

BOARD OF COUNTY COMMISSIONERS

October 26, 2010

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

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

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

Invocation was given by Fr. Leo Smith, St. Charles Borromeo Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: Requested by: County Attorney's Office - E-3 - **RECOMMENDED ACTION:** Set an Executive Session for October 26, 2010 at 2:00 p.m., or as soon thereafter as the second executive session concludes, in the Charlotte County Attorney's Office Large Conference Room to discuss settlement negotiations, strategy sessions related to litigation expenditures concerning the civil case captioned Charlotte Harbor Golfland, Inc. v. Charlotte County, Case No. 09-189-CA.

Addition #1: Requested by: Community Services - Parks and Natural Resources - Z-2 - **RECOMMENDED ACTION:** a) Approve a designated area within Bay Heights Park for the installation of a 1,500 s.f. modular building for use by the US Coast Guard Auxiliary Flotilla 87; and b) Authorize the County Administrator or designee to negotiate and sign an agreement with USCGA 87.

Addition #2: Requested by: Economic Development - Z-3 - **RECOMMENDED ACTION:** Set a public hearing for Tuesday, November 9, 2010 at 10 AM or as soon thereafter as may be heard to discuss amending Ordinance 98-34 and further amending 2010-051.

Addition #3: Requested by: Commission Office - Z-4 - **RECOMMENDED ACTION:** Discuss a resolution supporting a public private partnership to obtain approval of a loan from the State Infrastructure Bank (SIB) to provide for the construction of an intermodal facility.

Addition #4: Requested by: Commission Office - Z-5 - RECOMMENDED ACTION: Naming of Football Fields adjacent to Oyster Creek Regional Park.

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

MOTION CARRIED 5:0.

Commissioner Duffy expressed concerns with the amount of last minute items added to the Agenda.

Proclamations - Commissioner Robert Skidmore

Charlotte County Read-Aloud Month Proclamation, October 26, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE CHARLOTTE COUNTY READ-ALoud MONTH PROCLAMATION, OCTOBER 26, 2010, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 5:0.

No one was present to accept the proclamation.

El Jobean Pre-Veterans' Day Remembrance Proclamation, November 6, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE EL JOBEAN PRE-VETERANS' DAY REMEMBRANCE PROCLAMATION, NOVEMBER 6, 2010, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 5:0.

The Proclamation was accepted by Randy Spence.

Employee Recognition - None

Presentations

The Charlotte Harbor Visitor & Convention Bureau has received the State of Florida's top tourism marketing achievement, a "Flagler" for its Economical Summer Escapes Campaign.

Becky Bovell presented the award to Charlotte County. **Commissioner Skidmore** thanked Ms. Bovell for her service to Charlotte County and wished her well in her future endeavors.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Rob Berntsson spoke in support of Agenda Item Z-4.

Louis Macri spoke in opposition to Agenda Item F-7 and requested the item be pulled for discussion.

Bill Dryburgh spoke on Agenda Items Z-5 and Z-4.

II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee - is seeking three members to serve. One representative from the home building industry, one "for-profit provider" representative and one Charlotte County Essential Services representative. Terms are for three years. Submit resume to: 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.

Construction Board of Adjustments and Appeals - is seeking one member to serve as an alternate. This committee meets on the 1st and 3rd Monday of each month at 8:30 am in Murdock. Interested person must be holding a current construction industry license. Term is for three years. Submit resume to: 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.

Children's Services Council - is seeking one volunteer, must be a resident of Charlotte County and has maintained 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: 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.

Marine Advisory Committee - is seeking 3 members to serve as Members-at-Large. These are three year terms effective December 31, 2010 and expiring December 31, 2013. Submit resume to the Charlotte County Commission office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax (941) 743-1310 or send e-mail to BCC@charlottefl.com.

Charlotte County is seeking volunteers to serve on the following Committees: MPO-Citizens Advisory Committee - is seeking two (2) individuals to voluntarily serve as a 1) South County Mid-County Representative; and 2) Handicapped Interests Representative. Deadline for submitting application is Tuesday, November 30, 2010. Send a letter or e-mail of interest to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534. E-mail: office@ccmpo.com. The MPO Board will elect the above positions Monday, December 13, 2010.

Transportation Disadvantaged Local Coordinating Board - is seeking two (2) individuals to voluntarily serve on the LCB Board. The purpose of the LCB is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordination of service to be provided to the transportation disadvantaged. The positions are: 1) Citizen Advocate; and 2) Citizen Advocate User. Your letter or email of interest stating the position for which you are qualified 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. The MPO Board will elect these above positions Monday, December 13, 2010.

Murdock Village Community Redevelopment Agency Advisory Committee - is seeking three volunteers: one in the category of General Contractor; one in the category of Property Owner; these are both three year terms effective immediately and expiring September 20, 2013. One volunteer representing the Banking, Financial or Appraisal Sector (as defined in Chapter 475, Florida Statutes) to finish an unexpired term due to a resignation. This term is effective immediately and shall expire September 20, 2012. Submit your resume to the Charlotte County Commission office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax (941) 743-1310 or send e-mail to BCC@charlottefl.com.

Recreation and Parks Advisory Committee - is seeking one volunteer to fill an unexpired term for a Member-At-Large position. Appointment is effective immediately and shall expire on June 14, 2012. Submit your resume to: The Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300, fax to (941) 743-1310 or e-mail to BCC@charlottefl.com.

III. REPORTS RECEIVED AND FILED

In response to Paragraph 6 of Resolution No. 2002-185, which requires that the Negotiating Committee provide the Board with a list and short summary of all claims or lawsuits settled pursuant to the provisions of the Resolution, attached is the County Attorney's Report to the Board of County Commissioners of claims paid out not exceeding \$25,000.

IV. CONSENT AGENDA

COMMISSIONER SKIDMORE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS F-7 AND C-1, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) **RECOMMENDED ACTION:**

Approve the Clerk's Finance Memorandum. **BUDGETED ACTION:** None required.

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

Memorandum #1A - Status of Contingency Reserves - FY 10/11

Memorandum #2 - Total Disbursements for the Period Oct. 5, 2010 through Oct. 18, 2010 in the amount of \$14,902,152.30.

B. Minutes Division

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

9/21/10 9:00 AM BCC Regular/Land Use Meeting

9/27/10 9:00 AM Pre-Agenda Meeting

9/28/10 9:00 AM BCC Regular Meeting

9/29/10 5:01 PM Final Budget Public Hearing

10/11/10 9:00 AM Pre-Agenda Meeting

Board of County Commissioners

C. Commission Office

(1) **RECOMMENDED ACTION:** Approve the letter of support for Charlotte County Health Department's application to become a Federally Qualified Health Center (FQHC). **BUDGETED ACTION:** None required.

Commissioner Duffy commented on a discussion with Attorney Knowlton and requested the item be postponed until the next meeting in order to gather more information. **Commissioner Skidmore** mentioned the closing of the West County office and requested Steve Mitnick address concerns.

Steve Mitnick commented on the time sensitivity of the application to be submitted by November 17 and explained the qualifications for becoming a Federally Qualified Health Center (FQHC). Attorney Knowlton clarified the application deadline. Mr. Mitnick clarified. Attorney Knowlton commented on the possibility of having a staff member on the FQHC Board. Mr. Mitnick stated he would forward the appropriate documents to Ms. Knowlton.

COMMISSIONER LOFTUS MOVED TO MOVE AGENDA ITEM C-1 TO THE NOVEMBER 9 BCC MEETING, SECONDED BY COMMISSIONER DUFFY.

Commissioner Cummings clarified if Mr. Mitnick would be able to meet the application deadlines if the item is approved on November 9th and other details related to having a County designee on the FQHC Board. Mr. Mitnick clarified. Attorney Knowlton indicated the suggestion of a County designee would be in the Letter of Support to state that the Board representative would be included on the Board of Directors and clarified if it would be in the By-Laws. Mr. Mitnick clarified.

Mr. Mitnick fielded inquiries by **Chairman Starr** related to start-up funding. **Commissioner Duffy** commented on information received in order to approve the Letter of Support and the large scope of responsibility by the Board of Directors.

MOTION CARRIED 5:0.

D. Administration

Administration - No Items.

Public Information Office - No Items.

E. County Attorney

(1) *RECOMMENDED ACTION:* Set an Executive Session for October 26, 2010 at 2:00 p.m. in the Charlotte County Attorney's Office Conference Room to discuss settlement negotiations or strategy sessions related to litigation expenditures regarding the lawsuit concerning the civil case captioned Sherri King v. Charlotte County, Case No. 09-6610-CA. *BUDGETED ACTION:* None required.

(2) *RECOMMENDED ACTION:* Set an Executive Session for October 26, 2010 at 2:00 p.m. or as soon thereafter as the first executive session concludes in the Charlotte County Attorney's Office Conference Room to discuss settlement options or strategy related to litigation expenditures concerning the civil case captioned Charlotte County v. Hoot Gibson, et al., Case No. 09-6821-CA. *BUDGETED ACTION:* None required

(3) *RECOMMENDED ACTION:* Set an Executive Session for October 26, 2010 at 2:00 p.m., or as soon thereafter as the second executive session concludes, in the Charlotte County Attorney's Office Large Conference Room to discuss settlement negotiations, strategy sessions related to litigation expenditures concerning the civil case captioned Charlotte Harbor Golfland, Inc. v. Charlotte County, Case No. 09-189-CA. *BUDGETED ACTION:* None required

F. Budget and Administrative Services

Budget and Administrative Services - No Items.

Fiscal Services

(1) *RECOMMENDED ACTION:* Approve extension of the 2010 Tax Roll from the Property Appraiser to the Tax Collector in accordance with Section 197.323 F.S prior to Value Adjustment Board completion of its final meetings. *BUDGETED ACTION:* None Required

Information Technology - No Items.

Purchasing

(2) *RECOMMENDED ACTION:* Approve award Bid #10-305, Elevator Modernization to the lowest, responsive, responsible bidder General Elevator Sales & Service Inc., of Fort Myers, Florida

for a total project cost of \$192,636. The purpose of this bid is to secure the services of a Contractor licensed in the State of Florida to furnish all materials, labor, equipment and incidentals required to successfully complete the modernization of three (3) traction elevators located at Charlotte County Administration Complex, Building A, 18500 Murdock Circle, Port Charlotte, Florida. BUDGETED ACTION: The budget for FY11 for Elevator upgrades for the County Administration Building is \$341k. The award came in at \$192k. This expense is budgeted in the Capital Projects Fund c190101.390.10039 3001.191401.519.63.0001, account line Improvements Other Than Buildings. Funding is from ad valorem, Capital Projects Fund.

(3) RECOMMENDED ACTION: Approve award of Bid #10-252, Greater Port Charlotte Stormwater Control Structures, to the lowest responsive, responsible bidder, Zep Construction Inc., of Fort Myers, FL in the amount of \$2,602,480.44. This project is for the services of a Contractor to provide the installation of stormwater control structures located at Quesada Avenue at Lionheart Waterway, Kenilworth Boulevard at Sunset Waterway, and Midway Boulevard at Fordham Waterway. BUDGETED ACTION: None. \$2,998,000 is budgeted in CIP project C390304 Greater Port Charlotte Drainage Structure Replacement. Utility work related to the Lionheart Waterway is in CIP project C369501 Water and Sewer Waterway Crossings. Funds are supplied from the Mid-Charlotte Stormwater Utility District and CCU's Renewal and Replacement Fund.

(4) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #10-308, Engineers of Record - Solid Waste with the following firms: HDR Engineering, Inc. of Sarasota, FL; Post, Buckley, Schub & Jernigan, Inc. (PBS&J) of Sarasota, FL; and SCS Engineers of Tampa, FL for the term from January 1, 2011 through and including December 31, 2013; and b) Approve start of Negotiations; and c) Authorize the Chairman to sign the contracts; and d) Authorize the County Administrator to approve the renewal of two (2) additional one-year terms, by mutual consent, at the same terms and conditions. This proposal is to obtain the services of qualified and experienced engineering firms to act as Engineers of Record for the Solid Waste Division of Public Works for solid waste-related professional services. BUDGETED ACTION: Amount Budgeted \$185,000. Funding for this expenditure comes from Solid Waste Enterprise Fund.

