

**THESE MINUTES ARE NOT OFFICIAL
UNTIL ADOPTION BY THE BOARD OF
COUNTY COMMISSIONERS**

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July 24, 2007**

BOARD OF COUNTY COMMISSIONERS

JULY 24, 2007

A regular meeting of the Board of County Commissioner was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Loftus, Commissioner Duffy, Commissioner Cummings, Commissioner D'Aprile, and Commissioner Moore. Also in attendance were County Attorney Knowlton, County Administrator Loucks, Finance Director Navan, Executive Assistant Stoner, and Deputy Clerk Manley. The following members were absent: None. (**Commissioner Cummings arrived at 9:05 AM.**)

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

The invocation was given by Pastor Redmann of the Lutheran Church of the Cross, followed by the Pledge of Allegiance.

Changes to the Agenda.

Addition #1: Proclamation - RECOMMENDED ACTION: Community Health Center Week. Requested by Attorney's Office.

Change #1: S-1 - RECOMMENDED ACTION: Budget is in project C390404 Stump Pass Maintenance Dredging. FY 06/07 budget is \$1,382,000. Project total is \$12,478.00. BUDGETED ACTION: None. Requested by Public Works.

**COMMISSIONER D'APRILE MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

Special Recognition

Proclamations - Chairman Loftus

Charlotte County Firefighter Appreciation Week the week of July 29, 2007.

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COMMISSIONER MOORE MOVED TO APPROVE CHARLOTTE COUNTY FIREFIGHTER APPRECIATION WEEK PROCLAMATION THE WEEK OF JULY 29, 2007, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.

The Proclamation was accepted by Gary Wilcher, Firefighter and Muscular Dystrophy Association (MDA) Coordinator for Charlotte County Fire/EMS.

Community Health Center Week the week of August 5 through August 11, 1007.

COMMISSIONER D'APRILE MOVED TO APPROVE COMMUNITY HEALTH CENTER WEEK PROCLAMATION THE WEEK OF AUGUST 5 THROUGH AUGUST 11, 2007, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

The Proclamation was accepted by Bob Johns of Family Health Centers of Southwest Florida, Inc.

Employee Recognition - None

Award Presentations

The Leadership Charlotte Class of 2007 wishes to award the Charlotte County Board of County Commissioners a check in the amount of \$21,000 for improvements to the Family Services Center.

Emily Louis, Manager at the Family Services Center and Co-President of the Leadership Charlotte Class of 2007, Kathleen Dailey, Co-President of the Leadership Charlotte Class of 2007, and Julie Mathis, Executive Director for the Charlotte County Chamber of Commerce, presented an award of \$21,000 to Charlotte County for the Family Services Center.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Tom Rice, President of Enterprise Charlotte, spoke in favor of agenda item VI (1), Economic Development Incentive Ordinance.

II. COMMITTEE VACANCIES

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

Construction Industry Licensing Board - Seeking a volunteer representing the "consumer advocate" category. Volunteer must be a resident of Charlotte County for at least 2 years and have no financial interest, direct or indirect, in the building trades. Length of term: 4 years.

Murdock Village - Community Redevelopment Agency Advisory Committee - is seeking one volunteer, who is a General Contractor to fill a vacancy. This committee meets the 3rd Friday of the month at 7:30 a.m.

III. REPORTS RECEIVED AND FILED

a. Quarterly County Investment Report, June 30, 2007

IV. CONSENT AGENDA

**COMMISSIONER CUMMINGS MOVED TO APPROVE CONSENT AGENDA, EXCEPT FOR ITEMS L-2, L-4, AND L-5, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.**

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Finance Memoranda.
BUDGETED ACTION: None

Memorandum #1 - Status of Contingency Reserves - FY 05/06.

Memorandum #1A - Status of Contingency Reserves - FY 06/07.

Memorandum #2 - Total Disbursements for the period July 3, 2007 through July 16, 2007 in the amount of \$8,173,260.57.

Memorandum #3 - Tax Deed Two Year Report.

B. Minutes Division

(1) RECOMMENDED ACTION: Approve the Minutes for: BUDGETED ACTION: None

June 5, 2007 9:00 AM Roundtable Discussion

June 6, 2007 8:30 AM Budget Review Workshop

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the minutes of the District 5 Town Hall Meeting of May 29, 2007 held at the Port Charlotte Recreation Center. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Reappoint to the South Gulf Cove Advisory Committee (Community Plan) Kendall Leach, Sandy Slater, and April Chattinger each for a three-year term. Appoint Ken Nelson for a three-year term to serve as a member replacing Mike Post. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve the reappointment of Ms. Sue Sifrit, representing the Charlotte County School Board and Ms. Tricia Duffy, representing the Charlotte County Board of County Commissioners to the Children's Services Council for a four year term. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Appoint Joel Trefry, current alternate member of the Gulf Cove Waterway Unit as a regular member to replace Mr. Robert Brown who recently passed away. The term will expire on June 26, 2009. BUDGETED ACTION: None

D. Administration - No items.

E. County Attorney - No items.

F. Budget Office

(1) RECOMMENDED ACTION: Set a budget workshop on Monday, July 30, 2007 at 9:00 A.M. in Room #119, Murdock Administration Center. BUDGETED ACTION: None

