

BOARD OF COUNTY COMMISSIONERS

JANUARY 13, 2009

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Duffy, Commissioner Cummings, Commissioner Loftus, Commissioner Starr, and Commissioner Skidmore. Also in attendance were County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Gant, and Deputy Clerk Manley. The following members were absent: None.

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

Invocation was given by Pastor Anthony Wagner Smith, Port Charlotte Seventh Day Adventist Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: A-1 - Requested By: Clerk of Court: Replace Cover Sheet to Clerk's Finance Memorandum

Deletion #1: Requested By: Commission Office: L-3 - a) Award Bid # 09-100, Fiber Optic Infrastructure - Annual Contract, to Precision Contracting Services, Inc. of Ft. Myers, FL at the unit prices listed on the attached bid form for the term from date of award through December 31, 2009 with option to renew for two additional on-year terms by mutual consent, and b) Authorize County Administrator to approve renewals.

Addition #1: Requested by: County Attorney: Z-5 - Approve, and authorize the Chair to sign, a Release authorizing Charlotte County to release Willis Group Holdings Limited ("Willis") from any claims or actions by Charlotte County. In exchange, Willis, through the Florida Attorney General's Office, will tender payment in the amount of \$2,222.77 to Charlotte as full and final settlement of any claims Charlotte County may have against Willis.

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

Special Recognition

Proclamations - Commissioner Bob Starr

Arts and Humanities Council Artist of the Month, Jane Dickinson, for the month of January 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH, JANE DICKINSON, PROCLAMATION FOR THE MONTH OF JANUARY 2009, SECONDED BY COMMISSIONER SKIDMORE.
Motion Carried 5:0.

The Proclamation was accepted by Jane Dickinson.

Hazardous Materials Awareness Week the week of January 18 through January 24, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE HAZARDOUS MATERIALS AWARENESS WEEK PROCLAMATION THE WEEK OF JANUARY 18 THROUGH JANUARY 24, 2009, SECONDED BY COMMISSIONER SKIDMORE.
Motion Carried 5:0.

The Proclamation was accepted by Wayne Salade.

John Zeitler Day, January 6, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE JOHN ZEITLER DAY PROCLAMATION, JANUARY 6, 2009, SECONDED BY COMMISSIONER SKIDMORE.
Motion Carried 5:0.

The Proclamation was accepted by John Zeitler.

Martin Luther King, Jr. Day, January 19, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE MARTIN LUTHER KING, JR. DAY PROCLAMATION, JANUARY 19, 2009, SECONDED BY COMMISSIONER SKIDMORE.
Motion Carried 5:0.

The Proclamation was accepted by Danielle Griffith.

Employee Recognition - Commissioner Bob Starr and County Administrator Roger Baltz

Five Years: Darren Broom, Utilities; Cindy Libby, Human Services; Dwayne Smith, Public Works; Victoria Smith, Purchasing; Gregory Soravilla, Information Technology; Alfred Vowell, Utilities; Marguerite Yeno, Budget; **Ten Years:** James Barrett, Human Services; Richard Hamilton, Information Technology; Michael Koenig, Parks, Recreation & Cultural Resources; Edward Welsh, Parks, Recreation & Cultural Resources; **Fifteen Years:** Kristy Hanlon, Environmental & Extension Services; Frank Shupock, Public Works; Jodi Struble, Public Works; **Twenty Years:** Charlotte Krasinski, Fire/EMS; Steven Story, Fire/EMS

Award Presentations

Recognition of Florida Department of Environmental Protection (FDEP) 2008 Plant Operations Excellence Award received by Charlotte County Utilities for its Burnt Store Water Treatment Facility.

Charlotte County Utilities Director Jeff Pearson reported that the Florida Department of Environmental Protection (FDEP) regulates over 6500 water utilities throughout the State of Florida; indicated Charlotte County's Burnt Store Reverse Osmosis (RO) treatment plant facility was the recipient of FDEP's Plant Operations Excellence Award for the south district on December 16, 2008; pointed out this is a very special award as only about 11 utilities were recognized for the award this year; and requested the front line staff and supervisors come forward to accept the award.