Real Estate Services

(5) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the release of a portion of a ten-foot (10') wide utility easement and a portion of a thirty-seven foot (37') wide drainage easement, both located in Holiday Mobile Estates, Third Addition, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portions of said easements. (Owners: Paul R. and Lauren Khouri) **BUDGETED ACTION:** None

Resolution 2010-098

(6) **RECOMMENDED ACTION:** Authorize the Chair of the Board of County Commissioners to approve the attached survey showing a portion of Bayshore Road and Laura Street in Charlotte County, Florida that has been continuously maintained by the County for more than four (4) years. **BUDGETED ACTION:** None

(7) **RECOMMENDED ACTION:** a) Approve the Resolution authorizing the Chairman to execute the Purchase and Sale Agreement with Fifth Third Bank, an Ohio banking corporation, for the fee simple acquisition of 14+/- acres (9+/- acres uplands) of real property located in the Placida area of Charlotte County, adjacent to the County's Placida Park Boat Ramp, further described in the accompanying Exhibit; and authorizing the closing of the transaction; and b) Approve Budget Transfer 11-001 in the amount of \$3,050,000 from the Capital Project Fund Reserves; and c) Approve CIP Amendment 11-C01 in the amount of \$3,050,000. **BUDGETED ACTION:** Approve Budget Transfer 11-001 and CIP Amendment 11-C01 in the amount of \$3,050,000 from the Capital Project Fund reserves to cover the purchase of land adjacent to the County's Placida Park Boat Ramp. This purchase will be covered by CIP Environmental Lands .05 mils reserve and CIP reserve for Capital Outlay. \$1,258,891 is in the CIP Environmental Lands .05 millage reserve and \$1,791,109 is in the CIP reserve for Capital Outlay, for a total of \$3,050,000. Land purchase is \$3,000,000 and closing costs and administrative charges will be approximately \$50,000.

Commissioner Skidmore spoke in favor of the purchase, gave the reasons why, commented on the commitment to look at public access to waterfront property, gave additional details on the purchase/acquisition, mentioned voter-approved referendums, the amount of spaces and revenue at the Placida Boat Ramp, and commented on the purpose of the item.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2010-099, SECONDED BY COMMISSIONER LOFTUS.

Attorney Knowlton advised the Board that in order to use Conservation Charlotte funds for the purchase, the item will have to be submitted to the Oversight Committee for review.

COMMISSIONER SKIDMORE AMENDED HIS MOTION TO INCLUDE THE NEGOTIATION OF THE ACQUISITION BUT ALSO TO USE ALTERNATIVE FUNDING SOURCES NOT LIMITED TO CONSERVATION CHARLOTTE AND ALSO LOOK AT POSSIBLY NOT DEVELOPING THAT PARCEL OF PROPERTY INTO A BOAT RAMP BUT MAYBE LAUNCHING STILL AT PLACIDA AND USING IT AS SUPPLEMENTAL PARKING WHICH WOULD SIGNIFICANTLY DECREASE OR MITIGATE THE ADDITIONAL \$3 MILLION THAT WAS REPORTED, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Loftus commented on having served on the Marine Advisory Committee for ten years from 1990-2000, promoting the waterfront community in West County, and spoke in support. **Commissioner Duffy** requested that Mr. Sandrock provide more detail on financing options.

Mr. Sandrock commented on funds identified through the Capital Projects Fund and funding opportunities through other conservation funds.

Commissioner Loftus suggested the use of Parks and Recreation impact fees for the Placida Boat Ramp and indicated that the County had been gifted property to expand the boat ramp by Mote Marine.

Commissioner Skidmore pointed out there was residential property adjacent to the boat ramp and commented on the possibility of restricting the hours and usage. **Chairman Starr** commented on funds used for environmental purchases and spoke in support of the purchase.

MOTION CARRIED 5:0.

G. Building and Growth Management

(1) **RECOMMENDED ACTION:** Approve a Development Agreement regarding access to certain properties along Veterans Boulevard (located at the northeast corner of Veterans Boulevard and Atwater Street) with Hagefen, LLC. **BUDGETED ACTION:** None

Agreement 2010-045

(2) *RECOMMENDED ACTION*: Approve a Final Plat for Centex Homes for Petition #FP-10-03-02. Centex Homes has applied for a replat of Sawgrass Pointe at Riverwood Unit 4. *BUDGETED ACTION*: None

(3) *RECOMMENDED ACTION*: Approve the recommendation and Order of the Charlotte County Code Enforcement Board (the "Board") and order the demolition of an unsafe, vacant dwelling. *BUDGETED ACTION*: No Action - Item is funded.

H. Community Services

Parks and Natural Resources - No Items.

Recreation - No Items.

Libraries and Historical - No Items.

J. Economic Development - No Items.

K. Facilities Construction and Maintenance - No Items.

L. Human Resources - No Items.

M. Human Services - No Items.

N. Public Safety

(1) *RECOMMENDED ACTION*: Approve of Amendment #5 to the Frequency Configuration Agreement (FRA) for FCC Rebanding between Charlotte County and Nextel South Corp. Amendment #5 revises the scope of work to include additional programming and labor services to be provided by Motorola for the project. *BUDGETED ACTION*: None required. 100% funding is provided by Nextel South Corp.

Amendment to Agreement 2009-013

(2) *RECOMMENDED ACTION*: Approve of the FY10/11 Emergency Management Preparedness & Assistance (EMPA) Base Grant Agreement between Charlotte County and the Florida Division of Emergency Management (FDEM) in the amount of \$77,043. *BUDGETED ACTION*: None required. Grant funds are included in the FY10/11 Emergency Management operating budget. The requirement for the County's

minimum level of funding, as outlined in the agreement, is included in the FY10/11 Emergency Management operating budget.

Grant 2010-049

P. Public Works

(1) *RECOMMENDED ACTION*: Approve and authorize Chairman to sign, the Rampart Boulevard Extension Right-of-Way Agreement with Benderson Development Company, LLC. This agreement between Benderson Development and Charlotte County outlines process, procedure and provides for transportation impact fee credits be granted to Benderson Development associated with acquisition of additional right-of-way. *BUDGETED ACTION*: None. Funded in CIP project C410742, Rampart Blvd Widening. The project total is \$31,163,000. Funding for the project is from gas taxes, road impact fees, and a developer contribution.

Agreement 2010-046

(2) *RECOMMENDED ACTION*: Approve and execute Arthropod Control Budget Amendments #10-A56 and #11-A03; to adjust the Mosquito Control Certified budget as required by the Florida State Department of Agriculture to reflect an increase in the interest earned and grant revenue for FY 2009/2010 and FY 2010/2011. *BUDGETED ACTION*: Increase Interest Earning budget by \$285.99 and increase Grant Revenue by \$1,115.90 for FY 2009/2010. Increase beginning balance for FY 2010/2011 and Operating Supplies for FY 2010/2011. Increase Mosquito Control Budget by \$1,401.89 in FY 2009/2010. Increase Mosquito Control Budget by \$3,273.71 in FY 2010/2011.

Q. Tourism Development - No Items.

R. Utilities

(1) *RECOMMENDED ACTION*: Approval of Board Resolution amending previous CCU Rate Resolution No. 2010-086 to correct a scrivener error. *BUDGETED ACTION*: None

Resolution 2010-100

S. Other Agencies - No Items.

V. **REGULAR AGENDA**

Z. **Regular Agenda**

(1) County Administration - **RECOMMENDED ACTION**: Discussion and direction to set the state legislative priorities for the 2011 legislative session.

Kelly Shoemaker presented staff recommendations for the upcoming Legislative Agenda for discussion, starting with the Repeal Special Act of 1984. **Commissioner Duffy** commented on Senator Bennett's sponsorship role in the Senate.

Ms. Shoemaker requested direction on Solar technology incentives relative to the continuation of funding from the previous year. **Commissioner Skidmore** requested more specific language on future funding requests. Ms. Shoemaker commented on the possibility of using language from Senator Bennett's bill. **Commissioner Duffy** commented on attending the Southwest Florida Regional Planning Council meeting and proposed using the following language being used by the League of Cities: "The Charlotte County Commission will support legislation that incentivizes the development and implementation of a meaningful state-wide renewable and alternative energy policy that encourages the development of new technologies that will help create green jobs and industries in Florida. Such energy policies should include a renewable portfolio standard, provide tax incentives for the use of renewable energy sources, enhance competitive procurement by public entities of all renewable energy supplies and ensures the ability of Florida counties and municipalities to obtain and use renewable energy from renewable energy facilities owned by counties and municipalities and purchased by counties and municipalities from competitive renewable energy producers. Such state policy should also encourage mass transit, transit-oriented development policies and other transportation related energy efficiency practices, provide funding for local governments to assist in the development and implementation of state energy policies, including public education programs, green building, carbon emission reduction strategies, and provide technical assistance and funding to counties and municipalities, to implement a comprehensive sustainable state-wide energy policy. Financial incentives and faster and more reasonable permitting processes for industry related businesses should be a priority." **Commissioner Duffy** summarized the language and its meaning, mentioned the Renewable Energy Road Show, commented on the ability to create solar energy, and mentioned being in competition with wealthier states.

Commissioner Loftus advised of the importance of being brief and to the point with legislative items and to touch base with Senator Bennett's office. **Commissioner Duffy** agreed that the language she read needed to be shortened. **Chairman Starr** commented on the recapture for FPL for the solar field and the benefits it would create. **Commissioner Cummings** suggested allowing room for other incentives that may occur during the session.

Oppose Unfunded Mandates - Ms. Shoemaker stated that this item goes without saying because of the Board's direction in previous years.

Request to have regulatory agencies abide by a certain period of time, to be decided by the Board, to give an answer back to a County in writing when they are making notification of suggested changes that need to comply with their rules or regulations - Ms. Shoemaker requested Board direction on the item. Board discussion ensued. **Chairman Starr** commented that the Board needs to prioritize what items are going to be the most important for Charlotte County. Ms. Shoemaker clarified the item is lower on the priority list. Board discussion ensued. **Commissioner Skidmore** spoke in favor of encouraging Senator Bennett to file his bill and then to send it to the Florida Association of Counties. **Commissioner Duffy** proposed going through the list and ranking the priorities. **Commissioner Cummings** proposed establishing two separate lists of legislative priorities and commented that Ms. Shoemaker should only have items specific to Charlotte County. **BOARD CONSENSUS TO GO THROUGH ALL THE ITEMS, REVIEW THEM, SET PRIORITIES, AND FORM A CONSENSUS.**

Ms. Shoemaker outlined the Sewer expansion program funding. **Commissioner Cummings** commented on the first three environmental items being general statewide issues, identified the item entitled TMDL Charlotte Harbor Basin as being specific to Charlotte County, as well as the item entitled Renewable Portfolio Standard. **Commissioner Duffy** commented on the solar power plant for Babcock Ranch relative to the recovery fee and suggested making it a separate priority.

Ms. Shoemaker reviewed the Community Services item. **Commissioner Cummings** inquired if the item is specific to the County. Ms. Shoemaker responded it is a statewide grant that the County has received funding for in the past and reviewed the Human Services item to oppose increases in existing mandates. **Commissioner Skidmore** pointed out the importance of the item. Board

discussion ensued. **Commissioner Cummings** suggested having a bullet list of statewide items available to the Commissioners. Ms. Shoemaker reviewed the Housing and Senior Services items under Human Services and the Transportation items. **Commissioner Cummings** proposed making the two transportation items one item and commented it was specific to Charlotte County.

Chairman Starr commented on gas tax revenues as a way to fund the paving of roads in Charlotte County. Board discussion ensued.

Commissioner Skidmore advised of two items that were not put on the list, one being the legislative change to allow costs to be considered as a factor in addition to qualifications with the Consultants Competitive Negotiation Act (CCNA), the other being Make What You Take, related to changes that would allow for preference of pharmaceuticals that are manufactured or packaged in Florida to be purchased under the State Medicaid Medicare list, and proposed including the item as a local priority.

Kay Tracy, Interim Economic Development Director, fielded board inquiries in regard to the constitutionality of the issue and stated she would complete more research. **Commissioner Skidmore** requested that Make What You Take be supported and commented on the need to rephrase some of the verbiage, rather than making a constitutional change, commented on the investment made by the County to make the changes, opined that the language had been changed, and requested the Board give staff direction to give an update.