G. Community Development

(1) **RECOMMENDED ACTION:** Approve the DRC-PD-96-3(MM)2 Major Modification Resolution permitting NB/85 Associates & Victoria Estates, Ltd. to construct Kings Gate, Phase 7 located on Rampart Boulevard. **BUDGETED ACTION:** None

Resolution 2007-105

(2) **RECOMMENDED ACTION:** Approve FP 07-02-05 - Final Plat for Calusa Creek Phase One. Accept Developer's Agreement and Bond #104787177 drawn on Traveler's Casualty and Surety Company of America in the amount of \$56,423.13 to cover the final lift of asphalt and the re-striping after asphalt is installed. **BUDGETED ACTION:** None

Agreement 2007-046

H. Economic Development

(1) **RECOMMENDED ACTION:** Approve and Authorize the Chairman to sign an Interlocal Agreement between the County and the Charlotte County Airport Authority for the design, permitting, and construction of roadway widening and drainage improvements on the two mile section of the overall Piper Road project to be constructed on Airport property. Included also in the Interlocal Agreement is the authorization for the payment of \$2,400,000 to the Airport which represents the full and final insurance payment owed to Airport for property damage sustained by the Airport as a result of Hurricane Charley. **BUDGETED ACTION:** Funding from insurance proceeds.

Agreement 2007-047

J. Environmental Services - No items.

K. Facilities Construction and Maintenance - No items.

L. General Services

(1) **RECOMMENDED ACTION:** a) Approve award of Bid # 07-373, Removal of Abandoned Vessels, to Tarheel Specialites, Inc. of St. Cloud, Florida, at the unit cost of \$169 per linear foot for all vessels discovered for an initial contract term from

date of award through and including September 30, 2008; and b) authorize the County Administrator to approve renewal options for up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: This expenditure is funded by WCIND monies. The Abandoned Vessel program is budgeted for \$130,000 for FY06/07.

(2) RECOMMENDED ACTION: a) Approve renewal of Contract #06-364, Tourism Advertising and Promotion with Smith Advertising and Associates for the term October 1, 2007 up to and including September 30, 2008 in the amount not-to-exceed \$450,000; and b) Amendment #1 adding professional services for the Economic Development Department at a not-to-exceed amount of \$50,000. BUDGETED ACTION: None

Chairman Loftus expressed concern that he did not have all the information for questions he has on this agenda item. Becky Bovell responded to his concerns, indicated that she had just that morning received a listing of the savings the agency was able to negotiate on the county's behalf by placing the media for it, and that by doing so they saved the county \$62,000 in terms of the media placement, which the county would not have been able to achieve, should it have placed it in house. **Chairman Loftus** advised he would not support this item.

Commissioner D'Aprile commented on his concerns that the funds be spent on advertising, the website, and communication with representatives who write about the community; indicated that Ms. Bovell convinced him that this is being done, and that the amount of money established is a necessary evil of communications; pointed out that the Event Center is being developed, two hotels are near completion, and one hotel started in Punta Gorda; opined that the Board would be remise to stop at this juncture in attempting to bring people to the community to supply us with tourist development and tax we require; and advised that he would support the agenda item.

COMMISSIONER D'APRILE MOVED TO APPROVE AGENDA ITEM L-2, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner Duffy inquired what the first year cost was for the Smith agency, how the effectiveness of the campaign is analyzed, if it would be a good idea to have the results of the media

analysis before determining if a company should be retained for an additional year, and commented on the report indicating that 45% of new visitors to the area are through results of the marketing efforts. Ms. Bovell stated the first year cost was \$450,000; explained the process of analyzing the effectiveness of the campaign; stated that the analysis of the media is just one component looked at, and that based upon her experience through the years of working with agencies, she is very pleased with the Smith agency; clarified that the report indicates that through the marketing efforts, 45% of those responding to our advertising came, or were planning to come; and explained that a research firm in Tampa did a conversion study, which analyzed calls, did surveys of those who called for information, found out when they came, or planned to come, and that type of information.

Commissioner Cummings asked if the Tourism Board voted on this, and if this is funded entirely by tourism taxes. Ms. Bovell replied affirmatively to both questions and advised that the vote was unanimous. **Commissioner Cummings** pointed out that the representatives of that industry tax their own revenue stream for the purpose of building that industry, and that he is inclined to support the item. **Chairman Loftus** indicated that the Commissioners should have the analysis available before making any decisions.

Motion Carried 4:1. Chairman Loftus opposing.

(3) **RECOMMENDED ACTION:** Approve award Bid #07-356, Fire Station #9 Expansion Project, to J.C. Pilato, Inc. General Contractors of Punta Gorda, Florida, for the total cost of \$131,450, to secure the services of a professional, licensed, and qualified Contractor for the construction of the Fire Station #9 Expansion Project. **BUDGETED ACTION:** Budget amount in FY07 for this project is \$250,000 in CIP Project Renovation of Existing Fire / EMS Stations.

(4) **RECOMMENDED ACTION:** Approve award of Bid # 07-361, West Charlotte Mini Transfer Station Improvements, to General Contracting Services, Inc. of Port Charlotte, Florida, for a total cost of \$1,817,941.50. **BUDGETED ACTION:** The budgeted amount for this expense is \$1,930,000 for FY07. This is for the

renovation of West Charlotte Mini-Transfer & Recycling Center, project c349401.