I. CITIZEN INPUT - AGENDA ITEMS ONLY - None

II. COMMITTEE VACANCIES

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

Buena Vista Area Waterway Committee is seeking one member to serve on the committee. Must be a land owner and reside within the unit. Term is for three years

Construction Board of Adjustments and Appeals is seeking two members. One electrical contractor and one plumbing contractor. Term is for three years.

Charlotte Ranchettes Street and Drainage Unit Advisory Committee is seeking one regular and one alternate member to serve. Terms are for two years

Housing Finance Authority is seeking one member to serve on the committee. Must have knowledge in labor, finance or commerce. Term is four years.

Little Gasparilla Island Advisory is seeking one volunteer to serve as the Member at Large. This term is effective January 22, 2009 and will expire January 22, 2012.

Manchester Waterway Advisory Committee is seeking one member to serve on the committee. Must be a land owner and reside within the unit. Term is for three years.

Placida Street & Drainage Unit Advisory Committee is seeking one volunteer to serve as the alternate member for a two year term. Must be a land owner and reside within the unit.

Rotonda West Street and Drainage Advisory Committee is seeking two members to serve. Must be land owners and reside within the boundary of the unit. Terms are for three years.

South Gulf Cove Waterway Advisory Committee is seeking two members to serve. Must be residents and property owners within the unit. Term is three years.

South Bridge Waterway Municipal Service Benefit Unit is seeking one volunteer to serve as a regular member and one volunteer to serve as the alternate member on the new committee. Must be a land owner and reside within the unit.

Town Estates Street & Drainage Unit Advisory Board is seeking two volunteers as regular members and one volunteer to be an

alternate member, effective January 23, 2009. Terms expire January 23, 2012 for regular members and January 23, 2011 for the alternate member.

West Charlotte Stormwater Utility is seeking one volunteer to serve as a regular member for a three year term, effective immediately. Must be a land owner and reside within the unit.

III. REPORTS RECEIVED AND FILED

December 15, 2008 Charlotte Harbor CRA Advisory Committee Minutes

December 12,, 2008 Murdock Village Community Redevelopment Agency Advisory Committee Minutes

IV. CONSENT AGENDA

Commissioner Skidmore requested agenda item T-2 be pulled for discussion.

COMMISSIONER LOFTUS MOVED TO APPROVE CONSENT AGENDA EXCEPT AGENDA ITEM T-2, SECONDED BY COMMISSIONER SKIDMORE.
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 07/08

Memorandum #1A - Status of Contingency Reserves - FY 08/09

Memorandum #2 - Total Disbursement for the period December 2, 2008 through January 5, 2009 in the amount of \$44,619,835.45.

Memorandum #3 - Quarterly Report Unclaimed Excess Money

Memorandum #4 - Excess Funds on Tax Deed Applications. BUDGETED ACTION: None

B. Minutes Division

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

September 9, 2008 2:00 p.m. Land Use Public Hearings

September 11, 2008 5:01 p.m. First Budget Public Hearing

September 12, 2008 9:00 a.m. Board of County Commissioners/Punta Gorda Joint Meeting

September 16, 2008 9:00 a.m. Land Use Public Hearings

September 23, 2008 9:00 a.m. BCC Regular Meeting

September 23, 2008 2:00 p.m. Executive Session - IUPAT Union Negotiations

September 24, 2008 1:30 p.m. Executive Session - Rapp v. Charlotte County & Knowlton

September 25, 2008 5:01 p.m. Final Budget Public Hearing

October 14, 2008 9:00 a.m. Board of County Commissioners Regular Meeting

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the reappointments to the Agricultural and Natural Resources Advisory Committee for four year terms: Mr. Matthew Sullivan as the Citrus Production representative, Mr. Alton Cheatham as the Wildlife, Biology/Ecology representative, Mr. Michael W. Jones as the Rural Land Use Environmental representative, and Mr. Chris Hencher as the AG/Water Management representative. These reappointments have been approved by the committee. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Mr. Fred Walters to the Agricultural and Natural Resources Advisory Committee as the Agricultural Realty representative. Mr. Walters will fill the

