

BOARD OF COUNTY COMMISSIONERS

APRIL 22, 2008

A regular meeting of the Board of County Commissioner was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman D'Aprile, Commissioner Duffy, Commissioner Cummings, Commissioner Moore, and Commissioner Loftus. Also in attendance were County Attorney Knowlton, Interim County Administrator Baltz, Chief Deputy Board Services White, Executive Assistant Stoner, and Deputy Clerk Manley. The following members were absent: None. The meeting was called to order at **9:00 AM**.

Invocation was given by Dr. Rick Sloan, Palm Tabernacle, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Building Safety Week Proclamation, the week of May 5, 2008 through May 11, 2008

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

Motion Carried 5:0.

Special Recognition:

Proclamations - Chairman Thomas C. D'Aprile

Administrative Professionals' Day Proclamation, April 23, 2008

COMMISSIONER LOFTUS MOVED TO APPROVE ADMINISTRATIVE PROFESSIONALS' DAY PROCLAMATION, APRIL 23, 2008, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Marie D'Sa, Lynda Lafferty, and Bonnie Stoner accepted the Proclamation.

American Humane's 'Be Kind to Animals' Week Proclamation, May 4, 2008 through May 10, 2008

COMMISSIONER MOORE MOVED TO APPROVE AMERICAN HUMANE'S 'BE KIND TO ANIMALS' WEEK PROCLAMATION, MAY 4, 2008 THROUGH MAY 10, 2008, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

The Proclamation was accepted by Executive Director of the Animal Welfare League DeAnn Roberts.

Cover the Uninsured Week Proclamation, April 27, 2008 through May 3, 2008

COMMISSIONER LOFTUS MOVED TO APPROVE COVER THE UNINSURED WEEK PROCLAMATION, APRIL 27, 2008 THROUGH MAY 3, 2008, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

The Proclamation was accepted by Doctors David Klein and Mark Asparilla, Charlotte County Health Department Administrator Stephen Mitnick, Executive Director for St. Vincent de Paul Community Health Care James Sidberry and Emily Lewis on behalf of the Indigent Health Care Advisory Board, Charlotte County Human Services Department, and Family Services Center.

Chairman D'Aprile commended the doctors, staffs, and others involved for their efforts, volunteer hours, and all they have accomplished.

National Drinking Water Week Proclamation, May 4, 2008 through May 10, 2008

COMMISSIONER MOORE MOVED TO APPROVE NATIONAL DRINKING WATER WEEK PROCLAMATION, MAY 4, 2008 THROUGH MAY 10, 2008, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

The Proclamation was accepted by Charlotte County Utilities (CCU) Director Jeff Pearson; CCU Community Relations and Water Conservation Manager Leigh Spreighmont gave a slide

presentation for the water conservation month student art contest; indicated there were over 800 entries representing fifteen (15) schools throughout the county from kindergarten through 12th grades and 39 winners, with 28 present today to accept their awards.

National Early Care and Provider Appreciation Day Proclamation,
May 9, 2008

COMMISSIONER LOFTUS MOVED TO APPROVE NATIONAL EARLY CARE AND PROVIDER APPRECIATION DAY PROCLAMATION, MAY 9, 2008, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

The Proclamation was accepted by Helena Sloan and Margie Bateman from the Early Learning Coalition of Florida's Heartland.

Native Tree and Shrub Preservation Week Proclamation, April 20,
2008 through April 26, 2008

COMMISSIONER MOORE MOVED TO APPROVE NATIVE TREE AND SHRUB PRESERVATION WEEK PROCLAMATION, APRIL 20, 2008 THROUGH APRIL 26, 2008, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

The Proclamation was accepted by Dave Wilson.

Older Americans Month Proclamation, May 2008

COMMISSIONER LOFTUS MOVED TO APPROVE OLDER AMERICANS MONTH PROCLAMATION, MAY 2008, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

The Proclamation was accepted by Joan Reinhardt from the Charlotte County Council on Aging.

Building Safety Week Proclamation, May 5, 2008 through May 11,
2008

COMMISSIONER MOORE MOVED TO APPROVE BUILDING SAFETY WEEK PROCLAMATION, MAY 5, 2008 THROUGH MAY 11, 2008, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

The Proclamation was accepted by Building Construction Services Official/Director Jim Evetts.

Employee Recognition - No Items.

Award Presentations

Presentation from St. Vincent de Paul Medical Clinic

Doctors David Klein and Mark Asparilla and James Sidberry presented a plaque acknowledging support from the Board of County Commissioners (Board) and Administration for the New Hope Medical Clinic; and indicated that the plaque would be placed by the front door of the clinic as a symbol of reminder to the community of that support.

Commissioner Duffy commented on the amount of personal time the doctors have given and applauded their efforts.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

City Councilmember Bill Albers and City Manager Howard Kunik spoke in support of the sales tax extension; stated it is important all citizens recognize the projects that have been completed as a result of this funding source, such as the Jail and the Justice Center; that the City Council of Punta Gorda unanimously supports the extension for a four (4) year period, but believes a ten (10) year extension is too long; and that the one cent sales tax extension should stand alone and not be placed on the ballot the same time as the school sales tax referendum. Mr. Kunik advised that the Citizen's Committee would meet tomorrow; that a potential list of sales tax projects would be put together; that the list would be presented to the Punta Gorda City Council on May 7, 2008, to meet the Board's deadline to get a list of the City of Punta Gorda projects by the middle of May 2008.

Todd Rebol spoke in support of the sales tax extension and agreed with Councilmember Albers and City Manager Kunik; stated that everything positive has come out of this extension and without it the County would be stagnant; and agreed the sales tax extension should be on a stand-alone ballot.

Don Milroy addressed agenda item Z-2 and spoke in support of the Thornton Key property being selected for Conservation Charlotte.

Dan Kett agreed with Mr. Milroy and spoke in support of purchasing the Thornton Key property by Conservation Charlotte.

Pam Bergman spoke in support of purchasing the Deep Creek and Ryals Ranch properties by Conservation Charlotte.

Clyde Gilmore spoke in support of purchasing the Deep Creek and Ryals Ranch properties by Conservation Charlotte.

Attorney Geri Waksler spoke on agenda item Z-2; indicated the Board should evaluate all lands that have been proposed; pointed out that many other properties are coming down the pike; that not all the funds should be spent today; and that the Board should wait until it has all information furnished.

Jay Fertig, President of Bayshore Land Group, agreed with Attorney Waksler and stated the Board should wait until all proposed properties have been reviewed.

Jim Sweeney, on behalf of the Charlotte County Housing Finance Authority, addressed Agenda Item N-3, the Local Housing Assistance Plan (LHAP), and the State Housing Initiatives Partnership (SHIP) Program; asked that the Board direct County Staff to rescind the rescission of the Charlotte County Housing Finance Authority; expressed concern that this matter is just now coming to the Board; advised there are questions that have not yet been answered; and commented on issues that should be addressed before the plan is sent to Tallahassee.

Executive Director of the Charlotte County Chamber of Commerce (Chamber) Julie Mathis spoke on behalf of the Chamber's Board of

Directors in support of the acquisition of lands through the Conservation Charlotte program and recommended the purchase of the Ryals Ranch and Deep Creek parcels.

Marvin Medintz expressed concerns on agenda item Z-2; opined the public was not given enough information on how prices were negotiated and reached, what the parameters were used in the negotiation process, and what the parameters were used in the appraisal process; provided some examples; stated he would like assurance that all these items were considered; and commented on Scrub Jays.

Dr. Greg Klowden advised he is a member of the Environmentally Sensitive Land Oversight Committee (ESLOC) but is speaking for himself; indicated that he or any other member of ESLOC are available for consultation or questions regarding agenda item Z-2; spoke in support of the purchase of the Thornton Key and Deep Creek parcels as recommended by ESLOC; indicated the other three parcels have diminished marks against them; that the Bermont property is a wildlife corridor; commented on purchasing the Ryals Ranch parcel without purchasing the Bermont property and indicated both are needed, rather than one or the other; stated there are other creative opportunities for the Ryals Ranch parcel; and that there is a need to protect the Bermont property.