Commissioner Moore requested an explanation of the need for this cost. James Thomson explained that for the last 4 years this facility has exceeded capacity, and that the major renovation of this facility would save hauling costs and increase the ability to recycle, and indicated that it is not ad valorem funded, that it is funded through the solid waste fund.

COMMISSIONER MOORE MOVED TO APPROVE AGENDA ITEM L-4, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

(5) **RECOMMENDED ACTION:** a) Approve award File #07-410, Safety Footwear, to Safety Shoe Distributors, LLP of Houston, Texas at the discount of 20% off list footwear prices attached from the date of award through and including September 9, 2007. (Piggyback off Orange County Bid No. Y6-1049); and b) authorize County Administrator to approve renewal of four (4) additional one-year terms, at the same prices, terms and conditions, by mutual consent. **BUDGETED ACTION:** Will be charged to appropriate department budget as necessary.

Commissioner D'Aprile expressed concern that the overabundance of shoes allocated is excessive and that some are being sold on Ebay; and inquired how often safety shoes are given out, the number of people they are given to, and the cost involved.

Bob Pryor explained that many years ago the county adopted the OSHA standards as a standard for the safe conduct of its business; reviewed clauses related to duties of the employer to provide a safe place of employment and insure that affected employees use protective footwear when working in areas where there is a danger of foot injuries; stated that under the contract employees are allowed to get up to 2 pair of shoes per year at a maximum cap of \$200; that an average of \$46,000 was spent in the last 3 years for shoes, which averages to approximately 230 employees per year who receive shoes; indicated that the county spend a lot of money on workers compensation injuries, and that one foot injury could cost more than the \$46,000; and opined that from a Risk Management perspective this is a safety issue and that employees are being

provided equipment with which to do their jobs in a safe fashion.

Commissioner D'Aprile opined that it is the responsibility of management to be certain that safety shoes are being worn; that the employee should be required to use the proper safety equipment being furnished in order to keep his/her job; and that future negotiations be set so that shoes are no longer an issue. Mr. Pryor stated that supervisors are charged with the responsibility of assuring that employees wear personal protective equipment that they have been issued, and commented on penalties provided for failure to do so; and explained procedure for determining types of boots needed by employees of each department and the safeguards in place with vendors to be certain appropriate boots are purchased. **Commissioner D'Aprile** suggested that perhaps the requirement could be reduced to 1 pair of shoes per year, and that anything thereafter be the responsibility of the employee.

COMMISSIONER D'APRILE MOVED TO APPROVE AGENDA ITEM L-5, SECONDED BY CHAIRMAN LOFTUS.

Chairman Loftus agreed that employees must be protected from injuries, and taxpayers protected from suits filed against the county, but indicated that he has a problem with surplus shoes being provided by the county. **Commissioner Duffy** indicated that accurate facts and totals are needed by the Commissioners in advance in order to make important decisions on behalf of the citizens. **Commissioner Moore** clarified that employees are each allowed up to \$200 per year to purchase boots. Mr. Pryor replied affirmatively, and indicated that supervisors should monitor that boots are needed.

Commissioner Cummings commented on the cost of a foot injury being more than the cost of the boots; stated that there is probable cause of abuse that has occurred in relation to this, and that if it can be straightened out with the union without costing more on the other side he would like to do so; indicated that this is needed to meet a contractual requirement; and commented on the bumping issue.

Motion Carried 5:0.

(6) RECOMMENDED ACTION: a) Approve Contract #04-308F Design/Build Fire Station(s) with Mathews-Taylor Construction, LLC, for the design phase of Fire Station #11 at the cost of \$183,941; and b) authorize the Chairman to sign the Contract. BUDGETED ACTION: Budget amount in FY07 is \$2,210,000 in CIP Renovation of existing Fire/EMS stations.

(7) RECOMMENDED ACTION: Award Bid #07-368, Stormwater Control Structure - Gibraltar Drive at Elkcam Waterway, to Peter A. Basile Sons, Inc., of Arcadia, Florida in the amount of \$1,039,555.97. BUDGETED ACTION: The FY07 budget has \$1,200,000 available in project C390304 Greater Port Charlotte Drainage Control Structure Replacement, project total \$35,838,000 and \$36,802 available in project C369501 Water and Sewer Waterway Crossings Repair and Replacement, project total \$3,354,000.

(8) RECOMMENDED ACTION: Approve Award of Bid #07-349, US 41 Beautification - Phase I, to the lowest responsive, responsible bidder, Peter A. Basile Sons, Inc., of Arcadia, Florida, in the amount of \$3,256,108.64. BUDGETED ACTION: FY07 budget is available in CIP project C410304 US 41 Beautification (\$2,653,483) and CIP project C350705 US 41 W Tarpon Orange MSBU WW Expansion (\$602,626).

(9) RECOMMENDED ACTION: Approve Change Order #7 to Contract #03-187, Michael Kosinski Bridge Replacement, with American Consulting Engineers of Florida, Inc., in the amount of \$12,840 and a revised contract amount of \$682,319.38 BUDGETED ACTION: The FY07 budget has \$13,000 available for this change order in project C410214 Kosinski Bridge Replacement, project total is \$4,481,000.

