas and how they will reflect on the community, discussed Sarasota standards, asked about TDUs, building codes, the intent of the PD, and advised the Board to reconsider.

Bob Melvin suggested listening to staff, noted more flexibility is needed, opined West County has the best Eco-Tourism opportunities in the state, indicated working with big hotel companies not condo developers, expressed the need to attract what our economy needs, asked the Board to strongly consider moving forward so Charlotte County can remain open for business.

Chairman D'Aprile stated the Commissioners would stop listening to the Public Hearings at 12:00 PM, but meant 1:00 PM.

Julius Frager opined most in favor will financially benefit from the change, said it is poor judgment to give staff the final say, agreed with the need for a committee, and offered to help facilitate further discussions.

Scott Fingerson spoke in favor of the proposed Ordinance and on behalf of those citizens unable to attend the hearing, commended staff for their work and compromises, stated working citizens will benefit from better economic health, and urged the Board to approve passage of the Ordinance.

Lynne Seiber spoke against the proposed Ordinance, increased density, and intensity in coastal high hazard areas, opined West County would lose their best asset, commented that high-rise development would bring in more traffic, increase evacuation time, restrict emergency access, and negatively affect the County for many years to come.

Michael Summers spoke on behalf of regular hardworking citizens unable to be heard, noted wanting fiscal responsibility and strong leadership, opined the vocal minority are the rich who do not want changes in their own backyards "Not in my backyard" (NIMBY's), and indicated the Board should listen to staff, the Chambers of Commerce, and the people who live and work in the County.

Chairman D'Aprile stated he understands the frustration of those on both sides and wants to make a decision today.

Randy Keiling stated he has watched the County positively grow since the early 1970's, stated 50% of Charlotte County is preserved under County/State ownership, studied the GIS maps,

advised 75% of the 205 miles of waterfront is also preserved, noted the remaining 20% is either residential lots or non-developable, commended Mr. Ruggieri for his work, opined now was the time to pass the Ordinance, suggested **Commissioner Moore** conduct public workshops on specific projects after approval, and stated adding flexibility will help put our people back to work.

Sue Reske said this proposal has significant problems, noted the existing Ordinance has been in effect for 18 years, indicated the County is only being given 3 weeks to make a decision, said developers will come and build, pointed out several projects already in the works, referred to her Power Point to illustrate what the 65' height would actually look like on the coastal high hazard area, and asked for denial or creation of a 90 day panel with equal representation.

Donald Sullivan said Charlotte County is a precious jewel but is now questioning his decision to move here; noted local government is irresponsible, without direction, no longer fiscally conservative, driving people out of their homes, and noted tax bills are hideous. Mr. Sullivan opined if height relaxation is approved undesirable developers will destroy the quality of life and asked for a reason to stay in Charlotte County. Andy Dodd told Mr. Sullivan he was not obligated to live in Charlotte County and suggested he sell his house and move.

Mr. Dodd spoke in support of passing the PD Ordinance revisions, said he looks forward to participating in height variance hearings on future projects, discussed TDUs, stated 98% of the shoreline overlay will not be affected by the changes, noted counting only 5 parcels that could be affected on Placida Road, noted the opposition is from NIMBY activists, stated quality of life means different things to different people, opined wanting to see something more intense and resort-like on the waterfront that will take away resident tax burdens.

Betsy McCallum spoke against approval, mentioned lack of density related to hotels, opined if the Ordinance is approved West County would be negatively affected forever, explained developers may not hire local contractors, and noted if hired, the jobs would be temporary.

Howard Hall quoted staff's comment that Manasota Key had already protected themselves from the changes, opined the PD looks like a Master Plan with no specifics, discussed height, increased density, rezoning for profit, stated this is about money and greed, and referred to the County as a jewel.

Paul Schaifer voiced his concern for what is best for the community, opined everyone will benefit from increased tax rolls, commented the surveys were not representative of the community, said evacuation was not an issue since hotel renters would leave long before a hurricane hits, and agreed to refine the Ordinance through a committee if needed.

Captain Sandy Melvin spoke in support of environmental causes, stated growth is coming, urged not to get caught up in just the height issue, suggested we be concerned with quality developments and tourism.