Douglas Tucker advised he is Vice Chairman of ESLOC but speaking for himself; commented on the waning of public trust of the government spending money; stated that purchases should be made with consideration of what the intent of the program was when marketed to the people, which was to preserve environmentally sensitive land from future development, provide for wildlife corridors, protect water sheds and land use for endangered and rare species; opined that close attention should be paid to those criteria when making decisions; stated there are few opportunities to link preserve land together; that Bermont Loop gives the ability to have a wildlife corridor linking Babcock Ranch to the Webb to Shell Creek, and hopes that would be considered when making a decision today.

Ruth Bromberg advised she is a member of ESLOC but speaking for herself; stated that the Ryals Ranch and Bermont Loop parcels are

both fine properties and meet the criteria; that the Ryals Ranch has limited access; that the scrub jay population makes it perfect for scrub jay mitigation but that Conservation Charlotte should not purchase land for scrub jay mitigation; that the Bermont Loop parcel offers a connection between the Babcock/Webb and the Shell Creek parcels; that if Conservation Charlotte does not purchase the Bermont Loop parcel it will be developed but the Ryals Ranch parcel will most likely not be developed for many years; and recommends voting for the Bermont Loop parcel.

Al Cheatham advised he is a ESLOC committee member; that all properties before the Board meet the criteria; that this is a willing seller program, meaning that properties that were nominated were those the committee could consider; that other properties may be out there that are important but were not nominated for consideration; that the Board has seen the merits of the properties nominated and received material to review; that in considering property for acquisition it is important to keep in mind the second phase, which is management and restoration; that most of the properties being considered are in pretty good condition but some would require considerable management and restoration; that the Bermont Loop parcel has good qualities but there will be costs associated with that piece of property and with others; that there are other properties on Bermont Road that were nominated, did not make it to the acquisition list, but are still on the table; that even though there is a wildlife corridor animals don't cross Bermont Road without having an underpass or overpass built for them; and that we must think of what it will be like 25 years in the future.

Jim Cooper expressed concern that perhaps the most innovative strategy was not being used in the negotiation process for agenda item Z-2 and thinks that a better job could have been done.

Bill Phillipe, partner and part owner of Bermont Loop spoke about agenda item Z-2; stated that the Ryals Ranch and Bermont Loop are both important properties; that the Ryals Ranch parcel will not change much in the next few years but it is just a matter of time before the Bermont Loop parcel is gobbled up by developers; opined that Charlotte County and Conservation Charlotte do not need to be involved in the mitigation business; and indicated

Bermont Loop would take care of management for five (5) years and add five (5) more years if needed.

Suzanne Graham, Government Affairs Chairman Charlotte/DeSoto Building Industry Association, spoke in support of purchase of the Ryals Ranch and Deep Creek parcels on agenda item Z-2.

Ian Vincent spoke in support of purchase of the Thornton Key and Deep Creek parcels on agenda item Z-2.

Andy Dodd spoke in support of purchase of the Ryals Ranch and Deep Creek parcels on agenda item Z-2.

Vincent E. Hone, partner and part owner of Bermont Loop, spoke in support of the purchase by Conservation Charlotte of the Bermont Loop parcel, agenda item Z-2.

II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee -is seeking three members; one member representing the Building Industry, term ends March 2009, one member representing the Real Estate Industry, term ends April 2009 and one member representing the Member-at-Large position, term ends April 2010.

Beaches and Shores Advisory Committee - is seeking one member to serve as the District #4 representative. Must be a resident of Charlotte County and have an interest in the preservation of beaches and shores.

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

Charlotte Harbor Community Redevelopment Agency Advisory Committee - is seeking one volunteer to be the Residential

Representative and must live within the Community Redevelopment Area. This term is effective immediately.

Construction Industry Licensing Board - is seeking a volunteer to represent the "mechanical contractor" category. Volunteer must be a resident of Charlotte County for at least 2 years and be a licensed mechanical contractor. Length of term - until May, 2009.

Construction Industry Licensing Board - is 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.

Charlotte County is seeking volunteers to serve on the following Committees: 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. Must be land owners who reside in the unit. Terms will be determined at the first meeting.

Gulf Cove Waterway Advisory Committee - is seeking one member to serve as the alternate member for a two year term. Volunteer must be a land owner and reside within the boundaries of the unit.

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

Harbor Heights Waterway Maintenance District - is seeking one volunteer to serve a term of three 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 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.

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 two volunteers who are landowners and reside within the boundaries of the Unit, 1) one regular member to complete a vacated term that expires on February 12, 2010, and 2) one alternate member to serve a two year term.

Rotonda West Street and Drainage Advisory Committee - is seeking one volunteer who is a landowner and resides within the boundaries of the Unit to complete a vacated term as the alternate member. The term shall expire on February 27, 2009.

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

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

Tropical Gulf Acres Street & Drainage Unit Advisory Board - is 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 applicants must be owners or operators of a motel, hotel, Recreational Vehicle Park or other tourist accommodation located in the County are 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. This is a three year term; effective immediately and expires January 23, 2011.

West Charlotte Stormwater Utility - is seeking two volunteers who are landowners and reside within the boundaries of the Unit to serve three year terms.

III. REPORTS RECEIVED AND FILED

Charlotte County Utilities 2007 Annual Report

4/04/08 MV-CRAAC Minutes

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE CONSENT AGENDA EXCEPT AGENDA ITEM N-3, 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 April 1, 2008 through April 14, 2008 in the amount of \$10,970,601.23

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

9:00 AM 1/22/08 Regular Meeting & ESLOC Workshop
9:00 AM 2/07/08 Retreat
9:00 AM 2/12/08 Regular Meeting
9:00 AM 2/19/08 Land Use Hearings

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Appoint Frances M. Reimondo to the Harbor Heights Street & Drainage Advisory Board, to finish the alternate position vacated by William Moyer. The term is effective immediately and will expire February 13, 2009. BUDGETED ACTION: None

D. Administration - No Items

E. County Attorney

(1) RECOMMENDED ACTION: Set a special meeting on Tuesday, April 29, 2008 at 9:00 a.m. in room #119, for the sole purpose of convening an Executive Session to discuss litigation strategies concerning the lawsuit captioned Lamar Advertising of Fort Myers v. Charlotte County; Civil Case No. 04-4052-CA. BUDGETED ACTION: None

F. Budget Office

(1) RECOMMENDED ACTION: Approve by Resolution to extend budget submission dates from May 1, 2008 to May 15, 2008 for the Constitutional Officers (Clerk of the Circuit Court, Supervisor of Elections and Sheriff). The Property Appraiser and Tax Collector submit budget requests on June 1, 2008. BUDGETED ACTION: None

Resolution 2008-036

G. Growth Management - No Items.

H. Economic Development - No Items.

J. Environmental Services - No Items.

K. Facilities Construction and Maintenance - No Items.

L. General Services

(1) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #08-121, Methane Gas Collection for Charlotte County Landfill: 1st - North American Natural Resources; 2nd - EnerDyne Power Systems Inc.; and 3rd - Landfill Energy Systems; and b) Approve Start of Negotiations. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: a) Authorize the removal of one (1) Ford Bus, Property Number 24651, from the approved auction list; and b) Approve the donation of this piece of surplus property to the Florida Highway Patrol Auxiliary. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: a) Approve Amendment #5 to Contract #07-008, Charlotte Sports Park Renovation/Expansion, with Hunt Mathews/Taylor in the amount of \$655,862.03; and b) Authorize the Chairman to sign the Amendment. BUDGETED ACTION: FY08 Budget is \$25,352,000 in CIP Charlotte Sports Park Stadium

(4) RECOMMENDED ACTION: Approve Change Order #2, Contract 07-356, Fire Station #9 Expansion Project in the amount of \$45,798 with a revised contract amount of \$193,751 to J.C. Pilato Inc., General Contractors of Punta Gorda, FL. BUDGETED ACTION: The Budgeted amount in FY08 is \$255,000 in CIP Project Renovation of Existing Fire / EMS Stations.

M. Human Resources

(1) RECOMMENDED ACTION: Approve the settlement as outlined in attached backup. BUDGETED ACTION: This will be paid out of our Self Insurance Fund, the item is budgeted in our Workers Compensation Claim Payment accountline. We are operating with a \$2,000,000 budget line for claim payments.