vacancy of Mr. Federer who did not wish to be reappointed. The committee has approved this nomination and term is four years.
BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Appoint Bill Truex to serve on the Charlotte County Board of Zoning Appeals as the District III representative. This term is effective immediately and expires December 31, 2012. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Re-appoint Audrey Seay as the District #1 representative to the Charlotte County Board of Zoning Appeals. This is a four year term that will expire in December 2012.
BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Appoint Judy Juliano to the Environmentally Sensitive Lands Oversight Committee representing the community representative category. Term expires January 23, 2010. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Re-appoint Scott Schermerhorn as the Member-at-Large on the Marine Advisory Committee. This term is effective immediately and expires on December 31, 2011. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: a) Re-appoint Mr. Michael McClain and Mr. Steve Stump to continue serving on the Manasota Key Street and Drainage MSTU committee. This term is effective immediately and expires January 9, 2012; and b) Appoint Frank Chappell to the Manasota Key Street & Drainage MSTU as a regular member. This committee has not had a full board and his appointment would bring the committee to that level. The term is effective immediately and expires January 9, 2012. BUDGETED ACTION: None

(8) RECOMMENDED ACTION: Appoint Mr. George Walker to be a regular member on the Town Estates Street and Drainage Unit Advisory Board. Mr. Walker will be replacing Nancy Parker and fill the vacated term that expires January 23, 2010. Mr. Walker has been serving as the alternate member of this committee. BUDGETED ACTION: None

(9) RECOMMENDED ACTION: Approve the reappointments of Mrs. Lucille Consol and Mr. John "Jack" Paine to the South Gulf Cove Street and Drainage Unit Advisory Committee for two year

terms. Both members wish to continue serving. BUDGETED ACTION:
None

D. Administration

(1) RECOMMENDED ACTION: Set a Joint Meeting with the Charlotte County Board of County Commissioners and the Charlotte County Airport Authority for Wednesday, February 18, 2009 at 1:00 p.m. to be held in Room 119 of the Administration Building. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve recommendations as stated for re-organization as presented in attached memo. BUDGETED ACTION: None

E. County Attorney - No items.

F. Budget Office

(1) RECOMMENDED ACTION: Set a Board Workshop on Thursday, February 5, 2009 at 2:00 p.m. in Room #119 to discuss the upcoming Budget process. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Set workshops in March, April, and May 2009 to review departmental performance based budgets. BUDGETED ACTION: None

G. Growth Management - No items.

H. Economic Development

(1) RECOMMENDED ACTION: Set a public workshop with the Board of County Commissioners sitting as ex-officio governing board of the Charlotte Harbor Community Redevelopment Agency and the Charlotte Harbor Community Redevelopment Agency Advisory Committee for Thursday, February 26, 2009 at 10:00 a.m. BUDGETED ACTION: None

J. Environmental Services - No items.

K. Facilities Construction and Maintenance - No items.

L. General Services

(1) RECOMMENDED ACTION: a) Approve Award of Bid #09-081, Plumbing Contractor - Annual Contract, at the unit prices bid to Ray's Plumbing Inc. of Punta Gorda, FL. Term of the contract is to be from January 14, 2009 through and including December 31, 2009. b) Authorize the County Administrator to approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: a) Award Bid #09-099, Concrete Sidewalk & Driveway Construction-Repair/Replace, to the responsive, responsible bidder, Coral Sands Construction, LLC of North Port, FL, at the unit costs listed on the attached bid tabulation for the term from date of award through and including December 31, 2009; 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: In FY08 purchases were \$60,738 for Public Works. CCU has \$75,000 budgeted for these services.

(4) RECOMMENDED ACTION: a) Approve transfer of ownership and assignment of Contract #08-121, from North American Natural Resources-Southeast LLC ("North American") for Landfill Gas Purchase, to GES-Port Charlotte, LLC, a subsidiary of Global Energy Systems, Inc. ("GES-Port Charlotte) and; b) Authorize the Chairperson to sign the Novation substituting GES-Port Charlotte, for GES-Port Charlotte. North American upon the completion of the transaction between North American and GES Port Charlotte. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of January, 2009. BUDGETED ACTION: None

M. Human Resources - No items.

N. Human Services

(1) RECOMMENDED ACTION: a) Approve The Veranda Senior Housing Project as a County Affordable Multifamily Housing Project, (a partnership with the Punta Gorda Housing Authority); and b) Approve the local match in the amount of \$75,000 from the County's State Housing Initiative Partnership Allocation for the coming year. BUDGETED ACTION: The funds for this match are taken

from the State Housing Initiative Partnership Allocation. Therefore there is no impact on county funds.

