

BOARD OF COUNTY COMMISSIONERS

June 8, 2010

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

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

Members present were: Chairman Starr, Commissioner Cummings, Commissioner Loftus, Commissioner Duffy, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, and Deputy Clerk Carleton. The following members were absent: None

Invocation was given by Pastor Jeremy Davis, Maranatha Fellowship, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Requested by: Administration - Z-4 - RECOMMENDED ACTION: Presentation at 9:00 A.M. regarding County's response to the Horizon oil spill.

Change #1: Requested by: Economic Development - J-1 - (Third paragraph of background in box 6) amended as follows: The CRA Advisory Committee first received BCC approval to review existing land use designations within the CRA at the 2008 joint meeting and it was confirmed again at the March 2010 joint meeting. In February 2009 the Committee focused their attention on the land uses within the designated target area (Attachment B). The CRA has held two public workshops and a series of subcommittee meetings to identify the first set of changes. At the December 17, 2009 meeting, the Advisory Committee approved Future Land Use Map amendment change contingent on property owner approval. A total of 17 parcels 18 parcels were identified for potential map change to accommodate the planning efforts. Property owners within the area identified on Attachment A were notified by both certified and regular mail requesting their authorization to proceed with the proposed changes with the CRA acting as their agent. As of April 2010, eight signed affidavits

were received supporting the proposed change, one property owner declined the change and nine property owners were non-responsive. In order to move forward on the map change as identified, the CRA Advisory Committee is requesting that the proposed change be initiated by the County as a part of the overall community planning effort.

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

MOTION CARRIED 5:0.

Z. Regular Agenda

(4) Administration - Presentation at 9:00 A.M. regarding County's response to the Horizon oil spill.

Wayne Sallade gave an update on the oil spill in the Gulf.

Gerry Mallet gave a PowerPoint presentation outlining the Current Situation, County Actions, Area Contingency Plan, Overflights, Starting Operations, and Tarballs.

Commissioner Skidmore commented on the presentation and mentioned an upcoming meeting with Mr. Sallade. Mr. Sallade commented on people's emotions, the upcoming hurricane season, and the amount of time needed for clean-up. **Chairman Starr** asked about BP's allocation toward economic effects, the loss of tourists, and asked if any of the money will be applied toward the County's losses. Mr. Sallade responded in detail and mentioned Charter Fishing and the Accommodation Industry.

Mr. Mallet commented on two grants provided within the State of Florida. **Chairman Starr** asked if the grant money was being done on a state or county level. Mr. Sallade commented on the booming strategy, the Area Contingency Plan, commended Mr. Mallet as a Coordinator, and advised that everything is in place in the absence of oil. **Chairman Starr** asked about the effect on the oil situation in the event of a major hurricane. Mr. Sallade responded in detail, stating there would have to be an east moving hurricane, which is highly unlikely, in order for there to be an effect. **Chairman Starr** asked if there was any contingency.

Chairman Starr encouraged the Chambers of Commerce to make affected businesses aware of making applications for reimbursement.

Commissioner Skidmore mentioned a conversation with Mr. Baltz requesting that he call the three Chambers of Commerce to put the word out for accommodations, for the Board to write to BP (British Petroleum) regarding the estimated economic impact to Charlotte County, and to bring the information back to the Board.

Proclamations - Commissioner Richard Loftus

Arts and Humanities Council Artist of the Month, Joy Geer, Proclamation, the month of June, 2010

COMMISSIONER CUMMINGS MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH, JOY GEER, PROCLAMATION, THE MONTH OF JUNE, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Judy Malbuisson.

Barbara Kula Day Proclamation, June 10, 2010

COMMISSIONER SKIDMORE MOVED TO APPROVE BARBARA KULA DAY PROCLAMATION, JUNE 10, 2010, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 5:0.

The Proclamation was accepted by Barbara Kula.

Mote Marine Laboratory Week Proclamation, the week of June 13, 2010 through June 19, 2010

COMMISSIONER SKIDMORE MOVED TO APPROVE MOTE MARINE LABORATORY WEEK PROCLAMATION, THE WEEK OF JUNE 13, 2010 THROUGH JUNE 19, 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The Proclamation was accepted by Aaron J. Adams.

Race Unity Week Proclamation, the week of June 7, 2010 through June 13, 2010

COMMISSIONER DUFFY MOVED TO APPROVE RACE UNITY WEEK PROCLAMATION, THE WEEK OF JUNE 7, 2010 THROUGH JUNE 13, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Albert Sensley.