N. Human Services

(1) RECOMMENDED ACTION: Approve James E. Sidbury and Ruth Ann (Rhoadie) Ladd as voting members to the Indigent Health Care Advisory Board (IHCAB), to fill two vacancies, as recommended by IHCAB at its March 5, 2008 meeting. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve the filing of a Transportation Disadvantaged Trust Fund Grant and Authorizing the Chairman to sign resolution authorizing Victoria Carpenter to sign agreements and Rich Weingarten to sign assurances, reimbursement invoices, warranties, certifications and other documents related to the administration of the grant. BUDGETED ACTION: Included in the proposed Transportation Disadvantaged FY08/09 budget.

Grant 2008-009 and Resolution 2008-037

(3) RECOMMENDED ACTION: Approve Charlotte County's 3-year Local Housing Assistance Plan (LHAP) for SFYs 2008-2011 as drafted and recommended by the Affordable Housing Advisory Committee (AHAC). BUDGETED ACTION: Funds provided in Local Housing Assistance Trust Fund.

Commissioner Loftus expressed concern with the exclusion of the Charlotte Housing Finance Authority and advised he would like it included; and stated that we should be taking care of the low income, not the moderate income. Charlotte County Housing Manager Loraine Helber explained that the low income is served; that we re-focused on the low income with this three-year plan; that the County enjoyed a great influx of money following hurricane Charley to address housing initiatives; that we partnered with the Housing Finance Authority at that time to serve moderate incomes with the bond they issued; that all those funds were committed or expended; that we are back to the pre-Charley days of only the SHIP annual allocation and back to the primary focus of that time, which is the low income, and which was established at the time Jim Sweeney was the County's Housing Coordinator. Ms. Helber stated that the only category or strategy that moderate income is served is the foreclosure prevention plan, which is a very heavily used program at the present time.

Commissioner Loftus inquired if there was any objection to including the Charlotte Housing Finance Authority. Ms. Helber stated that the Housing Finance Authority has bonds for moderate income; that moderate income is not being served with this plan at this time; and that if we had another disaster this plan would be revised to meet the needs at that time as it was done after hurricane Charley. **Commissioner Loftus** stated he would like to have that included.

Chairman D'Aprile requested further clarification of why it does not qualify and what we do serve. Ms. Helber stated that the plan as it is written is very similar to the plan focus before hurricane Charley, serving low income households at 80% of area median income or less; that after hurricane Charley because of the great influx of money we temporarily served moderate incomes; and now that we are back to the pre-hurricane Charley days, the SHIP allocation is all we have available to address housing with, we only serve about 50 households per year, and we have chosen to focus back on the low income households.

Commissioner Duffy asked if the matter could be tabled. Ms. Helber explained it could not be tabled because it needs to be in to the State of Florida the first of May 2008. **Commissioners Duffy and Loftus** expressed concern with the Board receiving material at the last minute and indicated they were not comfortable approving the item at this time. Ms. Helber explained that it had not been ready to be brought to the Board sooner because it had not been approved by the Affordable Housing Advisory Committee.

COMMISSIONER LOFTUS MOVED TO DENY AGENDA ITEM N-3, SECONDED BY COMMISSIONER DUFFY.

Commissioner Cummings recalled there are other occasions where this can be updated; indicated that the plan needs to be submitted to the State; and that it can be modified later. Ms. Helber advised that the State would not continue allocating funds without a plan. **Commissioner Moore** agreed with **Commissioner Cummings**.

Chairman D'Aprile commented on the delay in getting the material to the Board. Ms. Helber explained that she had not had the time to get it to the Board sooner; and that it mirrored the last plan approved when a revision was made last summer. **Chairman D'Aprile** inquired how it would affect Charlotte County if this is denied today. Ms. Helber advised that the State would temporarily suspend SHIP allocation funds coming to serve the households we serve until an approved plan was in. **Commissioner Cummings** opined if the Board wanted to become more involved with creation of the plan then it should be more involved with the committee who recommends the plan; and indicated that the plan came through on the Consent Agenda because it has already been created. **Commissioner Loftus** stated this information should be given to the Board long before a decision must be made.

Commissioner Duffy inquired if the modification requested earlier to include the Charlotte Housing Finance Authority could be made at this time. Ms. Helber replied affirmatively.

Motion Failed 1:4. Chairman D'Aprile, Commissioner Duffy, Commissioner Cummings, and Commissioner Moore opposing.

Chairman D'Aprile requested that in the future staff contact the Commissioners if there are items to be placed on the agenda that the Commissioners have not had an opportunity to review. Attorney Knowlton clarified the votes on **Commissioner Loftus'** motion to deny the plan in agenda item N-3 was one (1) in favor and four (4) against and indicated a follow-up motion to approve the plan is needed.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2008-038, SECONDED BY COMMISSIONER MOORE.

Commissioner Duffy asked if the motion included the modification as discussed. **Commissioner Cummings** stated that was not the motion he made.

Motion Carried 3:2. Commissioner Duffy, and Commissioner Loftus opposing.

P. Information Technology - No Items.

Q. Parks, Recreation and Cultural Resources

(1) RECOMMENDED ACTION: a) Approve the cancellation of the South Coast League Professional Baseball (Charlotte Redfish) Contract; and b) Direct staff to draft a letter to the South Coast League canceling its contract with Charlotte County for the Interim County Administrator's signature. BUDGETED ACTION: None

R. Public Safety - No Items

S. Public Works

(1) RECOMMENDED ACTION: a) Approve a Local Agency Program Agreement (LAP #412642-2-58-01) with the State of Florida Department of Transportation (FDOT) for the construction of roadway improvements on Aquí Esta Drive from Bal Harbor Boulevard to U.S. 41.; and b) Approve a Resolution authorizing the Chair of the Board of County Commissioners to execute the Local Agency Program Agreement with the Florida Department of Transportation. BUDGETED ACTION: The County portion of this agreement, \$330,410 is budgeted in the Road Improvements Fund, CIP project c419301, Aquí Esta/US41 to Bal Harbor. The project total is \$8,880,000.

Agreement 2008-019 and Resolution 2008-039

(2) RECOMMENDED ACTION: Set a public hearing for May 13, 2008 at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance to change the location of the "slow speed zone" on Alligator Creek. BUDGETED ACTION: The cost of approximately \$500 to install new speed zone signs is available in the boater revolving fund.

(3) RECOMMENDED ACTION: Set a public hearing for May 13, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an Ordinance adding territory and creating an advisory board for the South Bridge Waterway MSBU. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Set a public hearing for May 13, 2008, at 10:00 a.m. or as soon thereafter as may be heard, to consider an Ordinance establishing speed limits of 40 mph on the following roadway segments: 1) Prineville Street from Hillsborough

Boulevard to Paulson Drive; and 2) Ravenswood Boulevard from Hillsborough Boulevard to Kenilworth Boulevard; and 3) Kenilworth Boulevard from Ravenswood Boulevard to Yorkshire Street; and 4) Atwater Street from Hillsborough Boulevard to Veterans Boulevard. BUDGETED ACTION: The cost of approximately \$500 to replace the speed limit signs is available in the Transportation Trust Fund and The Greater Port Charlotte Streets and Drainage MSBU Fund.

(5) RECOMMENDED ACTION: Set a public hearing for May 13, 2008, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an Ordinance adding territory and creating an advisory board for the Suncoast Waterway Maintenance MSBU. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Approve a Resolution to borrow an amount not to exceed \$5,300,000 from the Pooled Commercial Paper Loan Program to accomplish road improvements in Englewood East (Phase 3) and certain waterway dredging. These projects are included in the FY 07/08 Capital Improvements Program. BUDGETED ACTION: FY 08 requested borrowing is \$4,500,000 for Englewood East Paving Phase 3, CIP project c410602, project total \$23,662,000: and \$770,715 for Gulf Cove Waterway Dredging CIP project c390704, project total \$1,211,000.

Resolution 2008-040

T. Real Estate Services - No Items.

V. Tourism Development - No Items.

W. Utilities - No Items.

X. Building & Construction Services - No Items.

Y. Other Agencies - No Items.

RECESS: 10:45 AM - 10:55 AM

V. REGULAR AGENDA

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

(1) Public Works: RECOMMENDED ACTION: Conduct a Public Hearing on April 22, 2008, at 10:00 a.m. or as soon thereafter as may be heard, to consider adopting an Ordinance establishing a speed limit of 35 mph on Lakeview Boulevard from Edgewater Drive to Cochran Boulevard (formerly known as Toledo Blade Boulevard.)