(10) RECOMMENDED ACTION: Approve Change Order #2, to Contract #07-107 Justice Center Courtrooms Renovations with JanMac Construction, Inc. in the amount of \$12,349.85 and a revised contract amount of \$306,907.85. BUDGETED ACTION: Budgeted amount in FY 07 is \$439,000 in CIP Justice Center Courtroom Renovation.

M. Human Resources - No items.

N. Human Services - No items.

P. Information Technology

(1) **RECOMMENDED ACTION:** Approve the 211 - Verizon Wireless Service Agreement with Cellco Partnership d/b/a Verizon Wireless and Charlotte County. **BUDGETED ACTION:** None

Agreement 2007-048

Q. Parks, Recreation and Cultural Resources - No items.

R. Public Safety - No items.

S. Public Works

(1) **RECOMMENDED ACTION:** Approve and authorize the Chairman to sign the attached Florida Department of Environmental Protection (FDEP) funding agreement, Agreement 03CH1 - Amendment 4. **BUDGETED ACTION:** Budget is in project c390404 Stump Pass Maintenance Dredging. FY06/07 budget is \$1,382,000. Project total is \$12,478,000.

Amendment #4 to Grant 2003-006

(2) **RECOMMENDED ACTION:** Approve and authorize the Chairman to sign a Resolution, and agreement between Charlotte County and the Florida Department of Transportation (FDOT) for a Project Development and Environmental (PD&E) Study of US 41 from Enterprise Drive to Sumter Boulevard. **BUDGETED ACTION:** The FY08 budget has \$1,045,000 for this agreement in CIP project C410804 (US 41 Widening, Paulsen to County Line). Project total budget is \$3,035,000.

Resolution 2007-106 and Agreement 2007-049

T. Real Estate Services

(1) **RECOMMENDED ACTION:** Approve the attached Resolution approving the release of a portion of a twenty-foot (20') wide canal maintenance easement located in A Replat of a Portion of Port Charlotte Subdivision, Section Forty, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portion of said easement. (Owners: Paul A. and Jean J. Boyer) **BUDGETED ACTION:** None

Resolution 2007-107

(2) RECOMMENDED ACTION: Approve the attached Resolution approving the release of portions of two (2) six-foot (6') wide drainage and utility easements located in Port Charlotte Subdivision, Section Fifty-Eight, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portions of said easements. (Owners: Michael & Priscilla Jordan) BUDGETED ACTION: None

Resolution 2007-108

(3) RECOMMENDED ACTION: Approve authorizing the exchange of the County's Interest in a portion of Lot P14, Block 0000, South Punta Gorda Heights Subdivision, Section 001, for two (2) privately owned platted lots, Lots 1669 & 1670, Block 0000, South Punta Gorda Heights Subdivision, Section 001, owned by Dr. Goodroof, Inc., and authorizing the Chairman of the Board Of County Commissioners to execute the agreement for the exchange of real property. BUDGETED ACTION: None

Resolution 2007-109

V. Tourism Development - No items.

W. Utilities - No items.

X. Building & Construction Services - No items.

Y. Constitutional - No items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Utilities - RECOMMENDED ACTION: A recommendation from the Board to reject the Peace River/Manasota Regional Water Supply Authority's FY2008 tentative budget, to be presented at the Authority Budget Hearing on July 25, 2007, due to lack of substantive documentation to support many of the O&M budget line item increases and the resulting unfavorable impact to Charlotte County Utilities' operational budget in FY2008 and beyond. As of

July 9, 2007, the Authority has only reduced \$150,000 from the previous FY08 Tentative Budget.

Jeff Pearson pointed out that the Peace River Water/Manasota Regional Water Supply Authority (Authority) tentative FY08 budget was brought to the Board's attention on June 26, 2007; that during that meeting Mike Coates from the Authority stated that the Authority would work on reducing the tentative 2008 budget; that staff directed 16 questions to the Authority regarding the budget, received some brief responses to some questions, but not all; that the net reduction in the budget is approximately \$134,235, which is approximately a .12% reduction in the \$96 million budget; that Charlotte County Utilities (CCU) staff seeks a recommendation of the Board to reject the Authority's FY 08 tentative budget due to lack of substantial documentation to support the O & M budget line item increases, and the fixed base rate fee increases, as these will have unfavorable impacts on CCU rates. Mr. Pearson reported that \$9.6 million was budgeted for 2007 to purchase our water from the Authority, including the variable cost, which is the cost per thousand gallons, and our fixed base rate fees that we pay to the Authority, which can include facility cost to produce the water. Mr. Pearson stated that the new budget proposes a cost to purchase our water in 2008 of \$10,628 million, which is over a \$1,028,000 increase in one year. Mr. Pearson advised that there was a reduction in what we pay per 1,000 gallons from \$0.685 cents per thousand to \$0.64 cents per 1,000 gallons; that we currently pay \$0.62 cents per 1,000 gallons, which is a \$0.02 cent increase, which is our variable cost; and indicated that when that was done there was an increase on our base charges also, which only reduced the entire budget by \$134,000.