Shop Charlotte Weekend Proclamation, June 12, 2010 through June 13, 2010

COMMISSIONER DUFFY MOVED TO APPROVE SHOP CHARLOTTE WEEKEND PROCLAMATION, JUNE 12, 2010 THROUGH JUNE 13, 2010, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 5:0.

The Proclamation was accepted by Ruth Uzonyi.

World Elder Abuse Awareness Day Proclamation, June 15, 2010

COMMISSIONER DUFFY MOVED TO APPROVE WORLD ELDER ABUSE AWARENESS DAY PROCLAMATION, JUNE 15, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Dolores M. Gaess.

Employee Recognition - County Administrator Roger Baltz

Five Years: Nicole Dozier, Growth Management; William Leonard, Public Works; John McGinnis, Public Works; Wanda Smith, Utilities; Steven Zannotti, Utilities; Christina Powell, Community Services; **Fifteen Years:** Patricia Kuehne, Public Works; **Twenty Years:** William Johnson, Human Services; John Gurney, Fire/EMS; **Twenty-Five Years:** Vincent LaPorta, Building Construction Services; Robert Hendrickson, Fire/EMS

Presentations

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Charlotte Ventola spoke in regard to Agenda Item J-1.

II. COMMITTEE VACANCIES

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

Children's Services Council is seeking volunteers, must be a resident of Charlotte County and maintaining residency for 24 months. The Commissioners will nominate three names to the Governor and one will be selected by the Governor for appointment. Submit resume to: Bonnie Stoner of the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948, or call 941-743-1300, or e-mail BCC@charlottefl.com or fax 941-743-131

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 two years and be a licensed mechanical contractor. Length of term - until June 9, 2013.

Citizens' Advisory Committee (CAC) is seeking a Charlotte County resident to voluntarily serve as a representative of the MPO Citizens' Advisory Committee (CAC) for the following position: Elderly Interests Representative. The CAC reviews transportation plans and projects that the MPO Board will consider. Your letter or email of interest stating the positions for which you are qualified to represent should be sent to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com

South Gulf Cove Community Plan Advisory Committee is seeking four (4) volunteers. Must reside in or own property within the boundaries of the South Gulf Cove Community planning area. Terms are for two years, effective on July 24, 2010. Submit resume to

Bonnie Stoner of the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call 941-743-1300, or e-mail BCC@charlottefl.com or fax 941-743-1310.

III. REPORTS RECEIVED AND FILED

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT F-2, F-3, F-5, AND F-7, SECONDED BY COMMISSIONER DUFFY.

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 08/09

Memorandum #1A - Status of Contingency Reserves - FY 09/10

Memorandum #2 - Total Disbursements for the Period May 18, 2010 through May 28, 2010 in the amount of \$14,081,247.88

B. Minutes Division

(1) **RECOMMENDED ACTION:** **BUDGETED ACTION:** None

May 11, 2010, 9:00 a.m. Regular Meeting

May 13, 2010, 1:30 p.m. Budget Workshop

May 18, 2010, 9:00 a.m. Land Use Meeting

May 20, 2010, 1:30 p.m. Budget Workshop

May 24, 2010, 9:00 a.m. Pre-Agenda Meeting

Board of County Commissioners

C. Commission Office - No Items.

D. Administration

Administration - No Items.

Public Information Office - No Items.

E. County Attorney - No Items.

F. Budget and Administrative Services

Budget and Administrative Services

(1) **RECOMMENDED ACTION:** Cancel the public hearing to consider approving Resolutions setting assessment rates for West County MSBUs scheduled for Thursday, July 22, 2010 at Lemon Bay High School in Englewood. **BUDGETED ACTION:** None

(2) **RECOMMENDED ACTION:** a) Approve the Sheriff's Office to update and resubmit its application for the COPS Hiring Program grant in the amount of \$1,900,130 for a three year grant period, and b) Approve staff to make any necessary changes to the application to resubmit it. **BUDGETED ACTION:** If needed, funding for the above requirements will be in the Charlotte County Sheriff's Office budget.

Chairman Starr commented that the \$1.9 Million Grant for the Sheriff's Department to hire laid off or new officers for a period of three (3) years was a burden to the taxpayers and spoke in opposition. **Commissioner Skidmore** clarified his understanding of the purpose for the grant with a representative from the Sheriff's Department. The representative addressed the parameters of the Grant.

Commissioner Skidmore spoke in support of the grant and stated it would be a public benefit for Englewood and Punta Gorda.

COMMISSIONER SKIDMORE MOVED TO APPROVE GRANT 2010-018, SECONDED BY COMMISSIONER LOFTUS.