Commissioner Duffy proposed the following for the Local List: The Babcock Solar Power Plant and the recovery fee; Repeal Special Act of 1984; Sewer Expansion Program, as long as there are no grants that the County should be applying for; Gas Tax (Charlotte County's share); and Make what you take (depending upon Ms. Tracy's research). **Commissioner Duffy** proposed the following Statewide items: Renewable Portfolio Standards and incentives for energy-related companies, Faster Permitting, Medicaid (to oppose increases); to oppose unfunded mandates (specifics); Transportation - to restructure the formula; Transportation - State prioritization formula (no criteria).

Commissioner Cummings addressed **Commissioner Duffy's** concerns related to having no criteria for the State Prioritization formula.

BOARD CONSENSUS TO GO WITH THE STATE AND LOCAL LEGISLATIVE PRIORITY LISTS PROPOSED BY COMMISSIONER DUFFY. Commissioner Skidmore commented on the timing of addressing issues. Commissioner Duffy reminded the Board of the Delegation Meeting taking place on December 2nd. Commissioner Skidmore commented on the importance of staff staying on top of federal and legislative items. Commissioner Duffy proposed having a special meeting in January or February with Legislators. Ms. Shoemaker said she would look into the Committee Schedules for setting up a time. Commissioner Duffy suggested presenting the legislative priorities in December and requesting an update at a meeting in January or February.

(2) Community Services - Parks and Natural Resources - **RECOMMENDED ACTION:** a) Approve a designated area within Bay Heights Park for the installation of a 1,500 s.f. modular building for use by the US Coast Guard Auxiliary Flotilla 87; and b) Authorize the County Administrator or designee to negotiate and sign an agreement with USCGA 87.

John Jackson presented the item, requested the start of the negotiation process, and stated the Parks and Recreation Board had previously denied the request. Commissioner Skidmore requested Mr. Wilson be available for questions.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM Z-2 TO ALLOW NEGOTIATIONS TO BEGIN, AND THEN BRING IT BACK BEFORE THE BOARD. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

Commissioner Loftus commented on the original intent of the property and expressed concerns on the reduction of parking spaces.

Board discussion ensued. Commissioner Duffy expressed concern that the property was promised for a boat ramp from the 2002 Sales Tax Project. Commissioner Cummings stated the burden of proof is on the Coast Guard Auxiliary to establish that it won't have a substantive impact on the boat ramp.

(3) Economic Development - **RECOMMENDED ACTION:** Set a public hearing for Tuesday, November 9, 2010 at 10 AM or as soon thereafter as may be heard to discuss amending Ordinance 98-34 and further amending 2010-051.

COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM Z-3, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

RECESS: 10:50 - 11:00 PM

(4) Commission Office - **RECOMMENDED ACTION:** Discuss a resolution supporting a public private partnership to obtain approval of a loan from the State Infrastructure Bank (SIB) to provide for the construction of an intermodal facility.

Commissioner Loftus addressed the importance of the item, why he added it to the Agenda, and requested Rob Berntsson give a presentation.

Mr. Berntsson explained the proposed resolution and requested approval.

Commissioner Cummings commented on investment in economic development, the need for an intermodal facility, the need for customers, the question of having a business plan in place, mentioned the two year escrow, and spoke in favor of the resolution with the understanding that there be a more comprehensive presentation of the business plan.

COMMISSIONER LOFTUS MOVED TO APPROVE RESOLUTION 2010-101, SECONDED BY COMMISSIONER CUMMINGS.

Attorney Knowlton advised that if the resolution is approved, Paragraph Three should be reworded as follows: "Upon approval of a SIB loan, and upon approval of the corresponding loan documents and mutually agreeable financial terms, including a business plan satisfactory to Charlotte County, Charlotte County hereby pledges revenues from its General Fund (exclusive of ad valorem) as security for the periodic loan payments and accrued interest charges, expresses a percent per annum imposed on the unpaid principle of the loan, as repayment of the loan." Attorney Knowlton added that she wanted to ensure that it would be coming back to the Board for its review, approval, and a full vetting of the proposal.

COMMISSIONER LOFTUS AMENDED HIS MOTION TO INCLUDE THE RECORDED LANGUAGE IN RESOLUTION 2010-101, SECOND BY COMMISSIONER CUMMINGS.

Commissioner Skidmore spoke in support of the motion but expressed concerns related to issues being placed before the Board without first being reviewed by the County Attorney, County Administrator, or Chief of Board Services, and the need

for more processes. **Chairman Starr** agreed with **Commissioner Skidmore's** concerns. **Commissioner Duffy** spoke in support of the intermodal facility, agreed with the other Commissioners, and clarified the language read into the record by Attorney Knowlton. Mr. Sandrock added clarification to the additional language.

MOTION CARRIED 5:0.

(5) Commission Office - **RECOMMENDED ACTION:** Naming of Football Fields adjacent to Oyster Creek Regional Park.

Commissioner Skidmore explained the item related to the naming of the football fields after Larry Nicols, and referred to points in his memo to the Board. John Jackson apologized to the Commission and to the Nicols Family for the item not being placed on the Agenda.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM Z-5, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

VI. PUBLIC HEARING AGENDA - No Items.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Howard Shaw spoke in regard to a boat having been in the canal behind his house for three years and thanked Ms. Knowlton for her efforts in its removal.

Helen DaCruz expressed concerns related to the lack of handicapped parking spaces in her housing development.

Chairman Starr advised Ms. DaCruz to see Mr. Sandrock after the meeting.

Mary Niland expressed concerns related to code enforcement issues on her street.

Commissioner Duffy and Mr. Sandrock addressed Ms. Niland's concerns.

Robert Beaulieu expressed concerns in regard to the parking of trucks in residential areas.

AA. County Administrator:

Mr. Sandrock first provided an update on the Stump Pass bidding process to date.

Verbatim portion:

Mr. Sandrock: Second, I wanted to, ah, talk about, ah, ah, the Water Authority meeting, ah, at the last Water Authority meeting, I understand that there was discussion about, ah, the Phase 1 Interconnect, ah, specifically, the discussion related to Change Order #1, which was deletion of, ah, the last leg of the pipeline to the Punta Gorda Plant, um, and discussion, I understand that the Water Authority meeting was to, ah, um, whether or not Charlotte County was going to accept that Change Order, ah, but, my recollection is, is, that this Board previously reviewed the Change Order and had voted, ah, not to accept, accept the Change Order, in other words, go forward with the complete pipeline. Um, I bring it up today because it's my understanding that, at the next Water Authority meeting, which is coming up very soon, ah, that the Authority plans to have discussion on this issue again, perhaps this Board may want to, ah, review their position.

Chairman Starr: I haven't, I haven't changed my position on it. I believe that the project should, ah, be, you know, whole, and that we should have the capacity to get the water, ah, as it was originally planned, so, you know, I'm not, ah, interested in changing anything. I think we should go ahead with the original project.

Commissioner Loftus: Thank you, Mr. Chairman. Ah, we do have that capacity, the, um, extra line from our, where we are going to be at the fire station, where the tank and the pumping is, ah, from that point to the Water Treatment Plant, Punta Gorda Water Treatment Plant, that is a redundant line which, ah, would, I think that, ah, having discussions with the Water Authority looking at SWFWMD that possibly within the next five years, that we can get some money for that to be put in, but, ah, according to, but my understanding is from the City of Punta Gorda, that, ah, with the two lines that they have there now,

they can supply the capacity that we need and there was a question that, um, about a month ago when, ah, Ms. Kesner was here, in reference to, ah, I think they, they indicated the, ah, PSI was approximately 5% lower from the City of Punta Gorda that they may not be able to deliver the same PSI that we require, but, and that water is pumped into a tank at, by the fire station, and then we have a pump that pumps it from that point to the distribution from points in Deep Creek. This would, um, be something that with our pumping system we boost, we can boost that pressure up so there's no problem with the pressure, there's no problem, as I understand it, the City, ah, met with, um, our, um, Utilities on last Wednesday, if I'm correct, Mr. Sandrock, and my understanding is that the City indicated that they could deliver the water according to the contract that we had, ah, made with them. Am I correct, Mr. Sandrock?

Mr. Sandrock: I would, ah, on that issue, I would probably, ah, **Commissioner Skidmore** is actually, um, in that meeting, we had, um, CCU staff, I would like, um, maybe to have a professional opinion on the interpretation of that, those comments by the City. Ms. Kesner, please come forward.

Terri Kesner: Thank you, Mr. Sandrock and Commission Board. Um, we did meet with the City and specifically addressed the ability of the pumps at their plant to be able to push water through the pipeline to the booster station on Disston Avenue and then across the river. Um, it would require a sustained elevation of pressure, ah, 4 1/2 to 6 pounds per square inch in order to be able to, ah, send additional water beyond their own needs, um, and we asked them, had they ever done that before, had they ever elevated their pressure that amount for any sustained period of time? No, they had not, and asked them how they felt about that and they said that they were deferring to the DMK, excuse me, DMK engineering report. Um, they didn't know how long the pumps could sustain that pressure, it had never been tried, it had never been tested, um, they would run them to fail, don't know when that would happen, um, and Mr. Bollard, my Engineering Services Manager, had, in fact, been, um, at the hydraulic modeling that had taken place over the summer where that event of, um, pushing water from their plant through the pipeline was tested, and I'll let him speak to that.

Bruce Bollard: Ah, Bruce Bollard, Engineering Services Manager, again, based on the hydraulic modeling of that particular system, and the discussion that we had at the meeting in June, the indication is that, yes, the plant can pump that amount of water for a short period of time, the question becomes, how long

can it be sustained? The original indication from the City of Punta Gorda, what they were looking at, a day to two days. That was the timeframe. Now, I don't think they have ever committed to any time beyond that as far as providing six million gallons a day of water to Charlotte County.

Chairman Starr: Mr. Loftus.

Commissioner Loftus: Thank you, Mr. Chairman. I'd like, um, my, my understanding at the meeting last Wednesday was, ah, that DMK was supposed to be there at the meeting. Were they at that meeting?

Mr. Sandrock: They did not attend.

Commissioner Loftus: And why was it that they didn't attend? This is the only way, what you told me about an hour before that meeting, was that they would be there and you were trying to get this issue resolved and unless we have the two parties, DMK has been working on there, and why weren't they there? This is what I would like to know from the Administrator.

Mr. Sandrock: My original request was that I wanted to meet specifically with the City and the engineers so that I could ask and some very specific questions related to what we're talking about today. Um, my understanding afterwards, in a discussion yesterday, was that, um, that DMK would not come independent of the Water Authority coming and my request was for two groups, ah, to meet with us, and it was the City and DMK.

Commissioner Skidmore: And if, Mr. Chair.

Chairman Starr: Yes, Sir.