John Knight announced his family settled here in 1845, commended the Board on property conservation up until now, noted he is a member of the GICIA, pointed out not being asked his opinion, opined they want to keep the riff raff off Boca Grande, and mentioned the GICIA sent their members letters advising all in opposition to attend today. Mr. Knight also commented on the politics involved, described a letter that indicated a Lee County resident was raising funds to help elect and gain control of two Board opponents, and provided the Board with copies of the letters he mentioned.

Betty Sue Carroll suggested postponement, opined the building industry sees these revisions as a gift, commented most residents are not aware that if passed this Ordinance would change the character of the County forever, discussed zoning, standards, density, and the need to research trends and impacts first.

Ruth Bromberg said she lives in East County, is against approval of the Ordinance, and asked for either denial or for the appointment of a balanced committee.

Chairman D'Aprile said they have heard both sides of the story, the plight of the people, and asked for Commissioner comments.

Commissioner Duffy asked staff to explain why setbacks were removed, the definition of buffers versus setbacks, and for detail on Sarasota's open space. Mr. Ruggieri clarified there was no change in front (street-side) setbacks, noted sides and rear (waterside) could be altered and would fall under the community enhancement criteria, explained buffers are usually for landscaping and setbacks are usually a physical distance that could have other things in them, and advised Sarasota is just as flexible as ours, noted it does say 30% as open space, said 50% of the 30% could be hard space, and confirmed staff was proposing a real 10% plus water retention.

Commissioner Loftus stated a lot of the information mentioned today was incorrect, mentioned economical development and the need to diversify the tax base, opined commercial would help reduce resident tax burden, noted currently 85% of taxes are paid by the residents, and said the Board is looking to benefit the citizens of Charlotte County. **Commissioner Loftus** asked if it would be legislative. Mr. Ruggieri explained the process, confirmed this rezoning would be quasi-judicial, and would go through the DRC review.

Commissioner Cummings expressed concern with page 13, section 2 of the Ordinance, noted problems related to PDs being used as the primary tool for addressing new developments, stated flexibility could be used to allow more developments as well as to stop them, and pointed out the importance of specificity.

Commissioner Moore believes people need to work together and discuss this further.

Commissioner Duffy spoke in favor of the proposed Ordinance, stated she learned a lot from the people today, noted everyone cares about the community, mentioned they had different perspectives, indicated the Ordinance revisions could only affect 5% of County land, opined the Board needs to make their decision on behalf of the entire County, and commented the opposed are a small group who have put misinformation out and who have an agenda.

COMMISSIONER LOFTUS MOVED TO ADOPT AN ORDINANCE APPROVING A REVISION TO THE RULES OF CONSTRUCTION, CHAPTER 3-9, ARTICLE I, SECTION 3-9-2., SECONDED BY COMMISSIONER DUFFY.

Commissioner Duffy seconded for discussion, expressed concern with the potential success of a committee, noted the issue is height, and opined there was no compromise.

Commissioner Moore noted the motion and second on the table, advised he would not vote for the Ordinance as it is, said he likes many things, but some things should have already been fixed, and opined anyone who can not play the game for 30 or 60 days should not be in it.

Commissioner Cummings stated he was also against approval.

Commissioner Duffy asked if the Ordinance could have height exemptions in certain areas of the County. Mr. Ruggieri responded the Ordinance could be updated with the exemptions, but would need to be restructured.

Motion Failed 2:3. Chairman D'Aprile, Commissioner Cummings, and Commissioner Moore opposing.

Commissioner Moore stated he would like to put together a committee that would have not more than 60 days to come up with a consensus of opinion on what a proper Ordinance would be.

Attorney Knowlton suggested the stakeholders group be selected by staff as it was done for the TDU and Excavation Ordinances. Commissioner Moore agreed but indicated he did not want to take up a lot of Mr. Ruggieri's time. Commissioner Loftus advised he would second it if it could be achieved in 30 to 45 days. Chairman D'Aprile interjected the Ordinance is open ended, expressed concern for the building industry, noted the Ordinance would eventually need to be approved to stimulate the economy, commented that all issues mentioned today should be addressed, advised the committee would need to be representative of all concerned, and opined the majority vote of the committee would be a deciding factor.