Chairman Starr asked for the number of employees at the Sheriff's Department as opposed to employees of Charlotte County, questioned the need, and expressed concerns in regard to increasing the Sheriff's Budget.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

(3) **RECOMMENDED ACTION:** a) Accept the role as the coordinating unit of government in the Florida Department of Law Enforcement's (FDLE) Edward Byrne Memorial Justice Assistance Grant (JAG) Program with the Budget and Administrative Services Department administering the grant, and b) Designate the individual responsible for coordinating the County's application, and c) Authorizing the submission of the application for the FDLE JAG in the amount of \$112,977 and d) Authorize the BCC Chair to sign all necessary documents associated with the grant application. **BUDGETED ACTION:** None - no match is required. This item will be budgeted when the grant is accepted.

Chairman Starr explained why he pulled the item, which is a Grant for the Sheriff's Department, commented on the amount to be added to the budget, and spoke in opposition.

COMMISSIONER DUFFY MOVED TO APPROVE GRANT 2010-019, GRANT 2010-020, AND GRANT 2010-021, SECONDED BY COMMISSIONER SKIDMORE.

Commissioner Skidmore pointed out there is no local match, stated he wanted to see Charlotte County protected, and appreciated **Chairman Starr's** concerns.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

Fiscal Services

(4) **RECOMMENDED ACTION:** Authorize and approve mailing the required first-class notification of proposed Municipal Services Benefit Unit (MSBU) assessment rates for FY10/11 for those units with a proposed rate increase above the previously established maximum rate or units assessed for the first time. **BUDGETED**

ACTION: None. Mailing costs are budgeted in the General Fund - BCC Control, and will be charged back to the appropriate MSBU.

Information Technology - No Items.

Purchasing

(5) RECOMMENDED ACTION: Approve Change Order #3 to Contract #08-186 Water Booster Station Upgrades awarded to General Contracting Services Inc. of Placida, Florida in the amount of \$34,530 for a revised total of \$2,556,326.99, with a contract time extension of an additional 180 calendar days. BUDGETED ACTION: Change Order #3 is budgeted at \$38,000 for FY 2010

Chairman Starr explained the item is a Change Order for Charlotte County Utilities that was facilitated by a lack of due diligence and professionalism by the engineers that were bid the contract, commented that it amounted to items omitted in error by the original bid, and spoke in opposition.

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM F-5, SECONDED BY CHAIRMAN STARR.

Commissioner Skidmore thanked Terri Kesner for catching the error and commented on the errors and omissions made by the Engineering Firm. **Commissioner Loftus** asked Ms. Kesner to address the impact of the error and agreed with **Commissioner Skidmore** and **Chairman Starr**.

Ms. Kesner addressed concerns by the Board, described the Change Order, and stated that if the County wishes to take action against the engineering consultant, it would be a separate issue.

COMMISSIONER SKIDMORE AMENDED HIS MOTION AS FOLLOWS: TO APPROVE THE CHANGE ORDER UNDERSTANDING THAT THE AMOUNT OF \$38,000 HAS BEEN REDACTED FROM THE CONTRACT AND TO GIVE COUNTY ADMINISTRATION AND THE COUNTY ATTORNEY DIRECTION TO TRY TO RECOUP THE FULL COST OF THE ADDITIONAL MONEY SPENT ON BEHALF OF THE CITIZENS. CHAIRMAN STARR SECONDED THE AMENDED MOTION.

Commissioner Duffy asked for clarification on the motion that the Contractor is going to get paid. **Commissioner Skidmore** clarified the motion.

MOTION CARRIED 5:0.

(6) RECOMMENDED ACTION: a) Approve Amendment #1 to both Contracts #09-207, In-Home Elder Care Services, and #09-258, Additional In-Home Elder Care Services, revising the records retention from five to six years; b) Authorize the Chairman to sign the Amendments; and c) Approve renewal of both Contracts for the term July 1, 2010 up to and including June 30, 2011. These are annual Contracts with firms to provide services such as, but not limited to, chores, companionship, emergency alert services, homemaker, personal care and respite. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: a) Approve Change Order #2, Contract 09-345, South Gulf Cove Entry Features in the amount of \$59,730, to increase the original contract amount to \$346,115.78 to Holland Landscaping, Inc., of Osprey, FL and b) Approve CIP amendment no. 10-C07 in the amount of \$90,000, for additional curbing, palm trees relocated, and different tile installed. BUDGETED ACTION: Funds are available in CIP project C410905, South Gulf Cove Entry Way Signs upon approval of CIP amendment no. 10-C07.