(2) *RECOMMENDED ACTION*: Approve the annual Section 5310 Grant and Resolution for FY 2009/10 funding and authorize the Chair to sign all necessary documents. The Section 5310 grant will fund 90% of the purchase of an 18 passenger lift bus replacing a seven year old property with 200,000 miles on it. It also will fund two new eleven passenger commuter type vans for the Transit Division Veterans Van service to Bay Pines Hospital and the Veterans Clinic in Ft Myers. *BUDGETED ACTION*: Cash match of \$13,995.00 will be included in FY 2009/10 Transit budget.

(3) *RECOMMENDED ACTION*: Approve the annual Section 5311 Grant and Resolution for FY 2009/10 funding and authorize the Chair to sign all necessary documents. The Section 5311 grant provides \$49,200 which will fund approximately 8,575 group trips provided by the Transit Division for Charlotte County residents who live outside the urbanized area. *BUDGETED ACTION*: In-kind match required by grant. Funding breakdown for the in-kind match as follows: FTA/FDOT Funding @ 100%: \$49,200 County Match in-kind (trips only): \$49,200

(4) *RECOMMENDED ACTION*: Approve the annual Section 5316 Grant and Resolution for FY 2009/10 funding and authorize the Chair to sign all necessary documents. This program will provide funds for Transportation Disadvantaged county residents who need transportation to work or to job training in our existing Sunshine Ride program. *BUDGETED ACTION*: In-Kind match of \$31,200.00 will be displayed in FY 2009/10 Transit Budget.

(5) *RECOMMENDED ACTION*: Approve the annual Section 5317 Grant and Resolution for FY 2009/10 funding and authorize the Chair to sign all necessary documents. This program will provide funds for Transportation Disadvantaged county residents who are disabled and need transportation for most reasons that are currently in our existing Sunshine Ride program. *BUDGETED ACTION*: In-Kind match of \$17,500 will be displayed in FY 2009/10 Transit Budget.

(6) *RECOMMENDED ACTION*: Set a Board Workshop for Tuesday, January 27, 2009 at 2:00 p.m. or as soon thereafter as may be heard, for the review and consideration of the Local Housing Assistance Plan

(LHAP) as brought forward by the Affordable Housing Advisory Committee (AHAC) BUDGETED ACTION: None

P. Information Technology - No items

Q. Parks, Recreation and Cultural Resources - No items

R. Public Safety - No items.

S. Public Works

(1) RECOMMENDED ACTION: Approve and authorize the Chair to sign, Amendment No. 2, Florida Department of Environmental Protection (FDEP) Grant Agreement for Knight Island monitoring for erosion control. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve, and authorize the Chair to sign, Amendment No. 5 to Florida Department of Environmental Protection (FDEP) Agreement No. 03CH1 for project costs comprised of design, permitting, construction, and monitoring (physical and environmental) associated with the Knight Island Beach Restoration Project. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve and authorize the Chair to sign, a Resolution and Locally Funded Agreement (LFA) FM# 422439 1 32/52/62 01 with the State of Florida Department of Transportation (FDOT) for the US 41 Mega Sidewalk Project. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Approve, and authorize the Chair to sign, a Resolution and Memorandum of Agreement (MOA) with the Florida Department of Transportation (FDOT) for the intersection improvements at SR 776 and Coliseum Boulevard. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Set a public hearing for Tuesday, January 27, 2009, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance to establish "No Trucks Over 6 Wheels" zones on various County roadways located in an area near CR 771 and Rotonda Circle in west Charlotte County. BUDGETED ACTION: None

(6) *RECOMMENDED ACTION*: Approve the Cooperative Service Agreement with the USDA to reduce damage caused by the invasive black spiny-tailed iguana on Gasparilla Island. *BUDGETED ACTION*: None

T. Real Estate Services

(1) *RECOMMENDED ACTION*: Approve the attached Resolution approving the release of a recorded twenty-foot (20') wide drainage easement, located in a certain portion of Section 19, Township 40 South, Range 23 East. (Owner: Phoenix Harbor Cove, Inc., a Florida corporation) *BUDGETED ACTION*: None

(2) *RECOMMENDED ACTION*: a) Approve the attached Resolution authorizing the Chair to execute the Lease Agreement for space at 1655 Tamiami Trail, Unit 6, Port Charlotte, FL 33948 (Murdock Medical Park), for the Employee Health Center; and b) Approve Budget Transfer #09-005 for \$15,106 to cover the lease costs for February 1, 2009 through September 30, 2009. *BUDGETED ACTION*: Approve Budget Transfer #09-005 for \$15,106.