Mr. Pearson provided the Board with a copy of the draft memo to be sent to the Authority requesting further answers to staff questions, along with a copy of the Authority's responses and the revised budget for FY08; indicated that in the base cost it appears that Sarasota County is producing an additional 2 million gallons per day (MGD) of water through the consumptive use permit; that it appears Charlotte County would bear the cost of Sarasota producing more water for their own use and also receiving water from Manatee, which would cause an impact to the Authority of about \$870,000. Mr. Pearson stated that CCU would

be charged 70% of the cost of this water, while Sarasota would receive a payment for 2 MGD of gap water. Mr. Pearson stated that in the past North Port has attempted, but was unable to do this. Mr. Pearson reported that Charlotte County would be footing the cost of the extra water that is being received from Lake Manatee instead of the Authority bearing the cost from its reserves; and indicated that we have questions about that. Mr. Pearson advised that if there is a need to increase the Authority's budget, CCU is okay with it, if the Authority provides justification for increasing the budget; indicted that solid data is needed, which we do not have; and that CCU staff cannot recommend this budget.

Pat Lehman, Executive Director of the Peace River/Manasota Regional Water Supply Authority, advised that the budget has been reviewed thoroughly, including a review with Charlotte County staff; that some heavy equipment was deferred to reduce the tentative budget; that after the tentative budget was accepted, it was distributed to all the county staffs and the City of North Port staff, and comments received from everyone; that two rounds of questions were received, and that the last round of questions from the Charlotte County staff was responded to last Tuesday (July 17, 2007); and that as a result of going through the budget it was reduced, as proposed on May 2, 2007, by over \$1 million. Mr. Pearson acknowledged that the Board had the responses.

Mr. Lehman said the Authority took into consideration what kind of cuts needed to be done; agreed that the water use rate was reduced from \$0.685 per thousand to \$0.64 cent per thousand, compared to the current budget of \$0.62 cents; that the average residential customer uses less than 5,000 gallons per month, which is about \$0.10 cent per month on the typical residential bill; and pointed out that electric and chemical costs have also had impacts on water production, as has maintenance and upkeep of the facility, which was built in the 1980's. Mr. Lehman indicated that the annual base rate went up slightly from the original tentative budget but that the overall increase is 1.6% compared to last year; and pointed out that the water production and delivery has increased over 5% annually per year. Mr. Lehman stated that there has been no change to the member contributions since the tentative budget, no change to the reserve assessment, that the transfer from unrestricted reserves

has been reduced; and that some projects were reduced so that over \$1 million is maintained in the R & R reserve. Mr. Lehman explained that the Authority tries to stay fiscal-prudent throughout the year, and that any budget item not spent rolls over to offset rates for following years.

Mr. Lehman explained that Charlotte County currently receives about 11 million gallons of water per day from the Authority; that looking at the base rate charge and water usage rate, Charlotte County would pay the Authority approximately \$9.9 million; that Charlotte County anticipates utilizing 11.34 million gallons per day from the Authority next year, which would be approximately \$10.2 million for that water delivered. Mr. Lehman stated that the Authority has looked at its budget with due diligence, has reduced the cost by \$1 million, and attempted to come up with a rate that is affordable to Charlotte County residents, which is \$0.10 per month as a typical increase in next year's budget.

Commissioner Moore asked how much came out of the reserves, and how much went back in. Mr. Pearson stated that the original submission was \$3,078,000 in unrestricted reserves toward the expenditures in FY08, and now only \$2.1 million is being used in the new revised budget. **Commissioner Moore** asked Mr. Lehman to review the issue with Sarasota County. Mr. Lehman explained that approximately 2 years ago when development was booming, everyone projected they would need a lot more water in the near term; that the current facility was contracted out for 18 million gallons per day; that upwards of 22 million gallons per day may be needed to meet the demands; and that FY08/09 the Authority could possibly be 4 million gallons per days short. Mr. Lehman stated that a "gap program" was adopted to find other sources to go beyond the 18 million gallons per day at the Peace River facility in order to meet potential future demands; that the Authority achieved a permit from the Southwest Florida Water Management District (SWFWMD) in the Authority's name, which provided 2 MGD water resource from Shell Creek and 2 MGD water resource from the Carlton facility; that Shell Creek is not yet connected, but Sarasota is available, so the Authority in actuality has 20 MGD capacity; that the Authority wants to utilize the 2 MGD capacity there and that the best way to do that is to apply it to Sarasota rather than transport it around; that the Authority must still purchase the allocation,

but supplying it to Sarasota. **Commissioner Moore** clarified that the Authority is buying up to 2 MGD from Sarasota, that it does not have to leave Sarasota, but would be used by Sarasota, and that the Authority must buy it from Sarasota. Mr. Lehman replied affirmatively, and indicated that it frees up water from the Peace River facility to help recharge ASR when water is available, and helps with reliability for everyone else. **Commissioner Moore** asked what the cost of the water to the Authority was. Mr. Lehman said it is at the same price that the Authority sells to them, an exact tradeoff, which is currently approximately \$2.06 per 1,000 gallons currently. **Commissioner Moore** asked how that would compare to the Shell Creek facility when that happens. Mr. Lehman advised that the Shell Creek facility was contracted for \$2.14 per 1,000 gallons, plus the cost of a pipeline to interconnect.