Chairman Starr stated that he voted to support the initial funding for the project, expressed concern that the contract should have been done right the first time, and spoke in opposition to Change Orders.

COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM F-7, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 3:2. Chairman Starr, Commissioner Skidmore OPPOSING.

(8) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of June, 2010. BUDGETED ACTION: None

Real Estate Services - No Items.

G. Building & Construction Services - No Items.

H. Community Services

Parks and Natural Resources - No Items.

Recreation - No Items.

Libraries and Historical - No Items.

J. Economic Development

(1) **RECOMMENDED ACTION:** Authorize the Growth Management Department to prepare and process a small scale map amendment and accompanying zoning changes as requested by the Charlotte Harbor Community Redevelopment Agency (CRA) Advisory Committee.
BUDGETED ACTION: None

K. Facilities Construction and Maintenance - No Items.

L. Growth Management - No Items.

M. Human Resources - No Items.

N. Human Services - No Items.

P. Public Safety - No Items.

Q. Public Works

(1) **RECOMMENDED ACTION:** Approve and authorize the Chairman to sign a Development Agreement between Jones Loop LLC and Charlotte County. **BUDGETED ACTION:** None. All costs are the responsibility of Jones Loop LLC.

Agreement 2010-019

(2) **RECOMMENDED ACTION:** a) Approve an agreement with the Florida Department of Transportation (FDOT) to have Charlotte County

Public Works assume responsibility for mowing the right-of-way on US 41, from the Peace River Bridge to Cochran Boulevard (formerly South Toledo Blade Boulevard), and b) Approve a Resolution authorizing the Chairman to sign the agreement. This work will include roadside mowing; roadside litter removal; and edging and sweeping curbs, gutters, and sidewalks. FDOT will pay Charlotte County \$37,089.87 per year for three years for a minimum of ten mowing cycles per year, with litter removal determined by conditions. BUDGETED ACTION: None. The revenue and expenses related to this agreement will be part of the Transportation Trust Fund budget (gas taxes).

Agreement 2010-020; Resolution 2010-040

(3) RECOMMENDED ACTION: a) Approve a Landscape Maintenance Agreement with the Florida Department of Transportation (FDOT) to maintain a landscape project on SR 776, in the median between San Casa Boulevard and Sunnybrook Boulevard, and b) Approve a Resolution authorizing the Chairman to sign the Agreement. BUDGETED ACTION: None. Funding is supplied from gas taxes.

Agreement 2010-021; Resolution 2010-041

R. Tourism Development - No Items.

S. Utilities - No Items.

T. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

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

(1) Utilities - RECOMMENDED ACTION: Conduct a public hearing to consider revisions to County Code Section 3-8-105(7)c. "Waste Discharge Fees."

Terri Kesner gave a summary and update on Waste Discharge Fees and requested approval of the revisions to the County Code.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2010-029, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

(2) Growth Management - **RECOMMENDED ACTION:** Peachland Promenades Shopping Center is requesting the Board of County Commissioners to grant a waiver of the prohibition against commercial uses accessing a road that also lies adjacent to property zoned for single-family residential use.

Jeff Ruggieri explained the item per packet material and recommended approval.

Mr. Ruggieri addressed Board inquiries regarding the location of the building, truck access for trash pickup, maintenance of the roads through the MSBU, and if the roads are residential. **Chairman Starr** expressed concern related to extra truck traffic on an MSBU maintained residential road and asked the amount of road involved. Danny Quick responded the road went from Peachland south to the proposed driveway, proposed having a Developer's Agreement, commented that Public Works is currently reviewing additional roadways funded by the MSBU system to be absorbed or enhanced by gas tax, and mentioned Loveland Blvd. connects Veterans Blvd. to Midway. **Commissioner Loftus** commented on his understanding of Loveland being a collector road. **Chairman Starr** expressed concern with roads becoming damaged and the MSBU's having to pay for repairs.

Commissioner Duffy clarified with Mr. Ruggieri that Loveland was a collector road and commented on its condition. Attorney Knowlton clarified Mr. Ruggieri's and Mr. Quick's intent that instead of Condition Two there be a provision put in place that the waiver be granted with the condition that the provision be in the Developer's Agreement. **Commissioner Loftus** gave his understanding of the collector road related to collecting gas taxes. Mr. Quick confirmed that the development pays gas tax and

transportation traffic impact fees. **Chairman Starr** expressed concern that the road is funded for maintenance by an MSBU. Mr. Quick suggested putting a clause in a Developer's Agreement that the County hold the developer responsible if any degradation of the roadway is specific to their traffic.