Commissioner Skidmore indicated there is no proven data there would be savings as estimated; that he is not convinced after speaking with staff that we have fully analyzed adequate spaces in County-owned buildings before going outside Charlotte County facilities; that he is not happy with estimated costs of flooring, carpet and painting; that he is not convinced if this is voted down today the space won't still be available; that is not yet sold on self-insurance; and that he does not believe this is the right time to do this with a \$40M short fall in the budget without further investigation.

Chairman Duffy shared **Commissioner Skidmore's** concerns and agreed staff should get more factual estimates; and questioned the tenant paying for carpet and linoleum rather than the owner of the building. **Commissioner Skidmore** opined the assumption of savings that was provided is based upon employees using the facility rather than their own doctors; that he is not certain the employees would use it that much; that employees would be using the facility on County time and there is a cost factor involved there; that these are not accurate numbers; and that we would not be good stewards of public money to move forward with this today. **Chairman Duffy** explained this was based initially upon data obtained from other counties having this type facility

that had saved money; and that we had hoped to find space in the Murdock Administration Building for the facility.

Commissioner Skidmore said he understands from speaking with Facilities Director Andrew Baker there may be space in a County building; and stated there are many loose ends. **Commissioner Starr** shared concerns on flooring estimates; stated we need to look for efficiencies and new ways to do things; that there is a cost savings for employees to use this facility and there is an incentive to do this; that he did not hear anything about this being done on County time and would question that, but it is not the issue here today; that the facility might be better utilized if off County property; and pointed out the facility was formerly a doctor's office and there is a savings there. **Commissioner Starr** explained he had some doubts at pre-agenda but after further explanation understands we are not the test case for this; that other counties have saved money; and that he is in favor of moving ahead quickly.

COMMISSIONER STARR MOVED TO APPROVE RESOLUTION 2009-008 AND AGREEMENT 2009-005, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner Loftus stated that money needs to be saved where possible and is in favor of the program; indicated he has a problem with estimates coming in over what they should be; that we must be accountable and not just throw figures in hoping to come in under cost; but advised he would support the motion. **Chairman Duffy** stated she supports the program but has concerns about this location and build out costs and because of that would not support the motion.

Motion Carried 3:2. Chairman Duffy, and Commissioner Skidmore opposing.

(3) **RECOMMENDED ACTION:** Approve the attached Resolution of Necessity for the acquisition of an easement required for the installation of public water improvements adjacent to Kings Highway. **BUDGETED ACTION:** Budget Action: Budgeted Amount: \$100,000.00, in CIP c330602, Water Distribution Piping c330602.610.33066.000, 4032.378501.533.61.0001

V. Tourism Development - No items.

W. Utilities

(1) RECOMMENDED ACTION: a) Approve the 2009 - 2010 Charlotte County 20-year projected water demands for submittal to the Peace River/Manasota Regional Water Supply Authority (Authority); b) Reallocate 0.5 mgd of Hydraulic Capacity in the 36" Regional Transmission System water main back to the Authority for purchase by all Authority customers in FY 2010; and c) Transfer 2.0 mgd of Charlotte County's available water to the Redistribution Pool, for purchase by all Authority customers in FY 2010. BUDGETED ACTION: None

X. Building & Construction Services

(1) RECOMMENDED ACTION: Approve Amended Developer's Agreement for FP 02-11-8 Kings Gate Phase 5 subdivision. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Set a public workshop for Tuesday, January 27, 2009 at 2:00 p.m. to discuss the proposed Green Building Ordinance. BUDGETED ACTION: None

Y. Other Agencies - No items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) County Administration - RECOMMENDED ACTION: Discussion and direction of proposed federal legislative agenda.