Commissioner Skidmore: If I can confirm that, **Commissioner Loftus**, um, first off, DMK knew they weren't coming well prior to that meeting, because I ran into a representative Saturday night at a social event and he had told me he wasn't coming Saturday evening, so that was a good four days before then, but it was presented to, and I was there, so I heard this with my own ears, it was presented to us that DMK, as the Authority's Engineer of Record, or, or if I have that wrong, at least the engineer on this project, um, did, was not coming without the Authority. It was, I didn't deem this, but I deemed it after hearing that information. It probably was not deemed, ah, in Charlotte County's best interest when we were trying to talk about something to initially have the Authority present at that

meeting, um, so, and, and, I would stand by that, that decision. Um, the reason the meeting was called is because there's been a lot of representation made on a lot of people's behalfs, for instance, one party would tell me the other party was going to tell me this, the other party would tell me this is what the other party was going to tell me, uh, you know, the other party was saying well, don't worry, because so-and-so says that this could happen, so the meeting was called because I'm the one who negotiated the last mediated settlement and I wanted to hear, you know, what was the, the effects on the pipeline or the PSI and the, the, the hydraulic pressures and all that stuff, right from the City of Punta Gorda and right from, ah, my own, the own County staff. The City of Punta Gorda, they weren't overly convincing that not having the PSI was a good thing. They kept relying on the engineer's report. I fully believe that DMK, which has an excellent track record as an engineer, does excellent work, stands behind their report, but the City of Punta Gorda couldn't be an authori-, authoritative voice other than telling me to keep relying on the written document. Um, by no stretch of the imagination do I fully understand, you know, hydraulic pressures and, and PSI's, and water flows, and, and, nor am I an engineer and, ah, so I, I don't pretend to be an expert on this. Um, what I do know though is that, um, why, yes, the City did say they could, they would run the pumps until they, they burned out, which is basically what they told us, that they would run their pumps until they burned out. I'm not sure that's a good position and, and, Ms. Kesner and I, gosh, Ms. Knowlton, Ms. Kesner, myself, and Mr. Sandrock, we spent a good hour and a half on this yesterday. We spent a good hour this morning on this. Um, Terri, has, we, we don't really have any historical, not data, but historical, ah, practices where you've run a pump to, to, at full capacity. The City did say that they could run the pump with the additional PSI for a specified period of time, but in the instance of an emergency I'm not sure how long, I don't think anyone really knows, I mean, the best part about modeling is, someone told me, is that you, you run it on statistical probability and you're never, you know, it's never for certain, and maybe you're not going to need to run the pump for thirty days at 7 PSI, maybe you will. Um, you know, ah, I don't want to discount Hurricane Charley at all, I know, but we never expected to have Hurricane Charley come through, and, ah, but I do know interconnects are important, so, um, just wanted to kind of address why DMK wasn't there. It's not that, you know, their, their, comments or their, their expertise is not, ah, not valued. I, I spoke with a member of DMK yesterday, so, and, and, and trust their engineering report. Um, it's just there's, there's been a lot of ah, well, there's

been a lot of positioning for, ah, one to be able to say look at their report, but we're not going to guarantee it. So I, either the City of Punta Gorda says the report says it will work but the City of Punta Gorda was not authoritative enough to be able to guarantee their point, and maybe that's too much to ask of them, I don't know, and that's kind of what, how we approached the meeting. We've, I can tell you that our staff was of the utmost professional. Um, we approached the meeting with, I believe, with open, open minds, um, and, and, and, and Mr. Sandrock and I were there with kind of the same mission, that we didn't know, we wanted to hear it from the horse's mouth, and ah, um, we got an answer, so.

Commissioner Loftus: Mr. Chairman.

Chairman Starr: Commissioner Loftus.

Commissioner Loftus: Thank you, Mr. Chairman. Ah, since, um, we have a question of, um, the issue of the evaluation of the report, um, there is a representative from DMK here and I would like to ask him to come forward so we could hear from him. Thank you.

Karl Kokomoor: Hello, I'm Karl Kokomoor. I'm President of DMK. I'm here to answer any questions you all have.

Commissioner Loftus: Mr. Kokomoor, my understanding is that there is an issue with the, ah, pressure, the delivery of the pressure, and what was the amount of time, I don't know, I'm a little bit hesitant on it, um, what is the amount of time that we were asking for that water to be delivered?

Mr. Kokomoor: I'm not aware of, of what the requirement was for delivery. I have had conversations about delivery of pressure where 4 PSI, 4 to 6 PSI, is not an excessive demand to ask for a utility to run, especially in a modeling criteria where there may be different use conditions that would require that. Usually these are jockey pumps, or pumps that are specifically there to hold pressure during low use situations. So, I don't, I don't see this threat of burning out pumps being a major issue. I just don't see that as a problem.

Commissioner Loftus: In reference to, um,

Mr. Kokomoor: And, and let me speak to something else. I believe that, that the City also has, uh, uh, an engineering consultant involved here, Tetra Tech, that also produced a

report that indicated that this was, and I'm, I can stand to be corrected, but I believe they have their own report as well as our own.

Commissioner Loftus: And, and this was my concern that, as, we wanted to make sure that we were protected, and, and to the best of my, to your knowledge, we are living up to what the original contract was as far as the, if we eliminate that, um, I think it's 9,000 feet of, uh, piping, for that active piping, that was more for redundancy, that pipeline, that the two pipelines that the City of Punta Gorda has now that can be fed to our system, is, would be sufficient for the time being. Am I correct?

Mr. Kokomoor: I don't think it compromises the, the intent of the project or what the project was intended to do.

Commissioner Loftus: And by eliminating that portion for the time being, we, the County, could save \$1.8 million dollars. Am I correct?

Mr. Kokomoor: That is correct.

Commissioner Loftus: Thank you.

Commissioner Loftus: And I don't know if Mr. Lehman would have any other, um, thing to add to it. I, I just, I think it's important that we discuss this, this morning and to move forward with it, uh, whichever way the Board feels. I, I think it's, ah, important that we save, we're trying to save money for the utility rate payers, and here's an opportunity for us, the County Commissioners, to save the rate payers \$1.8 million dollars by eliminating that pipeline.

Commissioner Skidmore: Mr. Chairman.

Chairman Starr: Mr. Skidmore.

Commissioner Skidmore: The 9, Ms. Kesner, Terri. The 9,000 linear feet was in the original contract. It was in the mediated settlement agreement. Okay. Ms. Kesner, are we going to need the 9,000 linear feet?

Terri Kesner: Charlotte County will need that.

Commissioner Skidmore: Okay. So we're not saving anything by having to go back and do it after? And we're using grant money here from SWFWMD. We're using a 2002 sales tax local option.

So, I, I, you're, if I understood you yesterday, our discussions was with Babcock coming online within the next five years, which is, I don't know if that's, is that mainly by permit or is that just our, our....

Terri Kesner: We actually have identified, ah, within five years we'll begin the, ah, studies. Um, and the engineering for Babcock water development.

Commissioner Skidmore: Okay. Within, within the next five years we're going to need those 9,000 linear feet, and, and it was in the agreement, it was, it was important, and, and now we're going back to changing the agreement, and, and that's not really, I think, the right way to do this. Um.

Terri Kesner: I did want to point out Change Order #1 is, is, actually, there are several components to Change Order #1. \$1.2 million dollars of it was the 9,000 linear feet being discussed. And the other \$700,000 for contingencies, um, being requested to be reduced down to about a 2% level. So, only \$1.2 million dollars is actually the 9,000 linear feet.

Commissioner Skidmore: Ms. Knowlton, could I... Mr. Chair, could I ask Ms. Knowlton?

Chairman Starr: Yes, Sir.

Commissioner Skidmore: Could you weigh in as far as what are the, what are our options here? I mean, we, we can do nothing, which is not accept the Change Order. We could kill the project, presumably, but which is, I don't think the right thing to do. Um, or is there another option, or.....

Attorney Knowlton: Ah, yes, there's a couple of options you have, basically, procedurally, I want to make sure everybody realizes where we are, um, as Mr. Sandrock said when he began this discussion on July 13th is, when this Board voted not to approve the Change Order. What the Water Authority is asking you to do now is, I guess, reconsider that, ah, decision, um, in fact, I think at the last Authority Board meeting, and, um, I know people who were in attendance will correct me if I'm wrong, um, the Authority said, at their next Board meeting, they're going to approve the Change Order and in order for them to do it, yes, without the County, in order to do that, it requires you have a mediated settlement agreement which **Commissioner Skidmore** attended, it requires an amendment to that mediated settlement agreement as well as an amendment to your 2007 Tri-

Party Agreement with Charlotte County, ah, the City of Punta Gorda, and the Water Authority, so, there are several things that have to happen in order to do that, so, they really do need your approval on this, um, at this point, your, your options as I see it is, you can go ahead and, and build, um, the Phase One as planned at the higher cost, um, and that means the Board's gonna, I assume, it's, I guess you have to figure out who's going to pay that, I assume it would be Charlotte County, um, maybe you get the other Water Authority members to contribute since they've already, you already have an agreement to that effect, um, and maybe there is additional SWFWMD funding available, I don't know the answers to those questions, you could, um, go along with what the, ah, Authority wants and approve the Change Order, um, you can cancel the whole project, um, or you could, there's any number of options you could seek to have the Water Authority go back and get DMK to sharpen their pencil, you could ask them to re-bid the project if you don't think that the, um, you know, originally and when we were going through mediation it was anticipated by all the parties that even though we had the 19 million dollar cost estimate, that this was gonna come under, in, way under that, and, in fact, apparently, that's not the case, I really don't know what the circumstances is to the cost overruns what that is attributable to, um, maybe you all do but I don't have the specifics on that, so you have a number of alternatives, we just need some indication from the Board as to which way you want to go and then I will tell you how to get there.

Chairman Starr: Commissioner Cummings.

Commissioner Cummings: The, um, I just want to be perfectly clear that the, the scope, the area where the pipeline was going to be laid, is part of a contract to which we're signatory.

Attorney Knowlton: It's part of two contracts, the mediated settlement agreement and the Tri-Party, um, contract with the City and it's described in full; the route is attached to the agreement, so, yes, the route and the description, it's in there.

Commissioner Cummings: So, varying from that, so, so varying from that, is a violation of that contract.

Attorney Knowlton: Of both contracts, correct.

Commissioner Cummings: Of both contracts, yes. I watched the portion of the Water Authority meeting with the, this, with some

interest, and, ah, ah, saw where it was, it was interesting to me when I watched as, ah, Ms. Kesner was being grilled on it, and at one point, ah, she made a statement to the effect that, um, you know, we were paying for a six million gallon a day pipeline, you know, pipeline with that kind of capacity, that statement for the hydraulic capacity that you need for a distribution system or an interconnect got hijacked along the way and translated into I'm so shocked Charlotte County said they didn't need more water supply for until 2020. Everybody in that room knew that those were two distinctly different things and yet they went along with this whole fictitious argument to try to make us look foolish. Now, at that point, what should have happened is we should have stepped up to the plate and said, look, we originally proposed a 2 MGD 8 million dollar River Crossing. We were told no, and, had it converted into a 6 MGD 19 million dollar pipeline, and it was insisted that it had to be a Punta Gorda plant to Water Authority transmission line connection. They were insisting that we donate another 400 feet just to make sure that no part of that segment was owned by Charlotte County Utilities. Why? So that they could keep control of the flow of that water. That's why. They increased the cost of this project by 11 million dollars for what was purely a bureaucratic power play, and yet, the conversation is "Charlotte County's needing to buy 6 MGD from Punta Gorda?" And they know darn good and well that is not the conversation. Why? Because when we first started talking about this pipeline, I know, because I was the first guy pushing for an interconnect. We were, one of the things we were interested in was that very thing, the ability to be able to work directly with Punta Gorda, the County seat of Charlotte County and we wanted to, we had this really revolutionary idea, we thought maybe we'd cooperate with them directly, and the Authority and SWFWMD got together and deliberately made rules to prevent us from doing that, not the least of which was making sure that it had to be owned by the Water Authority, so they know darn good and well that we can't buy it directly from Punta Gorda. It has to go through the Authority, and the whole thing, the whole conversation got hijacked. Now, the, all that needed to be said, all we had to do was step up and say "Look, we signed a contract for a 6 MGD 19 million dollar pipeline, even though I thought it was a bad idea, that was what the Board did. I had proposed a 2 MGD 8 million dollar pipeline. Either one of those I'm willing to look at doing, what I'm not willing to do, is to pay 19 million dollars for the 2 MGD pipeline. That, that is, it doesn't get any simpler than that, and yet, this has been made way more complicated than it really is. If I'm stuck with a 19 million dollar project, I want the product that I'm paying for. Just