Public Works Director Tom O'Kane advised this item is to consider changing the speed limit to establish a speed limit of 35 mph from Springwater Avenue to Edgewater Drive, making the speed limit consistent from Cochran Boulevard (formerly known as Toledo Blade Boulevard) to Edgewater Drive.

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-036, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

(2) County Attorney: RECOMMENDED ACTION: Conduct a Public Hearing to approve the amendments to the Charlotte County Local Business Tax Ordinance (Ordinance No. 95-008 and Ordinance No. 2006-110.)

Assistant County Attorney Kira Honse stated this agenda item is to consider an Ordinance amending the Charlotte County Code to have the Tax Collector collect the Local Business Tax Receipt in accordance with State Statute, and change the term "occupational license" to "local business tax."

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-037, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

(3) County Attorney: RECOMMENDED ACTION: Conduct a Public Hearing 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.

Attorney Knowlton explained this agenda item is a housekeeping matter; that a Resolution and Ordinance were previously enacted for a Special Master proceeding; that the process and procedure has been codified for the alternative dispute resolution under the FLUEDRA; and requested that the Board rescind the previous Ordinance and nullify the previous Resolution.

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-038, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

VII. PRESENTATION AGENDA - No Items.

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

IX. MEETING AGENDA - 10:00 AM - Murdock Village.

(1) Economic Development: For the Board of County Commissioners and as ex-officio governing board of the Murdock Village Community Redevelopment Agency to direct and authorize the approval of three documents:

1. Deed to transfer property to County (Attachment A.)
2. Deed to transfer property to Murdock Village Community Redevelopment Agency (Attachment B.)
3. Community Redevelopment Assessment Covenant (Attachment C.)
4. To review and provide direction to staff on the Tramell Webb Proposal (Attachment D.)

Redevelopment Manager Debrah Forester explained that the Board held a special meeting on March 19, 2008 to discuss issues related to Murdock Village; that staff presented a status report at that meeting on a list of conditions that needed to be met; and that identified on that list were three items that staff was to bring back to the Board; that two items deal with title of the property and the third item is the transfer fee. Ms. Forester advised that the County's legal expert, Attorney Mark Lawson, of the Bryant, Miller, Olive law firm, which serves as special council for the County on Murdock Village and redevelopment matters, and Owen M. Beitsch, Executive Vice President of Real Estate Research Consultants, financial expert, would present the items to the Board.

Attorney Lawson advised that the first two items on the agenda are deeds that would result in title to all of the lands that the County and CRA have acquired over time being vested in the CRA; that the law requires that you dispose of those lands under Chapter 163, the Community Redevelopment Act; that this is a requirement of the title insurance commitment; and is a vestige of the method agreed upon with Kitson & Partners looking at it from their prospective to get the title positioned so that when and if they took title the deed would come from the CRA.

Attorney Lawson explained that the legal descriptions used are derived from the survey prepared from American Surveying and Mapping, the company Kitson & Partners designated to prepare a survey under their agreement; that the legal descriptions have been vetted with the County's Real Estate Department; it has been vetted with the title insurer that did the research, Attorneys' Title Insurance Fund, it includes the large area of 800 ±, as well as numerous scattered lots in the crust of lots that runs parallel and between Franklin, extended, and US 41; that the legal descriptions are identical and the net result is title is vested in the Redevelopment Agency; and that it would move the process along and positions title in the CRA's name.

Attorney Knowlton advised that the Board at this time is being requested to approve the form of the deeds to be executed at another time when there is a development partner. Attorney Lawson explained that the motion would be to direct and authorize

the Chairman to execute the deeds; that he would talk about the transfer document later; that they are not necessarily tied together; but indicated if the transfer is to be done he recommends doing the transfer, then record the deeds. Attorney Lawson reported that the transfer fee is subject to some legislation that is currently being examined by the legislature; that although the view currently is that the County would be exempted, it is not a certainty and that the thought is to direct and authorize execution by the Chairman with direction to the County Attorney to determine when to record those in the near future.

COMMISSIONER LOFTUS MOVED TO AUTHORIZE THE CHAIRMAN, WITH THE DIRECTION OF THE COUNTY ATTORNEY, TO SIGN THE DEEDS TO TRANSFER PROPERTY TO THE COUNTY, SECONDED BY COMMISSIONER MOORE.

Attorney Lawson clarified it should be "to CRA." Commissioner Loftus stated "in the CRA." Commissioner Moore seconded. Attorney Knowlton requested that the motion be amended to be attachments A & B. Commissioner Loftus amended his motion to include attachments A & B. Chairman D'Aprile clarified that numbers 1 and 3 were being done at the same time. Commissioner Loftus replied affirmatively. Chairman D'Aprile acknowledged that the motion is to transfer property per attachment "A" to Charlotte County and transfer property per attachment "B" to Murdock Village Community Redevelopment Agency, and confirmed there was a second to the motion. Commissioner Moore replied affirmatively to his second of the motion.

Motion Carried 5:0.

Attorney Lawson explained that the transfer fee is a covenant that runs with the land; that it is intended only to bind the land that you currently own and to cause successors that take title to that land in the future to contribute to the Community Redevelopment Trust Fund a certain percentage of each transaction going forward; and explained the premise for that is but for the extraordinary expenditure by the County and the CRA to assemble the land and advance the redevelopment initiative, those future owners would not benefit or enjoy the redeveloped property.

Attorney Lawson stated that the time to place the covenant in the record is before you commence to sell the property; advised that the area subjected would basically be the large un-platted tract of 850 acres ± and the rights-of-ways, assuming they get replatted in the future and used for redevelopment, but would exclude the lots sometimes referred to as Zone 10 that run along US 41; and explained that the result of the transfer fee is that every transaction, with certain exceptions, would be required to contribute at the time of its sale an amount of money, which in this document is 3/4 of 1%, to the Community Redevelopment Trust Fund, which would defray the community's investment in Murdock Village.

Attorney Lawson reported on termination of the document; indicated that the Murdock Village Advisory Committee expressed concern with the impact of the fee and marketability of the property; and commented on Mr. Beitsch' economic analysis memorandum, which opined that the fee up to an amount of 1% would not have an affect on the marketability of the property. Attorney Lawson advised that at the Board's direction the fee is at .75%; that there was discussion of 1%; that the Kitson folks wanted it at .5%; and that according to Mr. Beitsch' memo the .75% is expected to yield in a conservative analysis approximately \$57 Million over time.

Attorney Lawson commented on the primary objectives of the Community Redevelopment Plan; and pointed out that the fee is one mechanism to achieve policy direction to provide for adequate funding and financing mechanisms. Attorney Lawson stated that reality is with the transfer fee or covenant you cannot wait until later to do it; and opined recommendation from staff would be to adopt the fee. Attorney Lawson stated that the legal descriptions that more clearly identifies the area involved would be added; that it is everything owned south of Franklin, including rights-of-ways elsewhere in the redevelopment, but not the scattered lots; that it would not include the School Board property, churches, or utility site owned by FPL; and if so directed would be recorded in conjunction with the deeds that the Board just approved.

Commissioner Moore clarified that the number of years to termination of the document was 38, rather than 40. Attorney Lawson explained the number of years is predicated from adoption of the plan which was a couple years back. **Commissioner Duffy** clarified that every time there is a resale the fee is charged to the seller. Attorney Lawson advised the fee is designed to be charged to the seller; indicated exemptions would include the first transaction out from the CRA, sales to governments, lenders, banks that take in lieu of a foreclosure, transactions to those who are not bona fide purchasers for value, such as divorces, estate planning, deed to a child for no consideration, and affordable housing; pointed out the fee is designed so the seller is obligated to make the payment, but if a transaction occurs and it is ignored the obligation runs with the land; and clarified that the fee would be \$750.00 per \$100,000 of value.

Commissioner Moore inquired if a university would be exempt from the fee. Attorney Lawson replied affirmatively because the university would be a governmental entity. Attorney Lawson's recommendation is not to waive the fee even for a private entity; explained there are ways to refund the fee collected; but that you must find a public purpose for doing so.

Chairman D'Aprile requested clarification that this applied to residential and commercial. Mr. Lawson replied affirmatively and explained that previous economic analysis reflects this would not deter the commercial transactions.

COMMISSIONER LOFTUS MOVED TO APPROVE ITEM 3, COMMUNITY REDEVELOPMENT ASSESSMENT COVENANT (ATTACHMENT C), SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Attorney Lawson stated he would work with the County Attorney to time the recording of the documents to the best advantage of the County.