Commissioner Moore inquired if Charlotte County was paying for any of the Sarasota County water that the Authority has the permit for and must buy from Sarasota County. Mr. Lehman explained that it is put into the base rate; that we can purchase up to 2 MGD; and gives us the option, if we choose, to utilize that water to recharge our ASR wells to help better quality and better reliability for the next dry season. **Commissioner Moore** requested clarification of which is being done: that the water was being procured in Sarasota and kept in Sarasota, or that the water would be taken from Sarasota and put in the ASR wells to improve the quality of water the Authority supplies. Mr. Lehman explained that if Sarasota lightens the load on the Peace River facility, the Peace River facility has the capacity that Sarasota did not take available to help recharge the ASR wells. **Commissioner Moore** clarified that the Authority is not using the water from Sarasota to improve the quality. Mr. Lehman stated that it is a tradeoff and that the water is not physically being transferred.

Commissioner Moore requested clarification of his notes, which reflect Sarasota County producing 2 million gallons of water at a cost of some \$870,000. Mr. Pearson explained that the \$878,000 cost is to all Authority members, and that Charlotte County's portion of the cost of the scenario Mr. Lehman discussed is approximately \$616,000. Mr. Lehman pointed out that the unrestricted reserves helps offset some of those costs so it does not impact the rate payers up front; and that

hopefully this is a temporary thing until the new reservoir plant is online and the drought gone.

Commissioner Moore indicated there was some concern about the need for 4 new employees, and inquired if they were still on the chart. Mr. Lehman indicated that there would be over \$130 million of construction ongoing by the latter part of this year, and commented on the construction; advised that the Public Relations/Conservation person in the original budget has been deleted; that 2 Technical Assistants and an Inspection person were kept in the budget; and that 2 are in the rate part of the budget and 1 in the bond part of the budget.

Commissioner Moore inquired as member counties are reducing their budgets, what justification is there that the Water Authority is different. Mr. Lehman stated that the Authority has mandates from its members to find the water, develop the source, and deliver the water to the members; that there must be investments now to meet the future needs; and advised that it takes 10 years to develop water sources.

Commissioner Moore indicated that the Authority is lacking some expenditure in its budget that will come up this year; and opined that the Authority would be short \$150,000 this year in its budgeting.

Commissioner Duffy asked what \$17,000 listed in the budget for advertising represented, indicated that last year the amount was \$6,000, and inquired if there had been rate increases. Mr. Lehman explained that it was for legal publications for board meetings, special meetings, rate hearing, advertising of various projects out for bids, and the like; that they went over the \$6,000; and that they under budgeted last year.

Commissioner Cummings asked that of the 4 MGD of water we are talking about for the gap plan, 2 of which is available now, 2 of which will not be available until the pipeline is created, what is the current annual average consumption for the Peace River plant now. Mr. Lehman stated that for the current year it runs in the 16-17 MGD range, and that from projections next year totals are up to 18.76 MGD. Mr. Lehman explained that the gap program originally envisioned that 4 MGD may be needed; that we do not need 4 MGD, but would still need 3/4 million gallons

above and beyond the Peace River to meet our obligations; and indicated that although we can get up to 2 MGD from Sarasota .76 is obligated , in this case, to the City of North Port because they are requesting water above and beyond our 18 MGD capability. **Commissioner Cummings** asked what the annual average demand peaked out at during the gap period before the reservoir comes on line. Mr. Lehman stated that it would be .76 MGD; indicated that the plant is envisioned to be online by October 2008; that the reservoir is scheduled to be online in the spring of 2009; and that 2009 is when it is anticipated that the gap would disappear.

Commissioner Cummings clarified that before the gap period it is basically 3/4 MGD for North Port, and that the Sarasota contract with Sarasota provides for up to 2 MGD from Sarasota, which is borne by a facility fund, of which Charlotte County pays 70% of the operating costs. Mr. Lehman replied affirmatively. Mr. Pearson advised that Charlotte County's current average consumption is 10.5-11 MGD; that the County owns 12.75 MGD in the master water supply contract; that our consumption between now and the time the expansion goes online in 2009 is anticipated to be a little over 11 MGD; and that due to the slowdown in construction we do not expect to hit the 12.758 annual average daily flow until probably 2010 or 2011. **Commissioner Cummings** asked how much of the Sarasota contract 2 MGD is anticipated to go toward meeting existing allocations. Mr. Lehman explained that .76 MGD would go to North Port and the remainder of 1.24 MGD would be to help assure reliability and water quality. **Commissioner Cummings** clarified that water is not actually being pumped from Sarasota; that Sarasota would just not take its full allocation. Mr. Lehman replied affirmatively.

Commissioner Cummings stated that the point he is trying to make is that the majority of this \$878,000, if expended, is going to meet allocation that we are already paying for and not getting; that to his recollection Charlotte County has never used its full allocation; and that this contract begins to pay Sarasota for not using its full allocation. **Commissioner Cummings** commented on going to a variable rate; take or pay contracts that every member of the Authority has; that in each instance when Charlotte County got within 2 MGD of it's allocation, it turned out that the allocation was not there; and that now when

another member does not use it's full allocation, they get reimbursed for it. **Commissioner Cummings** expressed concern that Charlotte County still must take a pay contract, but that Sarasota only pays for the part they use; and opined that regional problems are being solved on the back of Charlotte County. **Commissioner Cummings** advised that as the County representative on the Authority he has had standing orders with the Authority staff that they should make the assumption that they do not have his vote on the Authority budget until his staff tells him that they are comfortable with it and recommend approval; and expressed concern that solid answers have not been received by County staff from the Authority staff.