because they signed a contract that said if they go over budget, it's their problem, not ours, I'm not going to give away the product that I'm paying for just to help them meet that contract requirement, and that's what this is really all about, as with every major project they've done, they've gone wildly over, not this one is the closest one that they've only gone a little over budget. The expansion that we just finished for was originally a 95 million dollar project and now it's 170, so, what it comes down to is, I'm still willing to talk about the smaller project but if you're going to do it, go back to the 8 million dollar project. Why would I drop to the same level of capacity for 1.8 million dollars of savings when I can have the same capacity for 11 million dollars of savings? Either give me the product or give me all of the savings, not just this piece of it. It's just that simple, and if they want to do it without me and violate a contract, that's why I say, it's all nice and well and good to say we want to be good regional partners, but unfortunately, because of the position, the positions that the staff presents, proposes at this Water Authority, we constantly find ourselves in the position of having to be the bad guy and say no, and the only way we have been able to make it stick was when we were prepared to step up to the plate and say, you violate this agreement and I will sue you into the ground and nobody will go anywhere until my issues are addressed, and that same argument is going to apply, because there's another one coming back that they're figuring on extending the, the reservation of the, uh, the Sarasota water, that they've, that capacity that we said no, we're not willing to extend it. My understanding is they intend to go ahead and do that agreement directly with Sarasota County and extend it without us, and they're gonna make the argument, sure, we can do that. My argument is, is that they are trying to take away a property right that belongs to Charlotte County. If you look at the way that we have done each of these expansions, each expansion was done as a separate stand-alone contract and we know it was treated as a property right because when the next expansion was done, if it used a piece of the infrastructure of a prior expansion, that contract had to pay the other contract back. Our past behavior says this is a property right and all of that infrastructure has been allocated and if they extend it to Sarasota without our permission, they are taking away our property without just compensation and I would make the, we should do the exact same thing, there's a motion that Ms. Knowlton can file to make sure everything's in line, and if, and say, you try to take away our property without just compensation and we will sue you into the ground. Now, I think that Sarasota's issue can be addressed in a reasonable way and we can

voluntarily allow them the use of that property right, but one thing, Sarasota has a legitimate issue they want to have addressed, we have at least two issues, perfectly legitimate, that we have been asking to get addressed for a long time now, and the Authority and the other members have flat refused, and it isn't until one of the other members wants something that we have an opportunity to have our issue addressed, and history says if we're a good guy and we show good faith and we just grant it when it comes time, and in fact has happened with these very issues, when our turn comes around, they tell us to go stick it in your ear. So when they want us, they want us to address Sarasota's issue, fine, as soon as you address ours, we've got the Schedule C that needs to be adjusted and there is also the issue of the common rate. We need to, to prospectively, they're going to a common rate. Why does that matter? Because all of that capacity I was just telling you about with the storage facilities and so forth, it will be taken without compensation with the next expansion of the Peace River facility, and just, playing around with it this morning in today's dollars, just the reservoir portion of that is a 5 million dollar oops, just that one little piece of it, so, there's several issues that we need to have addressed and we should address, they should be addressed and we should address Sarasota's, but we can't do it until they agree to address ours, because history tells us that they flat won't, if we don't make sure they're all done simultaneously, and I'm tired of this foolishness, and it's why I've been saying we need a new executive director at the Water Authority for years now, because you're gonna continue to have this foolishness go on as long as he's there.

Chairman Starr: Commissioner Loftus

Commissioner Loftus: Thank you, Mr. Chairman. At the last Water Authority meeting there was discussion about, ah, our capacity and what our needs were, and I believe that the Chairman has already written to SWFWMD and the fact that we don't, we've got adequate water for the next 20 years, and I know that the letter came out from the Chairman. It has been stated here many times over that we have the, enough water for the next 20 years. As far as I've heard, ah, something about Babcock Ranch, Babcock Ranch has their own water, we're not supplying Babcock Ranch, they have their own water, so I don't know where Babcock Ranch is coming into play here now, I just heard that, um, also, as far as Schedule C is concerned, Mr. Sandrock, I understand that you had a meeting with, ah, Sarasota

and, ah, there's an agreement, ah, as far as Schedule C is concerned, am I correct?

Mr. Sandrock: Schedule C hasn't completely been resolved. What we, ah, what the, the, Water Authority staff has recommended for one year is to zero out one year of Schedule C. Um, what we, what we were, Schedule C is a, is a plan that outlines water usage over a number, I believe its seven years, um, and so that at one point in time, ah, all the, the participants had put down what they thought their water requirements would be over that period of time. My understanding is that a couple years back there was a kind of re-do, uh, and a zeroing out of Schedule C and, um, I think two counties completely zeroed out their requirements for those seven years. Ah, what we've been asking for, uh, over the last year and a little bit of time that I've been involved, is to do the same thing, is that we're in, in times that are really unique in that, ah, we, we don't want, um, to give the Authority the impression that, you know, we are going to need water over those seven years. Um, the solution was one, rather than doing that, rather than saying okay let's just zero it all out, or give us the opportunity, it was to do it from a budget perspective and say, ah, we freeze for one year, and for subsequent years we're, um, we'll re-look that through a budget policy rather than a re-do. Um, through the water, slipping over to the water and storage, if I could just for a second, comment on that. Ah, I'd had good discussions with, ah, the Water Authority and Sarasota County about, ah, some elements that could bring back and that would, would likely be acceptable to the Commissioners. Um, and I've had discussions with them about that. Um, for the most part, some of those elements, ah, are being addressed in what's, ah, going to be approved, or taken before Sarasota County and the Authority, but not all of the elements, because we had also asked for, ah, the storage agreement to be tied to the Carlton Plant CIP and for the Gap Agreement, ah, to be discontinued. Um, we did make some progress though, and that was that we, that, that Sarasota would take that water over an equal period of time over a number of years. There were just, it fell short by a couple of elements. Um, and also, ah, again, and as **Commissioner Cummings** mentioned, that, ah, it's an agreement between Sarasota County and the Authority.

Chairman Starr: Additional comments?

Commissioner Skidmore: Ah, you know, I, this, this is an important issue, and I think that, I know there's a lot of history here and much than what I've been around with, and

there's a lot of emotions, but you know we have to try to make the best, you know I'm always looking for a way to compromise, but to, to try to make the best out of a situation. We have an agreement, um, the Babcock isn't to supply water to Babcock, it's to move water back and forth, um, if it's my understanding, and, and, um, that'll be in an important component. Um, and much like roads, and other public facilities, and our infrastructure, we don't necessarily build for today, but we plan for tomorrow, and, and, we know that we build today at a much better rate. Um, I really think there's got to be a better way to work with the Authority, I, I really do. Um, there's a lot of things that have happened in the, ah, in the, in the past ten years and in the past three months that, that kind of leave a bad taste in the, in the mouth. You know one item was the other day, the Authority directed Charlotte County staff to do something. That just can't happen. Okay? Um, you know, Ms. Kesner is, is my Utility Director. She has the full faith and backing of the Charlotte County Commission and the Administrator and gotta find a way to play nice in the sandbox, guys. Ah, but you're not gonna tell her what to do. Only Ray Sandrock has that permission. And, ah, you know, whether you like it or not she's going to be there, and, ah, my estimate is from (every point?) she's going to be around for a long time. And so is Ray Sandrock. Um, so we, we need to find better ways to do things, um, and I don't know what that, that better way is. Um, Ms. Knowlton, do you have any ideas, or ...?

Chairman Starr: Ms. Knowlton.

Attorney Knowlton: I also wanted to add to the discussion that on, ah, October 14th, about two weeks ago, we had a discussion, um, or received a message from Doug Manson, the Attorney for the Water Authority, who advised us that he just wanted to let us know that he is working on drafting, um, a revised mediated settlement agreement, revisions to those two agreements. So, um, but he also said that he was going to look to see if there was a way to save money and bring the project in, um, on budget and keep the pipeline. Now I haven't heard back from them, so I don't know if there's, if they found a way to do that or not. Um, but going forward you have to know that at the next Water Authority Board meeting unless this Board does something, the Water Authority intends to approve that Change Order.

Commissioner Skidmore: See, and that's ...

Attorney Knowlton: So, if you want to prevent that, if I'm, do you want me to continue? I'm sorry, I didn't mean to interrupt.

Commissioner Skidmore: I'm sorry, yeah, that's, let me, let me, that's, that's the problem though, I mean, you gotta see, the Water Authority's telling us they're gonna, this Board did do something, and we, we rejected the Change Order, and it was very clear. I don't think Adam, or Bob, or myself, I mean, whether other members like what we did, we, we rejected the Change Order. The 9,000 linear feet are important to us. And to receive messages from the Water Authority Attorney telling us that he's preparing a change to the agreement with or without us, gosh, you've gotta see how that, you've gotta see how that puts us on, when we're trying to get to the middle, you've got to see how that puts us on two completely different ends of the spectrum, and it's really hard to get back to center when those kinds of messages are played, or left, or whatever. So, um, I, you can continue Janette, I just had to get that

Chairman Starr: All right.

Attorney Knowlton: Do you want to make a comment?

Commissioner Skidmore: Bob's the Chairman, so....

Chairman Starr: All right. Um, **Commissioner Loftus** and Janette will sum it up, and then ...

Commissioner Loftus: Thank you, Mr. Chairman. Um, I was at the Water Authority meeting and I asked Ms. Kesner what was the other issues. I was told by Ms. Kesner that she would discuss it with the different utilities at a staff meeting. We were asking for any issues to be brought up at that meeting. We have a right as a Water Authority Board member to ask what are the issues facing Charlotte County. We were not told all the issues that were facing Charlotte County, and I don't think that's the proper way to be doing things. And I don't know if Mr. Lehman has anything to, ah, add, to this as far as, ah, what, ah, Mr. Manson has proposed. Is there any, um, anything new information on it?

Patrick Lehman: Yes, good morning. I'm Patrick Lehman, Executive Director of the Peace River/Manasota Regional Water Supply Authority. And I think we all agree that its critical for us all to protect the citizens of Charlotte, make sure your water supply is secure, and also to protect the tax dollars. So that's why we are, we're having this discussion. Uh, I know one of the discussions at our Board meeting for the Authority with the Commissioner's directors addressed, was, I know, during the

mediated settlement the hydraulic capacity is one of the critical issues and one of the, the main critical issues, I think, that I've heard from **Commissioner Skidmore** during that process. And, at that time, it was looked upon that the City's pipelines were not of value to Charlotte County so the hydraulic capacity would be transferred over to the river crossing and that part. At that time, it was estimated that the hydraulic capacity would be approximately 57%, and with some flipping of dollars, the deletion, the proposed deletion of the Washington Loop pipeline, our Board was considering, well, if that number were to drop below the anticipated 57%, what if we were to look at the mediated agreement and, and add into the verbiage that we would maintain that as a minimum, so I think that's why Mr. Manson was proposing that perhaps we should have something ready if your Board wanted to discuss that as a potential that we maintain the hydraulic capacity as a minimum so that if the calculations drop below that you would still have that secured. Um, I know you're addressing the Babcock, and certainly even Burnt Store in the future coming up, and, and, and tying into the system. Um, actually, this pipeline at Washington Loop would not, in my mind, does not play into that. What was, is envisioned, and actually put into this design, is that our pump station tank at the fire station, that would be accommodated. That any pipe coming from the south for the County would be tied in, put into that tank and re-pump. What we are looking at now is that, okay, that the Washington Loop Road, yes, this would help bring it into budget, save money for everybody. It is critical for the future. We all agree that the future we need to look at. It's a matter of the need and dollars to expend it. What our Board will discuss at an upcoming Board, the upcoming Board meeting, is submittal to SWFWMD for funding, not of just that dwarf, that, that orphan piece of pipe within the Punta Gorda system, but let's build a more robust system for the future in the top five year time frame. Let's build all the way from our pump station at the fire station on U.S. 17 and Cleveland, and connect directly into Punta Gorda, so we have a large pipeline totally interconnect so we can get that supply back and forth into the future in the top five, five year time frame. The City of Punta Gorda's staff has said that really the restriction and limitation is their water treatment plant capacity. That they can only produce so much, and they're discussing with DEP now of extending out five years before they, uh, proceed into that expansion. Why? Because of dollars and decrease in demand for both their system, Charlotte County, and regional. So, the five year time frame looks like something that we can grab hold of and build to the future to have that robust system, so if they expand their system into the five

years, then the treatment capacity is there, the pipeline capacity is there all the way from the plant to, to our pump station, and on into Charlotte County. So, so, that is certainly, and, you know, when you look at the options, that is certainly one of the options we want to look at. That not, delete this, the Washington Loop pipeline segment from this construction contract to save dollars, because the current need's not there, but have it, certainly, in the five year time frame, to put that in, hopefully, get more funding to make it a truly more robust system for the future, not only for Charlotte County, but for the region. That will accommodate Babcock, it will accommodate Burnt Store, if it ties into the system.

Chairman Starr: Commissioner Skidmore, do you have a question?