Ms. Forester advised upon the County publishing a thirty (30)-day notice for disposition of the property proposals were received from Kitson & Partners and Tramell Webb; that Tramell Webb's proposal was to act as the facilitator/developer/manager for the

project but they were not looking to purchase the property directly; that in March 2008 the County received a letter from Tramell Webb advising they were still interested and held their proposal out for the County to consider again. Ms. Forester reported that the Board asked staff to meet with Tramell Webb to further fine-tune their proposal; that two weeks ago Tramell Webb submitted another letter and staff met with them; that Tramell Webb reduced their fees associated with the facilitation role from a 3% commission to a 2% commission, and the monthly draw from \$25,000 per month to \$20,000 per month; and explained that staff is asking if the Board would consider taking action on this proposal at this time, that Mr. Webb and Mr. Tramell are present, invited them to present their proposal to the Board, and indicated she was available for questions.

Chip Webb reported that Tramell Webb believes Murdock Village has tremendous potential and that the County should use this time where the market is depressed until the market recovers to get plans and permits in place to move the project forward. Mr. Webb advised that Tramell Webb has been involved with the project since 2004/2005, was on the original consulting team to help the County vision what Murdock Village should look like, was a proposer in 2006, and is back today with a consulting proposal, which mirrors what was done last summer in the 30-day notice; and indicated that Ms. Forester's fine-tuning was code for would we do it cheaper, staff met with us and asked that we reduce our price, which we have done.

Mr. Webb stated that Tramell Webb believes it is now time for the County to move forward with planning of the project and pull on industry expertise to help negotiate through development issues; that county staff is very qualified, but bringing in a group like Tramell Webb to quarterback the deal would help staff be more effective in their current jobs and in this planning. Mr. Webb advised that Tramell Webb proposes it take the project from its current state, go through permitting and planning, and represent the County with buyers in the ultimate sale of the project; that there are no more \$80-\$100 Million buyers that can buy off a project of this size; and that those interested in acquiring a project of this size are looking for a severe discount in value.

Mr. Webb said what Tramell Webb envisions going forward is getting permits and zoning codes in place, all development issues settled and done, then look to certain private/public partnerships that allows the County to work with private industry either through Tramell Webb or directly with a potential buyer to determine who pays for what, what needs to be done, and how it should be structured going forward; and indicated that Tramell Webb sees the project being broken up into several parcels to be more effective.

Commissioner Duffy inquired if staff would have approval on hiring outside consultants to facilitate the process. Mr. Webb explained that Tramell Webb would determine a need, look to county staff to determine if it had the expertise or time to do the job, and if not, get with the County Attorney to determine if Tramell Webb is the master contractor, issue Request for Proposals (RFP's) and Request for Quotes (RFQ's) in a public/private partnership, and pick the consultants. Mr. Webb stated that Tramell Webb would look to local talent first; and look at a team concept where a local consultant is teamed with an out-of-area consultant, or, depending upon what Attorney Knowlton and the Board decide, do a master RFQ or RFP to pick an engineering or planning firm and work with whomever the Board chooses.

Commissioner Duffy clarified that there is no budget for this at this point. Attorney Knowlton replied affirmatively and indicated that the additional consultant is something the County would need to allocate for whether Tramell Webb is used or it is done in-house. Mr. Webb pointed out that the County would have to hire the consultants at some point anyway or stay where it is and that Tramell Webb advises it is not the best action for the County to stay where it is.

Chairman D'Aprile expressed concern with the County paying \$20,000 per month plus 2% of any sale. Mr. Webb explained that the \$20,000 per month is pulled away from the 2%, that the County gets credit at any sale for any \$20,000 per month paid, and that the fee would never go above 2%. Mr. Webb stated that this is an incentive-based contract and would be set up so that either side could terminate in thirty (30) days; that the \$20,000 per month

helps pay overhead and travel, but Tramell Webb's money comes from the 2%; and that Tramell Webb is very motivated to see this through. **Chairman D'Aprile** clarified that Tramell Webb would work with staff as a combined unit; that in 18 months the County is out \$240,000. Mr. Webb explained that the County is out this money, but Tramell Webb would continue to work because the incentive is the 2% fee at the ultimate sale; that the \$20,000 per month is mainly for the planning time frame, which is anticipated to be 18-24 months; and that if Tramell Webb cannot achieve the sale in today's environment for a determined amount it would continue the planning until the value is brought up.

Commissioner Moore indicated he understands the obligations the County has on Murdock Village; that a tremendous amount of work has been done and a lot more yet to be done; that there is a need for the County to keep it open that the property is for sale and has no desire for the County to be in the real estate business; that he agrees with breaking Murdock Village up into several pieces; but that he is not in favor of accepting the offer from Tramell Webb at this time.

Commissioner Cummings opined that Murdock Village will not sell until the market recovers regardless of what action is taken; that some of the actions that need to be done, such as widening Toledo Blade Boulevard, could take longer than it takes for the market to recover; and that much of the work that needs to be done can be done by County staff. **Commissioner Cummings** pointed out that the proposal is commission - based so there is incentive for the development partner to help get a good price and the monthly cost would be deducted from the commission over time; commented on \$20,000 per month being spent and there being no sale; opined the County is still ahead of the game based on what it is spending per day now if they can speed it up even a week or two; indicated that the risk of a decision to either side is greatly reduced with the inclusion of an opt-out option for either partner; and that the potential up-side if anything at all is accomplished is larger than the potential down-side of the decision.

Commissioner Cummings stated he is inclined to see what kind of contract staff can negotiate; that it should be reflective of

what staff can do without an outside entity; that the Board should give staff direction to proceed with negotiating a contract for the Board's consideration in the hope that when the market returns we will be better prepared to respond; and pointed out that everything Tramell Webb predicted in their initial proposal is exactly what happened and believes they will be able to anticipate the most likely outcome under a given set of market conditions.

Commissioner Loftus stated that the County has a tremendous asset that needs to be on the market as soon as possible; that staff has addressed many items that need to be resolved; that we need to get the work done right way so that permits and things needed for infrastructure are in place when a developer is available; and opined this is the time to get someone on board.

Commissioner Duffy said the three (3) options are to accept a proposal from Tramell Webb, ask County staff to handle it themselves, or just wait; agreed that **Commissioner Cummings** made some good points; and that actions need to be taken, especially a decision on what to do about Toledo Blade Boulevard. **Commissioner Duffy** stated that while County staff is very capable this is high-stakes development; that contacts need to be made in order to turn the Murdock Village project around; and that experts are needed to help staff get this on the right track in order to be prepared when the market returns.

Commissioner Cummings indicated that if the Board directs staff to negotiate a contract that it should be made apparent to the staff that would be our negotiating team that the task is to bring something that is in the public interest; and that if an agreement cannot be reached that the contract is in the public interest staff should either not bring it back or bring it back with recommendation of denial; but stated that he did not think that likely here because there is an incentive to do otherwise.

Chairman D'Aprile indicated three (3) Commissioners recommend staff be given direction on the Tramell Webb contract to go forward in identifying pros and cons and bring a contract back for the Board's final decision; advised that his position is to go forward with Tramell Webb in order to get someone on board

with contacts; and agreed with directing staff to negotiate a contract that is acceptable to the Board and the citizens of Charlotte County. Attorney Knowlton inquired if it is the consensus of the Board for staff to move forward to document the proposal as presented or go back and get the best deal and possibly bring Tramell Webb in when staff believes appropriate; and requested clarification of exactly what the Commissioners mean by "negotiate the contract."

Attorney Lawson stated if the Board is inclined to employ employee Tramell Webb, staff can document an agreement that fine - tunes the proposal they made; that the motion would also direct staff and Tramell Webb to continue doing everything required by your Redevelopment Plan and to deal with what is in the Disposition Agreement that has not been done. Attorney Lawson invited everyone to re-read the Redevelopment Plan, particularly the primary objects, which contains a lot of great policy direction that tells people what we should be doing; and with that in mind come back with a ten or twelve set of bullets that explains what Tramell Webb and staff will do and documents the relationship with Tramell Webb, because all of these initiatives revolve around setting policy; that if the Board approves the bullets, we will get Tramell Webb's input, County staff will document it, the community will understand what has been dictated from a policy standpoint, staff and Tramell Webb will understand what is expected of them, and he would be more effective in helping because it sets policy on the table. Attorney Lawson explained that from a timing perspective it would be a decision made by Janette, Debrah, and Roger as to how quickly it can be put together; and inquired if this was direction Attorney Knowlton was seeking.