Geri Waksler spoke on behalf of the applicant, recommended approval, and gave a handout to the Board.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE THE MOST RECENT RECOMMENDATIONS BY STAFF TO REMOVE STIPULATION #2, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

VII. PRESENTATION AGENDA - No Items

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items

V. REGULAR AGENDA (CONTINUED)

Z. REGULAR AGENDA (CONTINUED)

(1) Community Services - **RECOMMENDED ACTION:** a) Approve the reallocation of funds for the North Charlotte Regional Park Phase 3 to provide design, construction documents and construction support for a new tournament level baseball field and restroom in support of the Snowbird Classic College Baseball Tournament. b) Authorize the Purchasing Division to begin negotiations with Johnson Engineering for a new scope of services under contract 99-169 for the additional field and support facilities.

John Jackson presented the item and its purpose. **Commissioner Skidmore** clarified previous Board actions taken on the item,

what the result would be if not approved today, and commented on conversations with Ms. Bovell.

Becky Bovell spoke in support of approval and gave statistics related to the item. **Commissioner Duffy** clarified that funding is by sales tax, and that a baseball field would be substituted for a group pavilion, a basketball court, playground, nature trails, sidewalks, disc golf, course expansion, and support facilities. Mr. Jackson clarified.

Commissioner Loftus asked if there was sufficient room to accommodate the project, about the Frisbee Park, and clarified the amount of money involved. **Chairman Starr** commented on how he voted on previous improvements, how he thought the money should be spent, mentioned the bed tax, expressed concerns with costs involved, mentioned the closure of 14 parks, suggested putting money in the Medical Arts District, spoke in opposition to creating another maintenance item, creating more park land, and commented on having a return on investment.

Commissioner Loftus mentioned serving on the Parks & Rec Board, the recommendation for three (3) regional parks, expressed the importance of generating revenues, commented on increasing activities in the regional parks, mentioned sales tax money, and spoke in support.

COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM Z-1, SECONDED BY COMMISSIONER DUFFY.

Steve Partington addressed Board inquiries regarding the desire to stay in Charlotte County and why the new park is needed. Mr. Jackson commented on Mr. Partington's willingness to negotiate a long-term agreement.

Commissioner Skidmore asked what the amount of impact would be if not approved. Mr. Partington responded in detail. **Commissioner Skidmore** stated he didn't agree with the original investment on the expansion, commented on the return on investment, disagreed with **Chairman Starr** on the bed tax, expressed concern if action is not taken, and spoke in support of the improvements.

Commissioner Duffy corrected **Chairman Starr's** claim of a \$1.2 Billion budget when he came on to the Board, commented that the improvement would benefit the citizens, and spoke in support of the improvements.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

RECESS: 10:50 AM to 11:05 AM

(2) Economic Development - **RECOMMENDED ACTION:** Approve Budget Amendment #10-A46 for \$28,427.33 for new business development staff member for the Economic Development Office.

Don Root explained the item for reconsideration of funding a new position and gave a brief history.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM Z-2, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 3:2. CHAIRMAN STARR, COMMISSIONER SKIDMORE OPPOSING.

Commissioner Duffy asked **Chairman Starr** about how he voted while on the Economic Development Working Committee. **Chairman Starr** responded. There was Board discussion.

(3) Utilities - **RECOMMENDED ACTION:** a) Consideration of Sarasota County's proposed Amendment (Exhibit 2); and/or b) If Sarasota County's proposal is not accepted, consideration of Charlotte County's proposed Amendment (Exhibit 3).

Ms. Kesner gave a brief history and update of the proposed amendment.

COMMISSIONER SKIDMORE MOVED TO DENY THE AMENDMENT TO AGREEMENT 2005-045, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner Skidmore explained the reason for his opposition and commented on the impact to the residents. **Commissioner Loftus** commented on why Sarasota County wanted an up or down vote. **Commissioner Duffy** expressed the importance of preserving the relationship with Sarasota County, commented on the cost of

the storage, clarified her understanding of the agreement, and commented on conversations with Mr. Baltz.

Commissioner Cummings agreed with **Commissioner Skidmore's** remarks, commented on the value of the storage, proposed creating an agreement with Sarasota County, gave an explanation of selling flow rates of water delivery vs. selling one block of water, commented on payment of repair and replacement, an equity-based system, putting Exhibit "C" in the contract, changing the leadership in staff at the Water Authority, and having an equitable fair agreement for rate payers.