Commissioner Skidmore: Mr. Lehman, I, I mean this with the utmost respect, okay? So, please understand it that way. I understand what you are saying and it sounds very, very rosy, it sounds, it sounds, you know, picturesque. Okay? But, if it's in this agreement that I, that we negotiated and this Board signed, we have funding in place, we have SWFWMD funding, we are getting it at today's cost. If I push it out five years, I don't have a 2002 sales tax left. There's no guarantee I have 50% from SWFWMD, there's no guarantee I'll have the money and the cost could escalate astronomically. So why, on the one side of the argument it makes, it logically makes sense if you're, if you're not, if you're only looking at the one side, but why in the world would I want to do that?

Mr. Lehman: And also, the what ifs that you all have to weigh. That, that, you save money right now currently. Five years from now if we build it, what is going to be circumstances? And, and...

Commissioner Skidmore: But I know I can control them today. That's why, that's why we, we agreed to this, because we can, we can control those what ifs today, to, to a fairly reasonable extent. If I've got to push it off five years, I can't control that, I, I, don't see the benefit to Charlotte County or our citizens. I really don't. And that's why we are, we're not, I don't think, for the most part, we are being unreasonable for the sake of being, even to be unreasonable. We are trying to protect what we view as an asset and a critical part of a project that was defined by ya'll. And if it's not critical as defined by ya'll, then why the heck was it in the project in the first place?

Mr. Lehman: And, and, then that's the right question. Three years ago, when, when we started this, everybody's demands were escalating and it looked like we were going to need more water supply from Punta Gorda, if they had it. As we know today, everybody's demands are falling, so that, that, that is the change and why the design, and do we really need it based on falling demands, is there an opportunity to save money, postpone it for five years, but, yes, if there is a question mark, there is a what if.

Chairman Starr: Okay. **Commissioner Duffy.**

Commissioner Duffy: Thank you. Mr. Lehman, wasn't this whole thing started years ago as an emergency interconnect?

Mr. Lehman: Yes.

Commissioner Duffy: I think we've lost sight of that fact. This was supposed to be only for emergencies. Remember Hurricane Charley? Remember how CCU's pumps weren't working, and the damage and everything, and we had to get water from North Port? And we discovered that Punta Gorda was up and running and they could have helped us in the future if a catastrophic event happened, we could go with Punta Gorda. And I remember distinctly hearing a lot of conversation about how this water was, we would not be allowed to use this water for any other reason than emergencies. And now we are talking about demand, and PSI, and all kinds of things, but it was really, that was the whole point of it, was, was just for emergency. Now, Punta Gorda wants this. I believe they are very supportive of this. And the plans are in motion to, to move forward with it. So, and, and it has become much more, much more complicated than it really needs to be. And, and I just, it's, it's really frustrating. The point **Commissioner Skidmore** made is fixing the relationship between Charlotte County and the Water Authority. We absolutely do have to do that. But you know, in some other meetings that I've had, okay, recently with other counties, honestly, we are the small county. The small county on the water. But, we have different needs than other counties do. We have a huge, um, budget crisis, um, that we've been dealing with for several years now. And we have to be so, so frugal with our taxpayer's dollars. And that's what we do. That's what we have been doing here on this commission for a number of years now. Making smart decisions. We're getting lower prices on everything. So to hear, you know, the costs, the costs involved, and, and, it just, it, that's not acceptable to us. We have to be, we have to, um, find better ways of doing things.

We're getting, we're getting lower prices on other projects, road projects, for example, so with so many people out of work you would think that, that this could become, this could be more cost effective. Thank you.

Chairman Starr: Mr. Cummings.

Commissioner Cummings: I was the guy, I was the guy that was pushing to get this done when the City of Punta Gorda was still talking about a concept I've never figured out exactly what was, but, water sovereignty. And they specifically did not want to interconnect with anybody. And I spent years trying to overcome that. Eventually we did. Now we tried to have this interconnect and the Authority for, I think, about three different years running, deliberately torpedoed our grant funding. They wanted to have one going down U.S. 17. That didn't happen either. You want to know why? Because nobody, nobody, not Punta Gorda, not Sarasota, and by the way, the conversation has always been about getting water from Punta Gorda to Sarasota at a regional level. That's been what the, what the whole capacity, there's the interconnect, emergency issue, but the capacity issue was always between Punta Gorda and Sarasota. And, that's also how they rationalize the extra \$11 Million dollars going up to the Water Authority's transmission pipeline. They have yet to explain how it is they are going to pump 6 million gallons a day up the dis...King's Highway pipeline while there's 10 million gallons a day coming down it. Unless the water's going to slide past one another in the middle of the pipeline, I'm not sure exactly how that's gonna work. So, why did we want the pipeline in the first place? Why did Charlotte County wanted it, want it? We wanted it because of the opportunities that it may present. There is no magic water supply or demand out there that right now needs this pipeline right now, today. This is about opportunities. So, if we expand our Burnt Store Plant, we have the hope of connecting across the river and supplying some people in Port Charlotte with our own plant. Those types. Or if you do Babcock, even though I don't think the dollars are gonna work on that. But even if you did, it all doesn't, is not possible without the river crossing. So that's what you're really after, is the river crossing. You've got the, you've pretty much got most of the work done, the permitting and stuff to get that in place. That's the piece that you need. So, the point is not so much why are we keeping this 9,000 feet on Washington Loop. The point is why are we also doing the other \$10 million dollars of pipeline up Kings Highway, when we've already solved the bulk of the pressure issues with the, ah, the booster pumps and the

various improvements we've already done. Will we get some improvement? Yeah. Is it worth \$10 million dollars? Absolutely not. So, the point is, is what we need is the smaller pipeline. Now if I can't get that negotiated, and so far the Water Authority has flat refused. They have yet to even answer why with the whole up King's Highway issue. But if I can't get down to that, then I at least want the whole product. Because, I tell ya, the way this is gonna work. If they break off this 9,000 linear feet, as **Commissioner Skidmore** pointed out, we already have the cost controls in place now. We've got a contract that says if they go over the budget that Charlotte County's not held responsible for paying it. So what happens? You break that piece off of the end. That puts them back in the budget, and he's already stood here and told us that they're gonna have a bigger project will come back with and you'll end up paying a chunk of that. And now they're talking about doing this unilaterally. We have a contract with them and they're saying their unilaterally going to change it, whether, regardless of the settlement that we already agreed to. They're going to unilaterally change it. Now you want to know what the funny part of that is? The real kicker with it. We're still the only people putting in any local match. Not one of the rest of them is putting in a dime. We're footing the whole bill and they are going to save us from ourselves. We're the only ones, still the only ones, willing to put any money on the table. And, oh, by the way, Charlotte County rate payers aren't the ones that are most likely to use the capacity any time soon. It was always talking about from Punta Gorda to Sarasota. So when that happens, how does it happen without the big interconnect? It happens because they pump it from Punta Gorda to Port Charlotte's distribution system. Port Charlotte reduces its take from the Peace River. The Peace River sends 2 MGD up to Sarasota. You don't pump it through the same pipeline. You need less pipeline capacity for that, not more. That's part of the reason for having the river crossing. So, we've got two issues here. One is that they're, they're gonna act unilaterally to renig on a, on two contracts they've signed for the pipeline. And the other one is they're going to act unilaterally to give away our property right on that storage capacity, and unless this Board says we are going to lay the ground work to legally intervene and prevent them from doing that, they're going to do it. They've said that's what they are going to do. They've put us on notice. They were very plain, at least on the pipeline one in the last meeting, that they're going to jam it down our throats, even though we're the only ones putting any money on the table from any of the members. The rest of it is all SWFWMD money. So, you know, the question

is, are we going to prevent them from violating those contracts and taking away our property rights.

Chairman Starr: Commissioner Loftus.

Commissioner Loftus: Thank you, Mr. Chairman. Seeing that all of the work we have done in, um, Deep Creek (not legible) getting more water there, we still have problems with....

Chairman Starr: Turn your mike on.

Commissioner Loftus: We still have problems in Deep Creek with water pressure. What happens when we see some development in Deep Creek? We need those inter, four interconnects that we're gonna have four connections into Deep Creek. That's the benefit of this pipeline going up to Kings Highway. Also, we can get water from Kings Highway down into the City of Punta Gorda. It's a very important interconnect for us to do. And that's why SWFWMD is funding \$11 Million. They booted up, I think it's, ah, the \$12 Million, ah, I think that they booted it up to. But, ah, that's, that's the main issue that we have here, is that, that is a very important critical component for that interconnect, is to go all the way up to Kings Highway. Thank you, Mr. Chairman.

Chairman Starr: Okay. Ms. Knowlton, you have some comments? In closing.

Attorney Knowlton: I just, I just wanted to add in response to **Commissioner Cummings'** question, um, how do we go about preventing this from happening unilaterally, if, if the Board so chooses. If you want to go that route, um, the, the thing that you need to do is the Tri-Party Agreement itself calls for disputes to go through, um, basically the mediation process that you already went through. Um, in order to initiate that, um, the Board has to adopt a resolution to initiate the Governmental Dispute Resolution Act. Um, this morning, in anticipation, or not knowing how this is going to go today, um, I've drafted a resolution. I don't want you to adopt as it is because it's a work in progress. If the Board wants to go that route, but I would say you adopt it in substantial form. Um, and also, if you want to take the extra step, and I'm just telling your alternatives here. Um, if you think that the Board, the Water Authority Board, is going to act, um, on a, at their next Board meeting, um, like we've heard so far, then you may want to also authorize us to go ahead and seek a temporary injunction preventing them from taking that act, because once they approve

the Change Order then there'll be additional costs that you are incurring, and have everything remain in its status quo until we have our mediation process and see if we can resolve it through that way. I have the resolution, if you want me to distribute it so you can look at it.

Chairman Starr: Okay, you've, you've, you've got, you've got your options. What's your pleasure?

Commissioner Duffy: Can I just ask a very brief question?

Chairman Starr: Sure.

Commissioner Duffy: I just want to make sure I understand this correctly. I do remember, okay, we're putting in \$8 million and SWFWMD's putting in \$11 million, correct?

Commissioner Loftus: Seven, \$7 million.

Commissioner Duffy: We're putting in Seven (\$7 million?) And the other members of the Authority, they don't have any contributions to this, and, and really, essentially, the, the Authority doesn't, isn't contributing either, correct?

Attorney Knowlton: I think it's \$7.9 (million), as close as \$8 million, for Charlotte County. Yes, \$7.986.300

Commissioner Duffy: So we're putting in \$7.9 and is the Authority putting anything in?

Mr. Lehman: SWFWMD's putting in \$12 million dollars.

Commissioner Duffy: Well, what about the Authority?

Mr. Lehman: No, the Authority is through(not legible.)

Commissioner Duffy: So, Mr. Lehman, let me ask you this. Why do the other counties even care about this? This is, this is a pipe, our pipeline, that's gonna be regional. Why do they care?

Mr. Lehman: It's the cost issue. (not legible)

Commissioner Duffy: Well then, maybe we should take back the contract and we could, we should find, we should renegotiate it ourselves and get a better deal. We've, we've, it wouldn't be the first time. Do you, I think that's what we should do. Thank you.

Attorney Knowlton: I was going to suggest that's one of the things, given the discussion, that maybe, um, you want to discuss in mediation is cancel the whole thing and consider your alternatives there. Maybe the Board wants to re-think this doing the river crossing. Um, but all that could be sorted out. I don't know if the Water Authority would be willing to do that, and we're kind of almost having mediation discussions here, but, um, maybe that's something you, we can discuss then, if, if that's the way the Board goes.

Chairman Starr: Commissioner Skidmore.

Commissioner Skidmore: Well, I, I would favor mediation rather than a fight. I, I don't want an injunction. I think that, you know, the more we continue to put off this project the one thing we can be sure of is costs will escalate. We're starting to see a rebound in, in construction, steel prices are incrementally gone up, um, and I think that after I spent several hours on this yesterday and again, you know, trying to get my handle around it because it is such a big project, um, it was determined, I believe, by Ms. Kesner and myself, Ms. Knowlton and Mr. Sandrock, just the four of us...and I'm not speaking for the Board, just my own determination, canceling the project would do a great disservice to the residents. It really would. I believe that. Um, cause ultimately we're going to need the pipeline, and, and, if we have to go out on the loan, we're going out on the loan without the SWFWMD dollars. I think there's a real opp ... something's got to happen, Pat, okay? And it's, it's not you guys just, ah, ignoring our, our denial and move ... proceeding forward. That's not great. So, if we're going to do mediation, let's do it sooner, rather than later. And that's, and if maybe we, let's get back to the table.