Attorney Knowlton said it is up to the Board to advise if this is what it wants but that her question was more basic; that the Commissioners said negotiate the contract; that if the Board is telling us to document what was presented, that can be done; if the Board is telling us to go back and fine-tune further, that can be done; but she needs to know what is meant by "negotiate the contract."

Commissioner Cummings indicated that staff is more familiar with what the critical path for managing the process is; that if staff says there are processes they can do initially there is no point paying that money earlier in the process; that he won't get overly concerned with a few months either way; and why, because he doesn't have the depth of detailed understanding on the management of it, he offered discretion and flexibility in custom-fitting the contract based upon what staff believes the needs are based on the management of the development process.

Commissioner Duffy asked Mr. Beitsch if the offer of 2%, starting with \$20,000 per month, is a reasonable charge for this type of company. Mr. Beitsch stated that 2% is very reasonable; that what is being packaged is an opportunity to receive credit for the amount expended as the plan is developed; pointed out that whether hiring is postponed for 3 months or 6 months, ultimately if the commission is based on 2% it will be a certain amount of money and they will receive that regardless of them being hired 3,4 or 5 months from now; and indicated that logic suggests the sooner you put them to work earning the fee the better the County will be; that the arrangement is reasonable and seems to compliment the skills of County staff and fulfills what most of the Commissioners believe is needed; and seems to be a balance of all the needs raised.

Commissioner Loftus said he understands that some work has been done and there are things staff can continue working on; that he does not want to see a delay because we need to be ready when a developer comes along; and that he would like to see the contract negotiated to include anything staff can do without delaying matters and leave the rest up to Tramell Webb. **Chairman D'Aprile** stated direction has been provided for staff to go forward with the proposal and bring it back for a vote to finalize as quickly as possible; and advised his understanding is this would take about 2-3 months to accomplish.

Attorney Knowlton explained that staff continued working on the conditions precedent even after Kitson & Partners withdraw; and that the contract would be brought back as soon as possible. **Chairman D'Aprile** suggested that before the contract is presented to the Board in the final decision process that it be

submitted to each Board member beforehand for review and comments.

Z. Regular Agenda

(1) Utilities: RECOMMENDED ACTION: Board discussion on the Utilities Water Meter and Water/Sewer Lines Policy.

Charlotte County Utilities (CCU) Director Jeff Pearson commented on policy that is contained within the engineering specifications, which is part of the permanent specifications used as a guiding document to assist staff in making decisions during the plan review process; reviewed some of the benefits about the policy; stated that engineering specifications, design details, and associated policies are reviewed each Fall and continual improvements to the documents are anticipated; and advised that the item being discussed today, Utilities Water Meter and Water/Sewer Lines Policy, is in that set of specifications. Mr. Pearson explained that the documentation furnished to the Board and Administration is the compilation of an 18 month effort, including staff research and workshops.

Mr. Baltz explained that the intent today is to inform the Board and answer questions about when and where individual meters, opposed to master meters, are required.

Mr. Pearson stated that normally with this particular policy a master meter is allowed if the structure is multi-family residential or commercial taller than three (3) stories; that part of the problem is if you do not use a higher flow meter you lose head pressure and cannot serve that facility without the large flow meter. Mr. Pearson explained that in the past there was no set policy and staff was not certain how to approach a set of engineering plans showing one meter servicing a duplex, triplex, quad, or above, and commented on difficulties that have been experienced.

Mr. Pearson advised that all engineering plans are reviewed based on their unique merits; that what is and is not allowed depends on the exact applications; that there are many issues that can come up depending upon what the specific plan review is; and that

this policy gives staff better direction on how to proceed when approving plans as to master meters versus individual meters.

Chairman D'Aprile stated that he has no idea what the mechanical functions are or what is best as to a master meter versus an individual meter; and that it is more appropriate for CCU to advise which would be used. Mr. Pearson advised that CCU would like to continue the current policy; but that for a particular structure it would have to be known what the unique items were before determining if there would be a master or individual meter.

Commissioner Loftus expressed concern on the cost of master meters versus individual meters and inquired about costs involved.

Deb Smith provided costs for various meters and explained about base charges. **Commissioner Loftus** asked about charges for a 40 unit condominium. Ms. Smith explained that there is a deposit on each meter for commercial property but that individual residential customers on a single family home are not charged a deposit for their meters. Joan Brown and Mr. Pearson clarified further on deposit charges on commercial residential and individual single family homes and charges related to tying into the main. **Commissioner Loftus** stated he has a problem with this and opined this needs to be delayed until there is a full explanation.

Commissioner Moore clarified that this policy establishes a protocol for the allowance of a master water meter versus individual meters, which indicates to him that someone wanted master meters versus individual meters; and that his understanding from listening to Mr. Pearson today is that he prefers where possible individual meters versus master meters because they are more traceable as to the actual user. Mr. Pearson agreed that is definitely one of the advantages. **Commissioner Moore** stated that every situation is different, and commented on this policy applying to rental properties where CCU would want individual tracing in order to get responsibility for payment of the bill.

Commissioner Loftus commented on an association or whoever is in charge of the master meter being responsible for paying the bill, not the individuals. **Chairman D'Aprile** advised that this matter would be tabled until **Commissioner Loftus'** concerns are addressed and he is satisfied with the explanations.

(2) Environmental and Extension Services: RECOMMENDED ACTION: Review and approve the Resolution authorizing the Board of County Commissioners to approve or reject any or all of the eight Real Estate Purchase Agreements being considered under the Conservation Charlotte Environmentally Sensitive Lands Acquisition Program, and to authorize the Chairman to execute all approved Real Estate Purchase Agreements.

Chairman D'Aprile requested that Thornton Key and Deep Creek proposals be taken out of order. Andrew Stevens gave a power point presentation and commented on information contained in the packet material.

Commissioner Duffy pointed out an area of the slide going north to west and inquired if that is how you get from Palm Island Resort to Thornton Key. Mr. Stevens said that is one way but that primary access is by water; indicated there could possibly be some all terrain vehicles (ATV's) use; that some equipment could be carried by boat; that the idea is to maintain the exotics; and that the area is in relatively good shape. **Commissioner Moore** requested clarification of area included, which Mr. Stevens provided. Mr. Stevens advised there is a dock in good shape for landing vessels and that the Lemon Bay Preserve is on both sides.

Mr. Stevens provided slides of the Deep Creek area being considered. **Commissioner Duffy** asked if the County owns property near that. Mr. Stevens commented on where the County owns property in conjunction to the Deep Creek site.

Mr. Stevens advised that at the end of Sandhill Boulevard you would enter a Florida Power and Light (FPL) easement to gain access to the site. **Commissioner Duffy** requested clarification that you would have to drive under the power lines

to get to the property and if that was acceptable to FPL. Mr. Stevens acknowledged affirmatively. **Commissioner Duffy** asked if that would also apply for public access. Mr. Stevens advised it would be necessary to discuss this further with FPL; that there has been no issue thus far from FPL with access by the County or the public; and that you would go directly off the pavement of Sandhill Boulevard onto the easement and would not go through Heritage Park. **Chairman D'Aprile** requested the Board vote on the items individually.

COMMISSIONER MOORE MOVED TO APPROVE RESOLUTION 2008-041 AS TO THE THORNTON KEY PROPERTY, SECONDED BY COMMISSIONER LOFTUS. Motion Carried 5:0.

Chairman D'Aprile requested clarification of the size of the Deep Creek property and asked if there were Scrub Jays in it. Mr. Stevens advised that the red line surrounding the property is approximately 450 acres; that 110 acres is owned by private ownership; that there are a few in-holdings; that the majority of the remainder is county right-of-way and sheeted lots; and that there are Scrub Jays to the west of the site.

COMMISSIONER LOFTUS MOVED APPROVAL OF THE DEEP CREEK PARCEL WITH THE CONDITION THAT IT BE A MITIGATION BANK.

Commissioner Duffy commented on the importance of having a countywide habitat conservation plan and why she is in favor of obtaining environmentally sensitive land that would also qualify for Scrub Jay habitat; stated that this parcel fits with that plan; and that she believes Fish and Wildlife would cooperate with the countywide Habitat Conservation Plan (HCP).