Commissioner Loftus mentioned **Commissioner Cummings** having served on the Water Authority Board, commented on the extension of the water allocation, the issue of reference of reliability, the amount of water storage per year, and spoke in support of extending the water allocation with Sarasota County.

Commissioner Skidmore commented on regionalism, mentioned having negotiated a pipeline amendment, having supported the North Port agreement, and spoke in opposition. **Chairman Starr** mentioned the contract with Sarasota County, stated he was prepared to give an up or down vote today, gave reasons for not supporting the contract, and expressed concern regarding costs.

Commissioner Loftus asked if the consultant approved the figures that were presented. Ms. Kesner mentioned conversations with the consultants, commented on costs for banking water, and on conversations with Mr. Lehman. **Commissioner Loftus** asked about the amount of water being banked. Ms. Kesner responded in detail. **Commissioner Duffy** asked Mr. Lehman to address the exact amount of water.

Mr. Lehman fielded inquiries from **Commissioner Duffy** regarding the amount of water mentioned in the agreement, the number of gallons per year, the amount to be withdrawn, and the amount in the reservoir. **Commissioner Duffy** clarified the estimate of the company used. Ms. Kesner clarified. **Commissioner Duffy** commented on the estimates and questioned whether the numbers were accurate. Ms. Kesner explained how the figures were arrived at. Mr. Baltz stated that Exhibit 5 was an exhibit prepared by CCU staff with input from the consultants, indicated that the information was intended to be an example of another way to

attempt to get at the questions of whether there is a cost to store water, mentioned the Exhibit Mr. Lehman responded to, commented that it is debatable and can be argued both ways whether there is a cost to storing water, commented on the nature of the relationship with Peace River Water Authority, clarified **Commissioner Skidmore's** motion to deny the extension that was requested by Sarasota County to Exhibit 2, and stated that if that is so, there is an alternative to be discussed.

Commissioner Duffy asked Mr. Baltz about a clause in the agreement related to Sarasota County not being allowed to withdraw water during a drought. Mr. Baltz responded that the clause appears in Exhibit 3. **Commissioner Loftus** clarified with Mr. Baltz questions sent by CCU to the Water Authority in March that had not been answered. Mr. Baltz clarified, commented on the focus of the questions, indicated that if the County does nothing the extension will end in 2012, that the request extends to 2019, explained two fundamental questions being what an additional seven (7) years of storage does to the reliability of Charlotte County's water source, what are the impacts, if any, to the cost to Charlotte County over the seven year period, that the cost issue is debatable, and that the reliability issue is a concern.

Commissioner Loftus asked if Ms. Kesner attended the meeting with the Water Authority in January and clarified she indicated there would be responses within 30 days. Ms. Kesner gave a summary of the meeting of the January Water Authority meeting that she attended, commented that a mediation agreement was discussed, mentioned a completed analysis of the agreement, mentioned Commissioner Staub from Sarasota County, and addressed **Commissioner Loftus'** question. **Commissioner Loftus** clarified the letter that was sent to the Water Authority in March. Ms. Kesner clarified. **Commissioner Cummings** commented on the timeframe, getting answers to questions that raise new questions, expressed concern in difference of estimates in cost, commented on incremental cost versus marginal cost, assumptions to be put into analysis, mentioned 2019 extension, and commented on two issues that have not been addressed.

MOTION CARRIED 3:2. COMMISSIONER LOFTUS, COMMISSIONER DUFFY OPPOSING.

Commissioner Skidmore asked if it would it be advisable to comment on the second recommendation which covered the provision for water storage and costs and asked if it would be prudent to add a clause into the agreement for staff to have a discussion about incremental or true cost of water storage and see if Sarasota County would be willing to pay their share.

Attorney Knowlton stated she had draft language to insert into the proposed contract, Exhibit 3, that would address the cost, which amounts to having Sarasota County agree to pay each entity annually, according to the general methodology, and suggested sitting down with Sarasota to have the discussion. Attorney Knowlton proposed adding a new Section 4 to Exhibit 3 as follows: "All payments shall be made by Sarasota to the Authority as a direct pass through with no cost to Charlotte." Attorney Knowlton stated that the sentence was already in the Contract and stated new language would be added as follows: "In order to reimburse the Authority customers for the cost of storing the Sarasota stored water, Sarasota agrees to pay each member annually per the general methodology used in the attached Exhibit A - Financial Analysis on cost of banking 1.828 billion gallons of water for one year at the Peace River facility reservoir based on Fiscal Year 2011 budget with specific amounts due at the end of each fiscal year and prorated according to how much Sarasota stored water was taken during the year."