Chairman Starr: So, so what, what's your pleasure? What's the Board want to do? **Commissioner Cummings.**

Commissioner Cummings: I don't think, ah, what Ms. Knowlton was proposing, ah, it sounds like some really long, drawn out, legal battle, but if she has the injunction prepared and is authorized to use it, then all that, it's just a form that you fill out and submit to the Court saying we need a stay on this until we've had a chance to talk about it. That, that's all that it is. I'll just offer a, a word of caution that if what goes back is just, well, we're going to talk about it some more, um, they've already said that they're gonna jam it down our throat. And,

so, unless you back that up with action. I'm not saying a big, expensive legal battle. I'm just saying just authorize her to have the ability to seek injunctive relief to stay it long enough that we can have the conversation. Um, you have to back up the conversation with that action. And, and I'll add, again, that it needs not only to be on the pipeline, it also needs to be on the agreement for extending the storage for Sarasota so we can get the other issues addressed.

Chairman Starr: Is that a motion for direction?

Commissioner Cummings: So moved. As per, ah, Ms. Knowlton's, ah, suggestion for it being, what was it, in substance, was that the term you used?

Attorney Knowlton: Um, yes. Let me pass it out to you so you have something to look at, if I may. Um, it's a, and this is under Chapter 164, it's a resolution, um, a notice of intention of conf...that we prov...that we wish to proceed under the conflict resolution procedures of Chapter 164. Um, in this you have to identify the issues, um, the parties involved, ah, and the issues are something that I'd like you to give me a little leeway in, in further crafting, but it should be in substantial form, um, as, as what you're presented here with. Um, I also think that this is a very fast process. Within five days of doing this we have to provide it to the Water Authority, um, and then, I believe, the, ah, ah, the hearing, the mediation's actually held within thirty days. I would suggest that, um, it would be my recommendation, that we go back and use the same mediator, um, and maybe you should appoint your representative from the Board to attend that mediation today so that we can move this process as quickly as possible. I know **Commissioner Skidmore**, uh, negotiated it on behalf of the Board last time, um, so this could move along very quickly.

Chairman Starr: Okay. I have a motion. Do I have a second to the motion?

Commissioner Skidmore: I, I will second it for discussion.

Chairman Starr: All right. I have a motion and a second for discussion. **Commissioner Loftus.**

Commissioner Loftus: Thank you, Mr. Chairman. I don't believe that I heard that we were gonna, that the Water Authority members were going to jam it down Charlotte County's throat.

And I would like to make sure that that is, that that has been said by **Commissioner Cummings**, but that's untrue.

Chairman Starr: Okay. Additional discussion on the motion?
Commissioner Duffy.

Commissioner Duffy: Thank you. Um, **Commissioner Loftus**, you were at the meeting. What was the conversation like?

Commissioner Loftus: They wanted to make a decision at the next meeting. That's all they, they said, was that they wanted to make a decision at the next meeting. They never said that they were going to jam it down Charlotte County's throat.

Commissioner Duffy: Okay, can I ask you this? You are our representative on the Water Authority. Why is it their decision when this part of it is, it's all us? Why, why do they get to make a decision?

Commissioner Loftus: Excuse me?

Commissioner Duffy: Why do they even get to make a decision? Be...be...because it's a Water Authority project?

Commissioner Loftus: It's a Water Authority project and we've all...already bid the project and, you, I, I don't know how long the contractor will wait on this, and I think that's why they were anxious to make a decision on it.

Commissioner Duffy: The construction. We bid the project for the construction, right?

Commissioner Loftus: Excuse me?

Commissioner Duffy: You mean for the construction part of it?

Commissioner Loftus: That's correct.

Commissioner Duffy: Okay. But, if it's, if the construction, coupled with the engineering, brings the whole thing over budget, and if, it sounds like maybe that's what the other, those other Water Authority members are, that's their main concern, is over budget, what if we... Mr. Sandrock said that it's possible that they would be agreeable to us putting it out for bid again to see if they can come up with a lower bid for construction. What about that?

Commissioner Loftus: And, ah, to, ah, follow up on that, if I'm correct, and Mr. Lehman can, ah, correct me if I'm wrong, but I thought that the overage was more or less for the crossing of the river. I think that's where the overage was, was the, you know, being able to lay that pipe, and, and that's the costs, and that's where the cost came in, the overage came in, and if I'm wrong, Mr. Lehman can correct me.

Commissioner Duffy: Is that, is that correct, Mr. Lehman? It's the river crossing that's over budget?

Mr. Lehman: That's correct. (not legible)

Commissioner Duffy: And that's the part, that's the part that's borne by everyone, correct?

Mr. Lehman: Right. And, and, and just to clarify, that, ah, the total budget by, by dropping out Washington Loop Road, we maintain you, Charlotte County, below the \$8 million dollar threshold. So.

Commissioner Duffy: It would bring us down below the \$8 million?

Mr. Lehman: Yes, correct.

Commissioner Duffy: Well, how, how can we get, how can we get this so that we can still get that pipeline and be on, be on budget, and not be under, over budget? Can we put it back out for bid again?

Mr. Lehman: That's always a crap-shoot to put it back out to bid. We had good bids, so it's really just the river crossing that came in higher than anticipated, and we've looked at all different, ah, scenarios. We've done value engineering to see if there are other alternative ways to cross it, and nothing really cheaper, it's just one heck of a, a crossing.

Commissioner Duffy: Well, it's worth it. I think it's worth a try, I do.

Commissioner Cummings: Um.

Commissioner Skidmore: I'll remind you that we've already...., again, to not cancel the project, we've already, Charlotte County has paid \$1.2 million in engineering, and we would, you know, cancel the project.....

Commissioner Duffy: I'm not saying to cancel the project, Commissioner.

Commissioner Skidmore: I, I know, I'm just, it doesn't mean that we, I know that, but it doesn't mean that we actually save money, so we've gotta find a way to get this moving.

Chairman Starr: Okay, let's stick to the, we have a motion on the floor, uh, concerning the resolution. Let's stick to discussion on that and we'll get that past that. Ms. Kesner.

Terri Kesner: I just wanted to mention that we did meet with Authority staff yesterday to discuss this project and look at other options and it was mentioned to us that taking a second look at the river crossing the Authority staff believes they have an opportunity for at least close to 500,000 dollars worth of savings if they do a different methodology and that they were still continuing to look at that project for additional savings so, that was mentioned yesterday.

Chairman Starr: Okay, Commissioner Cummings.

Commissioner Cummings: Just within the context of the motion, um, Ms. Knowlton, I'm not sure, does this process, you said you, you could have several points. If, if it turns out that the same issue applied for the storage agreement between Sarasota and the Water Authority, if that proved out to be something that we needed similar type of relief, could that be folded into this?

Attorney Knowlton: Ah, it could or you could do a separate resolution either way. Um, the Water Sale and Storage Agreement doesn't reflect that same language, ah, requiring just be, to go through that, but under, um, Chapter 164 of the, um, Statutes, you can initiate that process.

Commissioner Cummings: Well, as far as the in-, my intent of the motion would be to allow, allow her to, um, include that issue in there in, in that, if necessary.

Chairman Starr: Okay, so you're amending your motion to include that?

Commissioner Cummings: Well, it's just within the intent of what I had expressed.

Chairman Starr: Okay

Commissioner Duffy: Mr. Chair

Chairman Starr: Yes, Ma'am

Commissioner Duffy: I think it should be a separate, I think it's, it's a separate issue. I don't think it should be, I wouldn't be able to agree to it being folded into this.

Commissioner Cummings: Okay, well, if you want to do it as separate, if that's going to make a difference on your vote on this one, I'll bring it as a separate motion.

Commissioner Duffy: Well, I, I, as long as I have some clarification from Mrs. Knowlton, because Mrs. Knowlton said that this is a draft, and, and I don't know how we can vote on a draft, be, if it's, if we vote on to approve this process that a mediation process, first of all, we're not even sure a mediation process is necessary, but I understand that the concerns about, you know, if, if, the, the, overall Board passes, um, you know, deleting this part of the project, then, that's done, that's a done deal, so we want to try to avoid that, and, um, I don't, but I don't know that, that the mediation process is exactly the right route to go right now, but, but nonetheless, it's still a draft, so, I don't think we can vote on a draft.

Commissioner Cummings: Yeah, we can.

Attorney Knowlton: You can, you can give me, you can approve the resolution in substantial form would be the motion.

Commissioner Cummings: Right, and I'll, and I'll leave it at that if it's, the other members feel that it's necessary, and by the way, if you're not sure whether or not their intention was to act unilaterally without us, I've got the DVD right here at the dais, and I'll play it. I did watch it, and there is absolutely no question they said they were gonna, you know, that their intent in that conversation was they were gonna act regardless of what Charlotte County's answer was.

Chairman Starr: Okay, is there any discussion on the motion further? Hearing none, I'll call the question, all those in favor signify by saying Aye (AYE), (OPPOSED)

Commissioner Loftus: AYE

Chairman Starr: Okay, show Commissioner Loftus dissenting, the other four commissioners in the affirmative.

Commissioner Skidmore: Mr. Chair

Chairman Starr: Yes, sir

Commissioner Skidmore: I think we should back up premature to the, to the, probably when the last motion was. I think we need to reaffirm that we are directing our Water Authority representative to attend the next Water Authority meeting and vote against, should the issue come up, vote against Charlotte County accepting the Change Order for the pipeline. That needs to be very clear.

Commissioner Duffy: Well, that's the way it was last time, too.

Commissioner Loftus: That's, that's the way it has been right along.

Commissioner Skidmore: I just

Commissioner Duffy: There is no change in it.

Commissioner Loftus: I have never voted, I have never gone to a Water Authority meeting and voted against the will of this Board.

Commissioner Skidmore: Commissioner

Commissioner Loftus: I want, want to make sure that that's clear because this has been said many times over that I have. I have never, I want to repeat, never gone a, against the wishes of this Board.

Commissioner Skidmore: Commissioner, maybe I should have prefaced that, I mean no disrespect to you, I don't think you have, you've never had that accusation out of me, I...

Commissioner Loftus: Well, why did you bring it up in the first place?

Commissioner Skidmore: If you will let me finish, I will be glad to, to, to let you know that. In the conversation with Ms. Knowlton about the process and things needing to be clearly defined, it was suggested that to be just very clear, not for your sake, but for our position, should anything ever happen

with the Water Authority, that this Commission does not, uh, that there's no mistake in position that this Commission does not support the Change Order. If there's another way to go about that, then, then that's fine, but I, again I mean no disrespect, I don't think you've ever gone against this Board's wishes. It was just on the advice of Counsel.

Commissioner Loftus: Well, I'm sorry about the advice of Counsel, because I'm a little bit ticked off at the whole thing.

Chairman Starr: Okay

Commissioner Loftus: I've never misrepresented this Board at any time.

Chairman Starr: Okay

Commissioner Loftus: And I, I, I'm damn disappointed that Counsel would be advising you something different. She knows as well as I do that I've never misrepresented the will of this Board, and I'm appalled that you would bring that up.

Chairman Starr: Thank you, Commissioner, was that a motion?

Commissioner Skidmore: Yes, it was.

Chairman Starr: All right. Do I have a second?

Commissioner Cummings: Second.

Chairman Starr: I have a motion and a second, discussion?

Commissioner Duffy: The motion to clarify is to direct our representative?

Commissioner Skidmore: Yes

Chairman Starr: Yes

Commissioner Duffy: Oh, that's disgusting.

Commissioner Cummings: Why? I used to seek the Board direction on a regular basis.

Commissioner Duffy: That's the implica-, the implication is that when any of us represent the Commission on any of the, the committees or boards that we, that we are on, that we are

always, um, expected and, and the ethical standard is to reflect the will of the entire Board. I don't think that any of us should ever have to be directed to follow that procedure.

Commissioner Skidmore: Mr. Chair

Commissioner Cummings: And it's not saying that, that the Board motion is not saying that he's not. The motion is saying, make sure that it's clear what the position is, and the only way to do that is with an official vote of the Board.