Commissioner Cummings agreed that a Habitat Conservation Plan (HCP) is needed to assure that money expended for habitat conservation is done in an intelligent, comprehensive fashion and to ensure that the money comes back to Charlotte County; stated that the issue has always been who pay for it and how; that when voters approved this they did not believe they were voting to approve to pay for mitigation of new development; and that we are required by the ordinance that was enacted by this referendum

that should any mitigation be accomplished Conservation Charlotte is required to be reimbursed by that expense.

Attorney Derek Rooney commented further on the ordinance requirements; agreed with **Commissioner Cummings** that the program must be fully reimbursed by whomever is receiving the benefit of the mitigation; and stated that the ordinance was adopted prior to the referendum and when it went to referendum the public was well aware of that. **Commissioner Cummings** explained that this removes much of the conversation about the HCP and should that be criteria for acquisition or not; that it is a second consideration because any mitigation done must be fully reimbursed; and that it cannot be used to remove the burden of mitigation from the lot owners in Deep Creek. Mr. Stevens agreed and stated that was the foresight in developing it because Scrub is imperiled habitat and one of the issues in obtaining environmentally sensitive land is that we knew Scrub habitat would be encountered.

Commissioner Moore stated he would have preferred discussion to have only been on the environmental ratings of the property and not if the purpose could be Scrub Jay habitat; and indicated he cannot support the site because it no longer appears to be the secondary benefit of the land.

Chairman D'Aprile explained that he had only asked if this was Scrub Jay infested, not if the property would be used for HCP, which is not an issue on this particular decision; and advised the issue on this decision is if this parcel of property is worth the money and efforts in preserving lands.

Commissioner Duffy clarified her remarks, which were to say that the property has excellent environmental benefits as recommended by ESLOC and staff and has secondary benefits, which makes it even more valuable and a benefit to the public.

Attorney Knowlton pointed out there was a motion on the table by **Commissioner Loftus** to approve the purchase of the Deep Creek property with the condition for mitigation. **COMMISSIONER LOFTUS AMENDED HIS MOTION TO JUST ACQUIRE THE DEEP CREEK PROPERTY WITH NO CONDITION.**

COMMISSIONER LOFTUS MOVED TO APPROVE RESOLUTION 2008-042, AS TO THE DEEP CREEK PROPERTY, SECONDED BY COMMISSIONER DUFFY.
Motion Carried 4:1. Commissioner Moore opposing.

Mr. Stevens provided slides on the Bermont Loop parcel of 720 ± acres in East County; explained that the primary importance of the site is the potential to connect Babcock Webb Conservation Area and other conservation lands to the north and with Shell Creek; and indicated that this site provides opportunity for a wildlife corridor and may be the last remaining opportunity to make such a connection. Mr. Stevens stated that the majority of the site is improved pasture and that the owners are willing to enter into a five, and possibly ten, year agreement with the County to maintain and continue their cattle lease, which would cut down on management cost significantly, and would include exotic control by the cattle, fencing issues, and pasture maintenance. Mr. Stevens advised the environmental score is ten (10) and the negotiated price is \$17.5 Million.

Chairman D'Aprile stated that there is not enough money to buy both Bermont Loop and Ryals Ranch at this time and asked that both parcels be discussed at the same time. Mr. Stevens provided slides of the Ryals Ranch site in East County; opined that the site is the most diverse habitat left in the county; indicated the most important aspect of the parcel is that Prairie Creek would be a major component because it is a tributary of the Shell Creek Reservoir, as well as the outstanding habitat on the site.

Commissioner Moore inquired about accessibility to the land. Mr. Stevens advised there is accessibility off U.S. 17 through a neighborhood, as well as through some agricultural areas; that it is not the easiest accessible site, but is accessible; that he has only entered from the south, not the north; and indicated that accessibility has not been an issue for staff. Mr. Stevens advised that there is a tentative management agreement with the Ryals family, which would basically provide all management costs for five (5) years, including exotic control, prescribed burning, and feral hog control.

Commissioner Loftus commented on the importance of the Ryals property having tremendous environmental value, being well maintained, and the continued management negotiations and possible extension of the maintenance period. **Commissioner Duffy** asked if this site got the best score. Mr. Stevens replied affirmatively; and indicated that with the two purchases already made, purchase of the Ryals property would take up most of the funds remaining, leaving about \$3 to \$4 Million.

Commissioner Cummings indicated that his impression from listening to earlier conversations is that a substantial portion of the committee leaned toward the Bermont Loop site but that there was sufficient merit on both sites to send them to the Board for consideration; and stated that he keeps hearing that the main benefit to the Bermont Loop site is connectivity of the Shell Creek habitat to the Webb and that there would be more money remaining to look at other parcels; and the main benefit to the Ryals site is that it is the best habitat.

Commissioner Cummings commented on portions of the Bermont Loop that could have the habitat improved, which could be viewed as a cost but could have opportunity for mitigation for county projects; and that it would be important to know how much money is anticipated to be available for doing mitigation through those type projects. Mr. Stevens advised staff has looked at some programs through the Florida Fish and Wildlife Conservation Commission and have talked with members of the Division of Forestry about some restoration pines on the pasture site, but that all discussion were preliminary until the property was actually purchased.

Commissioner Cummings commented on other property down Burnt Store Road that would be nice to acquire to prevent an incursion into the Charlotte Harbor buffer preserve. Mr. Stevens advised that staff is in the process of looking at the work plan with another site and hope to have that to ESLOC at their May 2008 meeting.

Commissioner Cummings stated there are viable arguments on both parcels, but finds himself leaning toward acquiring the best habitat possible and look toward other tools to enhance the

connectivity options, which leads him toward the Ryals Ranch; and indicated the parcel can be purchased now for less than when it comes close to being developable property.

Chairman D'Aprile commented on pros and cons of the Bermont Loop property versus the Ryals Ranch property; indicated that HCP is looking at us very carefully and that the Ryals Ranch property has the potential of satisfying the problem with the Scrub Jay habitat. Mr. Stevens stated it would significantly increase our Scrub inventory to develop and implement a countywide HCP; and indicated that Florida Fish and Wildlife would certainly accept Ryals Ranch as part of our Scrub inventory for a countywide HCP.

COMMISSIONER MOORE MOVED TO APPROVE RESOLUTION 2008-043, AS TO THE RYALS RANCH PROPERTY, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Chairman D'Aprile explained that Environmental Extension Services issues are concluded because there are no more funds. **Commissioner Moore** suggested the Board meet with ESLOC about where to go from here and have better definition and plans on where to get supplemental funds, other grants, and other partners, and give some guidance. **Chairman D'Aprile** pointed out he has previously asked about the availability of matching funds before even considering properties.

RECESS: 1:05 PM - 1:15 PM

(3) Communications and Marketing: **RECOMMENDED ACTION:** Provide direction regarding Sales Tax Extension.

Director of Communications Joyce Ross provided a status report on the sales tax, reported results of the sales tax focus group, explained what transpired during that process, and reported on comments made by focus group participants.

Ms. Ross stated that an online Sales Tax Survey was done, which supplemented a survey done earlier this year; and that the results were pretty much identical and very tight. Ms. Ross commented on length of extension results in the survey, indicated that the focus group supports the 10 year extension, reported on

needs that the focus group thought to be important, projects that the public thought it could support, and indicated that the results are pretty much in line with Board discussion.

Ms. Ross advised that direction needs to be given to put this item on the August 2008 ballot, November 2008 ballot, or not move forward at all; that the focus group supports placing this on the August 2008 ballot because there are no other tax issues on the ballot and the August 2008 ballot is a more local initiative; indicated that while it has not been confirmed, the focus group expressed concern there may be a cost of \$40,000 to place this on the August 2008 ballot, and commented on pros and cons of placing the item on the August or November 2008 ballot.

Ms. Ross advised there is no additional cost to put this on the ballot in November but anticipates there being something on that agenda at the State level for property tax and/or sales tax. Ms. Ross said direction is needed today if the Board wants the item placed on the August 2008 ballot because there is a deadline of May 1, 2008 to notify the Supervisor of Elections. **Commissioner Loftus** advised he would like this item placed on the August 2008 ballot (Consensus).