Assistant County Administrator Kelly Shoemaker explained that each year at this time we go through a process where we match department requests with available Federal funding programs; that through Fiscal Year 2008 our work with our Federal Lobbyist, The Ferguson Group, has helped us secure \$2.4M in funding, \$23M in water infrastructure authorizations, and a \$3M transportation authorization for River Road that we partnered with Sarasota County for. Ms. Shoemaker explained the FY09 process has not wrapped up yet and The Ferguson Group is still working with our delegation in support of our pending requests; recalled a meeting the Commissioners had with Congressman Rooney and reminded the Board of some of the requests the Board brought to Congressman Rooney's attention. Ms. Shoemaker advised that the lists

contained in the packet material furnished are the projects staff recommends requesting for Fiscal Year 2010.

Commissioner Starr opined Murdock Village should be included on the list; that to be a more viable property it needs installation of infrastructure, which would result in significant jobs; and inquired if there was any prohibition to including a request for Murdock Village infrastructure funds in this request. Ms. Shoemaker replied there was not, but that no Federal program had been found that would match what we are trying to do at Murdock Village. **Commissioner Starr** commented on looking at this regarding the Stimulus Package. **Chairman Duffy** requested clarification that the U.S. 41 enhancement under the regular appropriations and transportation is the area from Murdock Village to North Port, which actually is infrastructure for Murdock Village. Ms. Shoemaker replied affirmatively; and explained the area is from Enterprise Drive to Sumter Boulevard. **Commissioner Starr** said he understands the highways would improve access, but his concern is for putting pipes in the ground and water in, which would make the property more marketable; and that this should be a number one priority in getting government help when funds are available.

Ms. Shoemaker stated that while it is not completely what **Commissioner Starr** is looking for, the first project on the list is a Regional Reclaimed Water System; and that a small portion of it would allow water to be moved through Murdock Village to West County or the Myakka River area.

Chairman Duffy asked if the Board wanted Ms. Shoemaker to go through each item. **Commissioner Loftus** stated that the list follows what was initially submitted; that some funds have been received and we continue working toward additional funds on those particular projects; and opined we need to move forward with those projects listed. Ms. Shoemaker explained it takes a couple years to get the information to Washington and begin getting visibility on the projects; and agreed with **Commissioner Loftus** that we have begun with these projects and are carrying them through. **Commissioner Cummings** clarified it does not take a couple years to get the information to Washington but does take that long to get visibility and that far along in the process. Ms. Shoemaker agreed. **Chairman Duffy** inquired if everything we need is being covered. **Commissioner Cummings** opined that all

projects we do must be in coordination with The Ferguson Group, including Murdock Village and any approved Stimulus package; and indicated that would drive the project list.

Chairman Duffy said she is pleased with the idea of a possible Airport Business Park; indicated it would help with our initiatives on economic development; and that it would be great to get some funding for that. **(Consensus of the Board to approve the list submitted.)**

(2) Commission Office - **RECOMMENDED ACTION:** Select by ballot two people to fill the terms that are expiring on January 31, 2009 for the Deep Creek Non-Urban Street & Drainage Advisory Committee. These are three year terms that will expire in 2012.

Chairman Duffy requested submittal of ballots. Mr. Baltz advised that Kim Jakubaitis has 4 votes; that Dan Gawenda and Philip J. Palmer each have 3 votes, and that a second vote is needed. Mr. Baltz advised that Dan Gawenda has 1 vote and Philip J. Palmer has 4 votes on the second round of voting.

COMMISSIONER CUMMINGS MOVED TO APPROVE KIM JAKUBAITIS AND PHILIP J. PALMER TO FILL THE TERMS THAT ARE EXPIRING ON JANUARY 31, 2009 FOR THE DEEP CREEK NON-URBAN STREET & DRAINAGE ADVISORY COMMITTEE, WHICH ARE THREE YEAR TERMS THAT WILL EXPIRE IN 2012, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

(3) Administration - **RECOMMENDED ACTION:** Discussion and Direction of the proposed Economic Stimulus Projects.