Chairman Starr: Commissioner Skidmore

Commissioner Skidmore: Let me be clear. This isn't about Dick Loftus, this isn't about me, this is about positioning Charlotte County where we need to be, okay? Let's take the emotions out of it for a minute and we are doing what we feel is appropriate, okay, to protect the record, okay? I have no doubt **Commissioner Loftus** has been a very, very good representative for Charlotte County. I don't think he has ever voted against the will of the Board. There's nothing disgusting about it. It's not about Dick, it's about doing what we need to do, looking long-term to preserve the record, and that's all that this is about.

Commissioner Loftus: Mr. Chairman

Chairman Starr: Commissioner Loftus

Commissioner Loftus: I believe very strongly that it is, because anybody that is, supposed to be sitting on this Board is supposed to be ethical. That's what we're sitting here on the Board. We were elected by the citizens of Charlotte County to, and we should be ethical, and it's taking a, a, a stab against my ethics.

Commissioner Skidmore: Commissioner

Commissioner Loftus: That's what I have a problem with, because I have always been ethical, I believe that anyone that's voted in by the citizens of Charlotte County needs to be ethical on all respects. Thank you.

Chairman Starr: Thank you, Commissioner, uh, **Commissioner Duffy** and then **Commissioner Skidmore**

Commissioner Duffy: I just want to make a point, um, as a representative of Charlotte County on the Regional Planning

Council, **Commissioner Skidmore**, have we ever had to vote on asking you to make sure that you reflected the will of this Board? No.

Chairman Starr: Okay, **Commissioner Skidmore**

Commissioner Skidmore: Okay, let, let me just verify this one time, because this is, again, this isn't about Dick or Trish or Adam or Bob, or Robert. And if, and if, we would, again, take the emotion out of, take the blinders off for a minute, and recognize that when we were in the, and I was there, in the last mediated settlement, there was an implication that Charlotte County had supported the project because Dick had voted one way or maybe not voted the other way. So, it's not the position of the Water Authority to tell us, oh, well, how long you been supporting this, now you have no legal standing, which is all this does is very clear that Charlotte, Charlotte County Commission does not support the Change Order. Period, that's why I made the motion.

Chairman Starr: Okay

Commissioner Skidmore: And I'm sorry if I offended anyone or hurt anyone's feelings. This is about protecting the record and the citizens, nothing more, I think everyone here has high ethics, for the most part.

Chairman Starr: Okay, additional comments? **Hearing none, call the question, all those in favor signify by saying Aye (AYE) Opposed? (AYE) Show Commissioner Duffy and Loftus dissenting, Commissioner Starr, Skidmore, and Cummings in the affirmative. The motion passes.** Thank you. Ms. Knowlton.

Commissioner Cummings: Uh, I will say, as far as cancelling the project altogether just for clarity, we've already, we've already addressed that issue and came back and decided that killing it altogether was probably not a good plan. That, that was, that was a vote this, this Board took. I'm trying to remember exactly when, now, but, you know, I, I just don't want to have that, that conversation all over again.

Commissioner Skidmore: Are we gonna, Mr. Chairman?

Chairman Starr: Yeah, yes?

Commissioner Skidmore: Point of clarification, part of Ms. Knowlton, I believe her recommendation was to appoint a,

possibly appoint a mediator. Are we going to do that today or...

Commissioner Cummings: You'd probably be well advised to.

Chairman Starr: Okay

Commissioner Duffy: I would be happy to volunteer for that.

Chairman Starr: Okay.

Commissioner Cummings: I'll nominate Commissioner Skidmore.

Chairman Starr: Second.

Commissioner Skidmore: I, I, I'll accept, I did the first part, I mean, I'm not jockeying for anything, so..

Commissioner Cummings: I didn't think you were, I didn't figure you really wanted it in the first place.

Chairman Starr: Discussion? **Hearing none, call the question, all those in favor signify by saying Aye.**

Commissioner Cummings: You, you don't have a motion and a second for either

Chairman Starr: Oh, I don't? I thought you made a motion.

Commissioner Cummings: No, she volunteered and I nominated Commissioner Skidmore.

Chairman Starr: And I seconded the nomination.

Commissioner Cummings: Okay.

Chairman Starr: So, now I have a motion and a second per Commissioner Skidmore to be the representative. Discussion? Okay, hearing none, call the question, all those in favor signify by saying Aye (AYE) Opposed? Show unanimous.

Commissioner Cummings: Mr. Chairman, as much as I'd like for this conversation to end, I still think we need to decide are we going to address the issue of Sarasota's, their, their acting unilaterally to extend Sarasota's deadline on the Water Storage Agreement?

Chairman Starr: Are you making a motion, sir?

Commissioner Cummings: I would move that we grant similar authorization, ah, both to the attorney and for the nominee, should it prove necessary to address that, that issue in similar fashion, should it prove necessary.

Chairman Starr: Okay.

Commissioner Skidmore: Second.

Chairman Starr: I have a motion and a second. Discussion?
Commissioner Loftus?

Commissioner Loftus: Thank you, Mr. Chairman, I believe that the Administrator, as far as I know, has settled that, am I correct, Mr. Sandrock?

Commissioner Skidmore: No.

Commissioner Loftus: Just a minute, I asked the question.

Commissioner Skidmore: I wasn't answering.

Mr. Sandrock: I, uh, well, the Water Authority had asked for the Charlotte County Administrator to work with the Authority to work with another party to, ah, come back and see if we could get a resolution to the water storage issue. Um, Mr. Lehman and I met, I met with, ah, Dave Bullock, um, Assistant County Administrator from Sarasota County. We made, in my opinion, ah, large strides in getting to that, to that point. Um, what we didn't, um, and I mentioned this earlier, the elements that we talked about originally would be tying the storage agreement to the Carlton Plant, to the CIP, that would start around 2014, and would take equal amounts of water between 2014 and 2019, and that was one of the elements. The second element was that there was a Three Million Dollar (\$3M) invoice, ah, gap, water invoice, that would be removed, and that's taken, that has been incorporated in part of the resolution. Um, we also asked for the Gap Agreement to go away all together; that there wasn't a need for that. That has not taken place. So, the two things that haven't taken place is, the Gap Agreement still would be in place and that there was, ah, not a specific tie to the Carlton Plant CIP.

Chairman Starr: Commissioner Skidmore.

Commissioner Skidmore: Mr. Sandroek, in all this time you were privy, or party, to the conversations, and then at the very end, the Water Authority and Sarasota kind of went and did their own thing. Is that correct?

Mr. Sandroek: Ah, yes, I mean, the, the final agreement, ah, I, in fact, I communicated, um, with both the Authority and Sarasota that because we had worked closely together toward a, a, common end to this, is that I felt like it really should be, um, part of Charlotte County's involvement in decision making as well, so I could come back to the Board and say here's, here's what we've worked out, because I believed that we had made large strides and we were about ready to, ah, have a final conclusion.

Commissioner Skidmore: So, we can see how sometimes these little things, they, they give the, the notion that, you know, we are not all on the same team here, and it's those little things that sometimes add up to perpetuate the bigger things, but I'm, I mean, you're, Mr. Sandroek is correct, we've been, we've been trying to work on this, and then when two parties break off from a three-party group, it makes it a little bit hard to see teamwork, so I'm just trying to, if we start framing up kind of maybe some of the emotional arguments behind some of these comments, Mr. Lehman, I'm just trying to work with you in the future to, to, to repair this relationship. There's going to be a relationship for perpetuity, not for, you know, months.

Chairman Starr: Point of clarification. **Commissioner Skidmore,** did you second **Commissioner Cummings'** motion?

Commissioner Skidmore: I did.

Chairman Starr: Okay, thank you, sir. Um, **Commissioner Loftus.**

Commissioner Loftus: Thank you, Mr. Chairman. I, my recollection with your conversation with me, um, Mr. Sandroek, was that you would like to have, ah, Charlotte County as a third party to this agreement and, um, I had spoken to Mr. Lehman and he had no problems with that, whatsoever. So I don't think that's an issue there. It, it was not, we were not, ah, parties to it in the original, as a three-party, it was between the Water Authority and Sarasota and that was the way he had set it up, but it's certainly, there is no problems with us being a, a signature to the, to that.

Chairman Starr: Ms. Knowlton.

Attorney Knowlton: Ah, Charlotte County was a party to the original Water Sale and Storage Agreement. It was Charlotte County, Sarasota, and the Water Authority, and, by the amendment, they're effectively extending the time of our agreement by doing the, um, separate agreement with just the Sarasota and the Water Authority.

Commissioner Cummings: And the motion takes care of the problem. I was very careful to say in my motion that should it prove necessary, Ms. Knowlton is authorized to act. Now if it turns up that there's no problem, fine. I will add that I've heard the things that Mr. Sandrock has expressed. Those are all issues that were part of figuring out how to do this and minimize the, um, and minimize the impact on Charlotte County. Now, when this has come forward each time, I have been very clear that the answer is going from, for, just, for this twenty percent of the Commission Authority that I have, the answer is going to be no until Charlotte County's issues are addressed at the same time. I'm willing to address Sarasota County's issue. The things Mr. Sandrock has brought up are part of addressing Sarasota County's issue. It still does not address our Schedule "C" issues or the common rate, prospectively, that I tell you is going to cost Charlotte County rate payers millions if we don't get it addressed, and, so you know, there's, there are other things out there to get my support other than what Mr. Sandrock has mentioned, and, I hope, will be the position of the Board on going into the future.

Chairman Starr: Commissioner Duffy

Commissioner Duffy: Thank you. I have all the confidence in the world in Mr. Sandrock's ability to get this settled and I think he would like the opportunity to continue working on it, and I, and he, has my support. If he determines that he needs some, some stronger backing from the Board, I would then support that, but I don't think we need to go that route right now.

Chairman Starr: Additional discussion? **Hearing none, call the question. All those in favor signify by saying Aye (AYE) Opposed (AYE).**

Chairman Starr: **Show Commissioner Cummings, Starr, Skidmore in the affirmative, Duffy and Loftus dissenting. Motion passes.**

Attorney Knowlton: I have to ask one more question. Um, did the Board not want to do a temporary injunction if necessary?

Commissioner Cummings: *If, if necessary, I think that I, I, the motion I made was to be the same as the, the earlier one, that allowed for both, if necessary.*

Chairman Starr: *Okay.*

Chairman Starr: *Okay. Any additional discussion on this item? Hearing none, thank you very much, and we will move on to Ms. Knowlton. Any comments?*

Attorney Knowlton: *I have nothing further.*

Commissioner Cummings: *You've had all the fun you can take, huh?*

BB. County Attorney: *NONE*

CC. Commissioner Comments:

Commissioner Skidmore commented on the Clean Energy Road Show, praised Jason Stoltzfus' and Kelly Shoemaker's efforts, addressed concerns of a constituent in South Gulf Cove regarding the parking of trucks in residential areas, commented on the ban on occupation licenses for pain clinics related to issues with the state-wide database and associated legal battles, encouraged a continuance of the moratorium, commented on Charlotte Behavioral Health Center related to extending the ordinance, mentioned the parking ordinance, and spoke in support of strengthening the sexual offender ordinance and bringing it back to the Board. **Commissioner Cummings** commented on sexual offenders versus sexual predators. Board discussion ensued.

Attorney Knowlton clarified the direction of the Board and suggested options by using Lee County as an example. **Commissioner Skidmore** suggested doing a memo with different options. **Commissioner Loftus** requested exploring various options before making a decision and to have the Sheriff weigh in on the issue. **Commissioner Cummings** spoke in support of talking about sexual predators as opposed to sexual offenders. The other Commissioners were in agreement. Board discussion ensued.

Commissioner Skidmore apologized to anyone who was offended on the Water Authority issue.

Commissioner Duffy addressed the citizen's concerns related to trucks on residential property and spoke in favor of looking further into the issue. **Commissioner Skidmore** requested looking

at the ordinance related to the issue. **BOARD CONSENSUS TO REVIEW THE ORDINANCE RELATIVE TO COMMERCIAL VEHICLES IN RESIDENTIAL AREAS.** Commissioner Cummings commented on neighborhood plans versus county regulation.

RECESS: 1:07 PM - 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

sfc