COMMISSIONER LOFTUS MOVED TO HAVE THE SALES TAX EXTENSION REFERENDUM PLACED ON THE PRIMARY ELECTION IN AUGUST 2008, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Ms. Ross explained since we are moving forward, the next topic is direction regarding the preliminary budget, which is the cost for the educational campaign, that was submitted in the packet material. Ms. Ross stated that there are two issues; that the budget relies on if we have to do everything, including paying for advertising and education of citizens; that if the citizens form a pact and come forward with funding for specific educational pieces the County budget would be less than the \$33,600 listed. Commissioner Loftus stated he would like efforts put into forming a pact as soon as possible. **Commissioner Duffy** agreed.

Commissioner Cummings commented on the need for two separate campaigns. Ms. Ross explained the manner in which the pact is supported and stated that staff cannot be involved in the pact. Ms. Ross commented on the preliminary project list and anticipated revenue; indicated that the preliminary list was dependent upon the sales tax extension being placed on the August or November ballot; and that since a decision was made to put the sales extension on the August ballot, a list of projects would be needed by May 15, 2008. **Commissioner Moore** inquired when the Capital Improvements Program (CIP) meeting is scheduled. Mr. Baltz explained the CIP meeting is scheduled for April 28, 2008.

Ms. Ross advised that a list of project with more detail would be furnished the Board at the May 13, 2008 meeting. **Commissioner Moore** requested that a copy of the list be furnished to the Board members as quickly as possible for their review. **Commissioner Cummings** opined the public is not prepared to approve anything beyond four (4) years and that it is important there be an equitable distribution of those funds across the county.

Commissioner Cummings indicated that when creating the list, he is leaning in the direction that if there is an emphasis on transportation and/or water projects there would most likely be one project in West County, a project in South County, plus whatever the City does with its proportionate share, and one project in Mid county, which would most likely be the largest project, but is open to hearing other options. Ms. Ross explained that four (4) years would give \$80 Million to be divided among the different areas of the County.

Commissioner Loftus stated he leans toward six (6) to ten (10) years because of the transportation difficulties the County is experiencing; that there is a high priority for water and the needs of the community must be addressed; that the projects need to be bonded out as soon as possible with these tax revenues; and opined that it can be done if the needs are explained to the public. **Commissioner Duffy** opined that four (4) years is too short and ten (10) years is too long, and believes six (6) years is a middle ground. **Chairman D'Aprile** suggested providing

figures for the extended years to show what could be accomplished and let the public decide.

Commissioner Moore opined when the public talks about roads they are talking about major roads and not streets, which in a short-range time does not bring relief to solve the MSBU problems and does not believe the people will be behind that; and indicated when he thinks of roads here he thinks of arterial roads. Ms. Ross stated she has direction.

(4) Budget Office: RECOMMENDED ACTION: Impact Fee update to the Board.

Budget Director Ray Sandrock provided an impact fee update to the Board that paralleled the packet material furnished; indicated that a consultant study in 2006 recommended impact fees be increased, which was the first increase in over ten (10) years; that shortly after that a low housing condition occurred, which resulted in the impact fees being rolled back in both residential and commercial for a one-year period; that the residential rolled back rates are in place until January 22, 2009; that the commercial rolled back rates are in place until February 12, 2009; and that at those times, without any further action, we would roll back to the higher rates. **Commissioner Moore** asked if there is a delay in that. Deputy County Attorney Daniel Gallagher explained that the rolled back rates expire one (1) year later on January 22, 2009; and that February 12, 2009, they will expire on that date and will not require another ninety (90) days before the roll back goes into effect.

Mr. Sandrock stated that a list of approved development projects that could apply to the county for permits in the near future is shown on pages 4 and 5; that the Board talked about a potential cutoff of 50,000 sq. ft. for commercial and most of the projects on the list are well below 50,000 sq. ft., with only 7 projects that are higher. Mr. Sandrock explained there is a financial element to the package and commented on an analysis done using data available from June 2007 through November 2007 to determine the difference in revenue to the county, which was significant at \$12.9 Million; indicated that looking at more current data it is believed the revenue difference would not be as much; and

previewed a slide of more recent data from the period January through March 2008.

Mr. Sandrock advised that the last time the Board had a discussion it focused on commercial with a potential of providing relief to some of the smaller type commercial permits versus the larger. Mr. Sandrock reviewed the slide on page 9 reflecting commercial sorted by square footage for the period June 2007 through March 2008; and indicated there were 97 CO's, 76% of which were under 10,000 sq. ft.

Mr. Sandrock indicated an impact fee survey was done; that results were mixed; that one county has rates frozen, one suspended, and some are currently increasing rates.

Mr. Sandrock commented on projects that impact fees can be used for; indicated that impact fee funding represents about 7% of the CIP; and that if used for a road it must be one where capacity is being increased or a new road; and that it cannot be used for operations or maintenance.

Mr. Sandrock commented on change options as shown on page 13 and indicated any change requires a public hearing, a change to the Ordinance, and 90 days before that action would take place.

Commissioner Moore asked if Mr. Sandrock had an opportunity to review the numbers Jim Evetts had furnished. Mr. Sandrock replied affirmatively, and commented on the options included.

Commissioner Duffy commended Mr. Sandrock and Mr. Evetts for the work done. **Commissioner Cummings** suggested staying away from projects that would receive impact fees while proceeding with whatever proposal comes for sales tax; and indicated there was no statistically significant evidence that reducing the impact fees is accelerating "kick-starting" our economy.

X. CITIZEN INPUT - ANY SUBJECT

Kendall Leach, Board of Director member for Rotonda Sands/Rodonda Meadows Homeowner Associations, commented on the installation of sewer lines in Rotonda Sands and Rotonda Meadows, indicated the

cost was 70% less than anticipated four (4) years ago; extended compliments and thanks to the many who assisted with this project; and reported that the Board and members are attempting to assist Charlotte County Utilities (CCU) in activating the CCU owned water and sewer lines that exist in the Rotonda Villas and Rotonda Springs area.

AA. Interim County Administrator:

Mr. Baltz reminded the Board of a budget meeting at 3:00 PM.

BB. County Attorney:

Attorney Knowlton advised the final order was received from the Public Service Commission (PSC) awarding the territory to Sun River; that the County has until May 1, 2008 to appeal the matter; that an estimate of \$60,000 was received for the cost of the appeal with a 40% or less chance of prevailing; and that she and Special Counsel do not recommend going forward with the appeal. Attorney Knowlton reported a meeting is scheduled May 6, 2008 for Mosaic's presentation to the Lee County Board of County Commissioners, which Attorney Delaparte would attend. Attorney Knowlton reported that Public Works is looking for direction from the Board for creating an advisory board for the Mid County Stormwater Utility group. **Chairman D'Aprile** advised it appears to be something the general public wants. **Commissioners Moore, Loftus, and Duffy** agreed the committee should be formed. **Commissioner Cummings** stated he is optional either way. (Consensus)

CC. Commissioner Comments:

Commissioner Cummings stated if the average house was a net gain to the community then as the community got bigger the taxes would go down, and said how often do you see that happen. **Commissioner Duffy** inquired what was to be done regarding Mr. Baltz in his temporary position; and commented on possibly doing a search through Range Riders and having a citizens committee to further assist in the process.

Commissioner Loftus extended his wishes for a Happy Earth Day. Commissioner Moore indicated Don Pedro/Palm Island residents want solid waste pickup; that the fees would be collected by the Tax Collector; that they would like to get it done under the current program period if possible; and that Board support is requested. Commissioner Loftus stated he supports it and inquired about the time frame. Attorney Knowlton advised there was time to do this. Chairman D'Aprile acknowledged support by the Board.

Chairman D'Aprile requested approval for a letter of support to be sent to Congressman Tim Mahoney from the Board of County Commissioners on behalf of the Charlotte County School Board in their efforts to secure a one-time appropriation of \$1.2 Million from the Fiscal Year 2009 Labor, Health and Human Services/Education Appropriations Bill-Fund for the Improvement of Education (FIE). Commissioner Loftus agreed this letter should move forward. (Consensus.) Chairman D'Aprile opined there are problems with ten sales and indicated the Board needs to discuss this and direct staff on rules and procedures. Attorney Knowlton indicated direction is required from three Board members; and indicated the revisions would apply to automobiles, RV's and boats. Chairman D'Aprile and Commissioners Loftus and Moore acknowledged direction to Attorney Knowlton.

ADJOURNED: 2:00 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

Book 66, Page 476
April 22, 2008

gm