Commissioner Cummings provided examples of questions asked and responses; indicated that Charlotte County staff did not get full disclosure of the questions asked; and stated that Charlotte County is a customer and should get reasonable answers.

COMMISSIONER D'APRILE MOVED TO REJECT THE PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY FY 2008 TENTATIVE BUDGET, SECONDED BY COMMISSIONER MOORE.

Commissioner Moore stated that when the counties are required to reduce their budgets he does not see an exception for the Authority. **Commissioner Duffy** agreed, and indicated that the Authority should have at least kept its budget stable for this year. **Chairman Loftus** expressed concern that Charlotte County staff has not been given all the answers to questions they presented.

Motion Carried 5:0.

RECESS: 10:35 AM - 10:45 AM

(2) County Attorney - **RECOMMENDED ACTION:** Appoint an individual to serve as the Charlotte County representative to the Governing Board of the Babcock Ranch Community Independent Special District (ISD).

Attorney Knowlton explained the purpose of this agenda item; indicated that this would be a non-voting member; and that

the only requirement is that the individual be a Florida resident and a U.S. citizen.

COMMISSIONER MOORE MOVED TO NOMINATE RAYMOND SANDROCK, SECONDED BY COMMISSIONER CUMMINGS.

Chairman Loftus stated that he would like to put his name in for consideration. **Commissioner D'Aprile** advised that he has great faith in Mr. Sandrock, but agreed that a Commissioner should be part of this. **Commissioner Duffy** agreed that Mr. Sandrock would do a good job, but prefers that a Commissioner be involved, and stated that she would support **Chairman Loftus**. **Commissioner Cummings** opined that it should be a skilled staff member; that either Mr. Sandrock or Roger Baltz would be a good choice because neither vote on this Board, that it would not be a violation of the Sunshine Law, and that the Commissioners could talk with a staff person at any time.

Commissioner D'Aprile stated that **Commissioner Cummings** made a good point, withdrew his nomination of Chairman Loftus, and indicated he would support **Commissioner Moore's** nomination of Raymond Sandrock. **Commissioner Duffy** agreed with the point made on the Sunshine Law and inquired what the difference was between **Commissioner Cummings** being on the Authority Board and **Chairman Loftus** being on this Governing Board. **Commissioner Cummings** explained that he has a vote on the Authority Board; and opined that the position should be reviewed a year from November 2007. **Commissioner Duffy** requested that Mr. Sandrock be asked if he would serve in this position. Mr. Sandrock replied affirmatively.

Motion Carried 5:0.

(3) Budget - RECOMMENDED ACTION: Approve the tentative Countywide maximum millage rate and the MSTU maximum millage rates for FY07/08 (s. 200.185 (8), F.S., as created by chapter 2007-321, L.O.F.) to be included on the DR-420 sent to the Property Appraiser and Tax Collector and the TRIM notices which will be sent out no later than August 24, 2007.

Raymond Sandrock reviewed the item per packet material; advised that the rates would be included on the tax TRIM notices that would be sent out no later than August 24, 2007; indicated that

the rates could be lowered at either of the two public hearings, but that they cannot be raised; and read the tentative rates into the record.

Commissioner Moore noted a correction that should read "Don Pedro/Knight Island Street/Drainage Unit." Mr. Sandrock replied affirmatively. **Commissioner D'Aprile** requested clarification of what is included in the countywide total of 4.6426. Mr. Sandrock stated that the 4.6426 includes the General Fund, Capital Projects Fund, and the County Health Unit, that everything from that point down are separate millage rates; that the countywide rate is what everyone in the county has; and that depending upon where in the county you live the total millage rate could be a variety of any combination. **Commissioner Moore** pointed out that Stump Pass Beach Renourishment is not countywide.

Commissioner Cummings inquired what Charlotte County millage rate ranking is compared to the other 67 counties in the state. Mr. Sandrock stated that it is very low. Mr. Loucks indicated that it is 4th or 5th from the bottom. **Commissioner Duffy** commented on the requirement for the County to reduce its budget by 9%; Mr. Sandrock explained that it is effectively not 9% because the property valuations were lower than last year, and estimated that it would be 7% or 8%. **Commissioner Duffy** clarified that the percentage dropped as property values dropped. Mr. Sandrock replied affirmatively. **Commissioner Duffy** pointed out that this is a preliminary, tentative millage rate, that it can go lower, and that this is not final.

COMMISSIONER MOORE MOVED TO ACCEPT THE TENTATIVE COUNTYWIDE MAXIMUM MILLAGE RATE AND THE MSTU MAXIMUM MILLAGE RATES FOR FY07/08 AS READ INTO THE RECORD BY MR. SANDROCK, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

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

(1) Economic Development - **RECOMMENDED ACTION:** Consider an amendment to the Economic Development Incentive Ordinance.