Attorney Knowlton explained in the past the committees had discussions on consensus points and then staff took the lead. Mr. Ruggieri advised the procedure could be changed. **Chairman D'Aprile** indicated his only concern was that all concerned were represented. **Commissioner Loftus** asked if 30 days was realistic. Mr. Ruggieri stated 45 days was more reasonable. **Commissioner Moore** clarified his motion was that staff select a stakeholders group and a consensus must be provided within 45 days.

Commissioner Duffy brought up community feedback received from snowbirds asking to have this heard before they go back up North. **Chairman D'Aprile** and **Commissioner Moore** agreed if necessary they could delay their return.

COMMISSIONER MOORE MOVED TO FORM A STAKEHOLDERS GROUP FOR AGENDA ITEM PUBLIC HEARING 1 TO PROVIDE CONSENSUS POINTS WITHIN 45 DAYS, SECONDED BY COMMISSIONER LOFTUS.

Mr. Baltz asked the Board to clarify their expectations of this process, asked if they wanted language in the Ordinance that was agreeable to all parties, and expressed concern with creating a fair process. **Commissioner Moore** said they would like a group consensus. **Chairman D'Aprile** stated the purpose was to get all concerned parties together to work toward a solution and explained the Ordinance needed to be revised and accepted in the near future.

Motion Carried 4:1. Commissioner Cummings opposing.

Chairman D'Aprile asked if Public Hearing 2 would be heard. Attorney Browne confirmed it was attached to Public Hearing 1 and suggested it be tabled indefinitely to come back with the revised PD. **Chairman D'Aprile** said to consider it tabled.

Mr. Baltz stated the Budget meeting will be televised and held in this room (119) this afternoon and advised staff is working on scheduling all others. Mr. Baltz advised the Sales Tax is due to expire in December 2008, stated he would need Board direction today if the intent was to place it on the August Ballot, and advised there was an additional deadline for the November Ballot.

Chairman D'Aprile stated he did want it on the Ballot. Commissioner Moore said he also wanted it on the Ballot but expressed confusion with the deadline. Joyce Ross explained May 1st was the deadline to provide a letter in writing to the Supervisor of Elections for placement on the August Ballot and noted May 30th was the deadline to provide the Ordinance that had been passed to officially put it on the Ballot. Chairman D'Aprile asked what the advantage would be to have it placed on the August Ballot. Commissioner Loftus mentioned there will be many items on the November Ballot. Commissioner Cummings suggested it be brought back at the next Regular Meeting.

VII. PRESENTATION AGENDA - No Items.

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

X. CITIZEN INPUT - ANY SUBJECT - None

RECESS: 1:50 PM - 2:30 PM

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

Conduct a Workshop to discuss the Countywide Reverse Osmosis Water Supply Study Options.

Jeff Pearson advised they would present the Countywide Reverse Osmosis Feasibility Study, noted working on this study for over two years, mentioned two Malcolm Pirnie, Inc. consultants who would provide options, a Power Point presentation, and introduced Tanya Simmons.

Ms. Simmons mentioned she had presented the Board with several suitable water treatment plant locations back in June 2007, advised she would now narrow down the list, provide related costs, and expressed the desire to have Board discussion after the presentation.

Ms. Simmons explained the Planning Objectives, Approach, and Comparison of Options. Commissioner Moore asked if they considered Englewood Water when they evaluated West County. Chris Hill explained they had not considered Englewood expanding their facility to provide water for West County. Commissioner

Moore commented maybe they should be considered in the future, noted CCU working with them, mentioned our existing interconnect line, and opined it could take some pressure off building a new plant.

Commissioner Duffy asked if Waterman Avenue was the seven acre site in Rotonda. Ms. Pearson confirmed it was and continued.

Commissioner Loftus asked how water needs were projected, what the population increase was, and if the projects were revised based on the slowdown in the economy. Ms. Simmons advised water needs and population increases were based on Equivalent Residential Connections (ERC) and projected demand. Mr. Pearson explained their projections were based on a combination of data, including past historical growth rates, estimated demand for vacant homes, the current economy, draught, water conservation, and opined less water would be needed.

Commissioner Moore asked what ERU gallons per day (gpd) usage was. Mr. Pearson responded and discussed peak and average loads.