Commissioner Loftus stated his understanding of how much water was being banked. Attorney Knowlton indicated the amount that Mr. Lehman relayed to the County as Sarasota's intention, but that the number does not appear in either contract, and suggested it can be added if it is the wish of the Board. **Chairman Starr** indicated he was interested in reaching an equitable agreement with Sarasota County if it included reimbursement to Charlotte for expenses and spoke in support of staff working with Sarasota to draft a fair agreement.

COMMISSIONER SKIDMORE MOVED TO GIVE ADMINISTRATIVE STAFF AND THE COUNTY ATTORNEY'S OFFICE DIRECTION TO GO BACK AND NEGOTIATE THE CONTRACT TO BE APPROVED BY THE BOARD IN CONSIDERATION OF SARASOTA COUNTY'S BULK OR WATER STORAGE AGREEMENT THAT INCLUDES THE PROVISIONS FOR THE WATER TO NOT BE WITHDRAWN DURING A STATE OF EMERGENCY OR DROUGHT AS HAS BEEN COMMENTED ON BY STAFF AS WELL AS THE PROVISION READ INTO THE RECORD BY MS. KNOWLTON HERE

THIS MORNING. ALL DOCUMENTS WOULD BE NEGOTIATED BY STAFF AND THE ATTORNEY THEN BROUGHT BACK TO THE BOARD OF COUNTY COMMISSIONERS FOR FINAL APPROVAL ASSUMING SARASOTA AGREES AS WELL, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Cummings opined that the proposal is better than what was before the Board today, commented on the intent of doing a full incremental cost analysis in the creation of the contract, and mentioned missed opportunities to have long-time issues addressed.

Commissioner Duffy spoke in support of the idea that the agreement would have language that would prohibit Sarasota from drawing the water during a drought, expressed concern with the cost analysis, mentioned Malcolm Pirnie situation related to money paid for Babcock Ranch water permit, and spoke in support, contingent upon more work being done on the cost analysis.

Commissioner Skidmore applauded Ms. Kesner for catching errors in the agreements and spoke in support of moving forward with the current staff analysis.

Commissioner Cummings and **Chairman Starr** commended Ms. Kesner's efforts and performance and the efforts of the CCU staff. **Commissioner Loftus** referenced the expansion of the sewer plant in which Ms. Kesner was involved.

MOTION CARRIED 5:0.

Mr. Baltz summarized that the Board's position on the request for an up or down vote failed, but that Charlotte County is willing to consider an amendment and extension of the storage agreement, to be negotiated based on all the actions taken; indicated that staff would relay that message, but that it would be up to Sarasota County if they are willing to continue the discussion.

X. CITIZEN INPUT - ANY SUBJECT

Douglas Tucker gave a follow-up on the opportunity to look into efficiencies at the Sports Park.

Howard Shaw spoke in relation to the limiting of truck traffic on Burnt Store Road.

Mike Brown spoke in regard to the sales tax extension related to the Sports Park and Snowbird Classic.

AA. County Administrator:

Mr. Baltz advised that the Water Authority is sponsoring the 2010 Water Conservation Summit for the Water Planning Alliance on June 24th at the Hyatt Regency in Sarasota, reminded the Board of the Joint meeting with the City of Punta Gorda on Friday with three items on the agenda, mentioned the impacts to businesses due to the oil spill, and commented on attending the Chamber of Commerce Intergovernmental Affairs Committee meeting the previous evening.

BB. County Attorney: NONE

CC. Commissioner Comments:

Commissioner Skidmore thanked Mr. Brown for his comments and pointed out that the Board did not negotiate the agreement with the Sports Park, mentioned the bed tax, spoke to Mr. Tucker's comments, commented on looking at other opportunities to seek efficiencies in the maintenance and operations and/or the management of the Sports Park, advised **Commissioner Loftus** of Board actions taken at the previous meeting on the issue, asked for **Commissioner Loftus** to give consideration to the request, addressed Mr. Shaw's concerns, and asked him to contact the Sheriff.

Commissioner Skidmore mentioned the possibility of doing a moratorium on casino gambling, no trucks over six wheels in South Gulf Cove, proposed having a workshop on all the ordinances that Attorney Knowlton has on a list in order to set priorities, commented on his new baby girl born the previous Thursday, mentioned Sarasota County's Access 19, proposed putting tax abatement on the ballot for August, commented on Sarasota County's tax abatement ordinance, proposed bringing Mr. Root into the discussion, and pointed out that the ordinance would create jobs in the community instantaneously.