Debra Forrester provided a brief explanation that paralleled the packet material furnished. **Chairman Loftus** opened the public hearing.

Julie Mathis spoke in favor of this agenda item.

COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Commissioner Cummings stated that he has been in favor of doing this for some time, and commented on the purpose of the amendment.

COMMISSIONER CUMMINGS MOVED TO APPROVE ORDINANCE 2007-055, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

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

VII. PRESENTATION AGENDA - No items.

IX. BOARD WORKSHOP AGENDA - No public input. - No items.

CITIZEN INPUT - ANY SUBJECT

Lt. Col Cliff Deane, U.S. Army, retired, spoke on behalf of the Peace River Chapter Number 759 of the Military Order of The Purple Heart, requesting approval to erect a monument at the intersection of Cochran Boulevard and U.S. 41, to honor Pfc Cochran and all veterans; that no funds would be required; that it takes about 8 months to create the stonework and have it shipped; that the monument would be installed in a park-like setting; and would be placed on a 4" - 6" reinforced concrete pad.

Tram Pickett commented on the hours of operation and proposed fees for the newly constructed skate park in Englewood.

Bernadette Miller stated that she lives in the Woodlands Community of Oak Hollow; that her home is 38' from the south bound portion of Veterans Boulevard; that the speed limit is 45 mph, but traffic exceeds that limit; that there are no barriers; commented on the noise study regarding barrier installation; and

inquired who made the decision not to put up the barrier wall recommended from this study.

Art Grimes, Oak Hollow Property Owners Association President, commented on the lack of barriers along the portion of Veterans Boulevard near Oak Hollow; indicated that 12 homes are very near the roadway; and opined that there is a safety issue here.

AA. County Administrator:

Mr. Loucks advised that a response was received from Blue Cross Blue Shield (BCBS) regarding health insurance costs for the upcoming fiscal year; that the BCBS plan runs out in January 2008; that the amount is more than what staff thinks is appropriate; and that health, dental, vision, life and voluntary plans will be sent out for bid. Mr. Loucks stated that the first Tuesday of the month is the day following Labor Day, and clarified that the Board wanted to leave the Roundtable meeting as scheduled for Tuesday, September 4, 2007. **Chairman Loftus** stated that the Board would be available to leave the meeting as scheduled. **Commissioner Duffy** inquired if the bids would be sought separately or as a group. Mr. Loucks advised that it would be reviewed both ways.

BB. County Attorney:

Attorney Knowlton advised that the former Charlotte County Attorney, Rene Lee, was appointed by the Governor to the Commission on Open Government, which will review the public records law and the sunshine law to determine if the task force wants proposed changes; and that Attorney Knowlton forwarded to Attorney Lee the Resolution that the Board passed in February 2007, and it's suggestion on the deletion of our cost estimates.

CC. Commissioner Comments:

Commissioner Moore stated that there are issues of rates at the parks; that there must be a balance; that parks should not be built if the kids cannot go in and use them; that the matter would be discussed at the meeting on Monday July 30, 2007, but that there would be no public input at that meeting, and no public meeting between now and then; suggested that that Mr. Pickett meet with the Commissioners or communicate by email;

indicated that they are listening, but that there is not an immediate forum for them to speak at. Mr. Loucks pointed out that the forum would be at the September 13, 2007 and September 27, 2007 final budget hearings.

Commissioner D'Aprile stated that he is concerned with the skate park; requested that concerned citizens contact him; indicated that he would visit the site, bring a member of Public Works with him, and report back to the Board. **Commissioner D'Aprile** opined that the monument at the corner of Cochran Boulevard and U.S. 41 is good symbolism, and requested that staff get involved quickly. **Chairman Loftus** advised that the flagpole donated by former Commissioner Schmidt is still standing.

Commissioner Duffy commented on the lack of barriers on Veterans Boulevard near the Oak Hollow community; does not know why there is no barrier at this location, because there is a large berm near Torrington and Veterans; indicated that Tom O'Kane from Public Works would check into this; and opined that something must be done.

Commissioner Cummings advised that he is inclined to support the memorial, but would like to see staff review first; commented on the issue of sound buffers and guard rails on Veterans, the skate park, and the need to have clear, specific, levels of service that meets the community expectations of level of service, adopt the high levels of service and maintain them; and opined that we must look at other revenue streams.

Commissioner D'Aprile opined that the key element is "as long as we can afford it"; that some in the community believe we spend too much money on things we do not need and cannot afford; that we must determine what monies are available and what levels of service we can provide on a full time basis; and that in the meantime some things need to be done now.

Commissioner Duffy stated that the main priority is to reduce expenses and give the taxpayers a break; that not everyone agrees with having so many parks; that it is time to cut back on expenses; that it is possible to maintain the budget, reduce expenses, and not penalize the public; and that the children should not have to pay \$6.00 for 4 hours of skating.

THESE MINUTES ARE NOT OFFICIAL
UNTIL ADOPTION BY THE BOARD OF
COUNTY COMMISSIONERS

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Commissioner Cummings disagreed with *Commissioner Duffy*; stated that we have not heard the other side yet; and opined that the public will not see a huge reduction in the savings on the tax savings being talked about.

ADJOURNED: 11:55 AM.

Chairman

ATTEST:

BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

gm