Mr. Baltz passed out copies of the most recent water demand projections given to the Peace River Water Authority, explained it would provide a projection snapshot for the next 20 years, and opined it would help answer some of the Commissioners questions.

Ms. Simmons continued to refer to the Power Point to clarify the differences between Options 1 and 2.

Commissioner Cummings asked about water blending. **Commissioner Duffy** asked for the Copley Drive site to be pointed out on the map. **Commissioner Loftus** asked about Million Gallons Per Day (MGD) on that site.

Mr. Pearson advised the Copley Drive site was being considered for a land exchange for the Piper Road widening. Commissioner Duffy asked what that meant and asked for the exact location. Tom O'Kane explained how the land exchange would work and provided location detail. **Commissioner Loftus** commented on holding off and asked when staff was notified.

Ms. Simmons discussed potential sites and indicated Option 1 and 2 looked similar except Option 2 does not have a West County plant. Mr. Pearson stated staff had suggested since the new public works facility would be sited at the Bachman Tract that that parcel would be available for a possible RO facility later, advised which environmental site studies had been completed, added if a plant was sited within Option 2 and if a raw water line and water use permit was successful, the plant could be expanded over time and meet County needs for over 25 years.

Commissioner Duffy asked for raw water line detail and costs and brought up the Waterman area pipeline. Ms. Simmons and Mr. Pearson explained raw water lines, pointed out Cost Comparison, Minimum and Maximum Contingences, discussed estimated costs related to the Waterman area, and advised Myakka crossing alone would cost \$3.3 million. **Commissioner Loftus** expressed concern that Englewood Water District was not considered for possible water purchases. Mr. Pearson commented on Englewood Water District, mentioned conversations with Mr. Rollo, an existing consent order to draw that water, stated they would need water back for their future growth, and explained it would not be a permanent supply for Charlotte County.

Commissioner Moore said there is probably many reasons why not to do business with Englewood and opined considering partnering with Englewood prior to creating a whole new R/O plant in West County.

After reviewing capital and operational costs for Babcock and Copley/Burnt Store, **Commissioner Cummings** opined Copley and Burnt Store would have the least expensive water, were both in the urban service area, suggested acquiring flatwoods property from the State to use as a well field, recommended expanding the wildlife corridor, mentioned they are close to the proposed center for economic diversification, continued to discuss other positive reasons why the Burnt Store area should be expanded, and opined it could work for 15 to 20 years. Ms. Simmons indicated the purpose was to provide the information for discussion.

Commissioner Duffy asked if the Babcock site included surface water and commented on grants through Southwest Florida Water Management District (SWFMD). Ms. Simmons explained surface water was not included in this R/O study. **Commissioners Moore and Cummings** continued to discuss possible finance options.

Mr. Baltz mentioned there was language in the agreement that stated the water has to stay in the County, opined this is exciting stuff that will be helpful at staff level, talked about having the opportunity to evaluate the options we have for the future, noted existing interconnects, continuing to embrace partnerships and develop the assets we have, opined Babcock will take a long time, and asked Mr. Pearson to advise what the next step should be. Mr. Pearson stated the R/O is complete and asked for Board direction.

Commissioner Moore asked how far 18 to 20 million gallons of new water could take us. Mr. Pearson stated possibly through 2032. **Commissioner Moore** opined moving forward with Copley and Burn Store and enter into conversations with Englewood Water District.

Commissioner Loftus opined there is no rush, stated the need to review costs, suggested looking at the existing sites, noted pursuing the possibility of working with Englewood, and asked Ms. Simmons to provide clearer copies of the handout.

Commissioner Cummings noted Burnt Store has been in the process for a long time, stated we need to be ready to move on Copley based on growth patterns, and opined pursuing Burnt Store and Copley before we spend more money at Babcock.

Commissioner Moore expressed the importance of carefully choosing our words as not to be misunderstood as related to the Water Authority. Ms. Simmons added the Burnt Store number does not include the distribution system improvements. **Commissioner Cummings** clarified to have a fully integrated system there would have to be another transmission from the Burnt Store plant to the Copley plant.

Chairman D'Aprile thanked Mr. Pearson for the presentation.

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April 8, 2008

ADJOURNED 3:53 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

JL