Commissioner Loftus suggested that an ordinance in Collier County be brought into the discussion, spoke in favor of looking into a Request for Proposal on maintenance and activities at the Sports Park in order to bring in more revenue, expressed concerns regarding the issue raised by a citizen on the sidewalks in Deep Creek, commented on his understanding that the County would move forward with the sidewalks allocated in the 2006 sales tax extension, that he had not heard from Public Works that any sidewalks had been eliminated, and requested that Administration look into the issue. **Commissioner Duffy** pointed out that it is not up to the Commission where the sidewalks go, that the Board voted only to fund sidewalks near schools. Mr. Baltz stated that he would research the issue and get the Board a report on what the plans for sidewalks are.

Commissioner Loftus expressed concern with the lights being on at the regional library, the new Charlotte County Health Department on Loveland, and the Event Center during non-business hours, commented on impact fee schedules, requested that the Board consider, based on the criteria that impact fees were to be increased, that we do not increase impact fees and leave them as they are, but if the criteria shows that the adjustment would decrease the impact fees, he would like the Board to direct staff to permit the decrease, commented on his attendance at a three day conference in Washington, D.C., energy conservation programs, and a retrofit road show coming to Charlotte County.

Commissioner Duffy commented on a conversation with Jason Stolfus regarding the retrofit road show sponsored by the Sierra Club and indicated she sent an email to Commissioner Judah from Lee County and Commissioner Thaxton from Sarasota County requesting cooperation from their staff. **Commissioner Loftus** mentioned that Jason Stolfus was in contact with the individual responsible for the PACE Program in California. **Commissioner Duffy** clarified that the PACE Program was passed by the Florida Legislature and commented on the opportunities for solar energy.

Commissioner Cummings commented on Mr. Tucker's concerns regarding landscaping and maintenance issues at the Sports Park, pointed out the Board voted to lower standards on landscaping maintenance, mentioned the new lawn mowing contract, commented on tapping into the General Fund to pay the mortgage on the

stadium, the loss of money at stadium events, suggested using a larger share of tourism tax dollars, and commented on borrowing from the General Fund to bring revenues up with interest.

Commissioner Loftus requested consensus on impact fees. **Chairman Starr** proposed getting rid of impact fees altogether. **Commissioner Loftus** expressed concern that revenue is needed for capital improvements. There was Board discussion regarding impact fees. **Commissioner Skidmore** offered to put impact fees on a future agenda. Mr. Baltz pointed out that the Economic Development Working Group has been discussing impact fees and that an update regarding their work is on the agenda for the Joint Meeting on Friday.

Commissioner Duffy spoke in support of putting impact fees on a future agenda, commented on an earlier suggestion made by **Commissioner Skidmore** related to getting the Beach Boys to Charlotte County, stated she would be meeting with Comcast the next day, commented on the progress of the Medical Arts District and a meeting with Jeff Ruggieri, Jim Fendrick, and Team Punta Gorda, mentioned a meeting with the business owners in the Medical Arts District and the Promenades Mall, commented on support received for Placida Road widening, mentioned an email received related to the Englewood Chamber of Commerce's approval of the widening, expressed concern with water and sewer rates, commended the job completed on Smart Charlotte, commented on changes made by Department of Community Affairs (DCA) and feedback received, and expressed concerns. **Commissioner Loftus** commented on feedback he had received related to Smart Charlotte. **Commissioner Skidmore** commented on a conversation he had with Tom Rice and responded to **Commissioner Duffy's** water and sewer concerns. **Commissioner Duffy** mentioned an email received related to landscaping at the Event Center.

Chairman Starr gave an update on the Working Group, advised that the formal presentation with recommendations would take place July 13, stated there would be discussion at the Joint Meeting with Punta Gorda, commented on **Commissioner Cummings'** remarks related to the financial gap at the stadium, applauded **Commissioner Loftus'** suggestion to go out for a Request for Proposal, proposed making changes to impact fees, and commented on the Medical Arts District.

Commissioner Loftus commented on the funding of the CRA. **Chairman Starr** commented on Placida Road, mentioned **Commissioner Skidmore's** survey, expressed concern with the community outreach, commented on a meeting with the group responsible for the website entitled "Save Placida Road" the previous week, indicated that he sent a survey to every homeowner's association asking for preferences as to a two or four lane road, commented on emails received, money spent, spoke in favor of accelerating the PACE Program, and proposed directing staff to take a look at the program to apply for the bonds.

ADJOURNED: 1:05 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**

sfc