Ms. Shoemaker advised staff pulled together a wish list of projects to be considered for the possible Economic Stimulus package; that inclusion on this list is based on CIP projects that have been designed, are shovel ready, and considered infrastructure projects; stated that the criteria for the Economic Stimulus program has not been advertised and staff has not heard any specifics; but we have heard projects that would receive higher priority should be infrastructure and shovel ready. Ms. Shoemaker reported that Sarasota County has offered to share a software program which allows us to add a column to the chart of projects that gives us the number of jobs created for each project. Ms. Shoemaker said staff recommends providing

the list to the Governor and our State and Federal Delegation, see what happens with the package, and what criteria comes out of Washington in the next few weeks. **Commissioner Starr** stated this is wide open with no ground rules; and opined that Murdock Village infrastructure is the most critical project that we could present.

Commissioner Cummings recalled funds were set aside to begin work on Toledo Blade Boulevard permitting. Ms. Shoemaker explained in the Capital Improvement Program (CIP) there is a project for Toledo Blade that runs through Murdock Village, but it has not started. **Commissioner Cummings** advised that the site plans for this property is varied but the one major piece of infrastructure where we know it will go and can probably get moving on the quickest is the segment at Toledo Blade Boulevard; that we already have at least the funding in line to get started on the permitting; and that this project offers the greatest flexibility.

Commissioner Loftus agreed that Murdock Village should be at the top of the list; stated that Toledo Blade is the main gateway coming in and should be worked on as quickly as possible; pointed out we have seen it come to fruition from the North Port line down to U.S. 41 on Toledo Blade and it needs to continue up to S.R. 776; opined we cannot put in the full amount for water and sewer infrastructure because we do not know what the entire plan would take; but agreed we can bring the water and sewer to the property and need to include some money for that.

Commissioner Starr stated that they probably would not give the full \$140M but we might as well ask for it because they might give enough to handle what is being prioritized; indicated we need to make that property productive; that if this is a vehicle to begin making that work we need to try it; and that he would like to put the full \$140M in and make Murdock Village a priority.

Commissioner Loftus reported comments received from the Senators and Representatives while lobbying for our projects in Washington is that they appreciated we had narrowed down the list with explicit projects needed; and stated he would rather be more definitive on the list when we go in. **Chairman Duffy** agreed, but pointed out our federal priority list is a concise list and

this is not; indicated she would rather see the real needs that we can justify and the number of jobs expected to be generated; and that she would like to see the list trimmed down.

Chairman Duffy inquired about the amount of money set aside for Murdock Village for design and engineering. Ms. Shoemaker stated the Board of County Commissioners (BOCC/Board) talked about \$8M and budgeted \$2.5M for the Toledo Blade project. **Commissioner Starr** pointed out this Stimulus Package is different and would be directed by the White House; indicated we are lucky to have 3 Representatives and it is important for the Commissioners to lobby them on how important our needs are; and reiterated that Murdock Village is our #1 priority. **Chairman Duffy** advised the list is to be presented to the Regional Planning Council meeting January 15, 2009.

Commissioner Cummings stated he had presumed when the list was made it was for submission to The Ferguson Group, not our Congressional Delegation; that if this is a wish list for The Ferguson Group he is okay putting everything on it; but expressed concern with just throwing things on the list as an official lobbying position.

Ms. Shoemaker explained the original assignment given to her was based on the fact several other communities, such as Sarasota and the City of North Port, were writing directly to the Governor and their local delegation; consequently we felt the need to also be in line with regards to what was happening, and the reason for the list; and advised if the Board is uncomfortable with the listed projects going to the Governor and our delegation she needs to know that and pull them. **Commissioner Cummings** advised that before it is sent off he would want to at least have feedback from The Ferguson Group.

Commissioner Starr agreed the list should go to The Ferguson Group because they are our lobbyists and the ones that will present it; pointed out that we need to get better at leveraging our relationships and input with the legislators; opined that some of the smaller projects that we eventually will be able to handle should be removed and leave on the list the large-ticket items we want to get action on; indicated we need to be in front of the delegation with our wish list so Charlotte County gets its fair share; and that Murdock Village should be at the top. Ms.

Shoemaker advised there are 4 items in the water and wastewater projects that impact Murdock Village; and indicated perhaps there is a better way to package that. **Commissioner Starr** stated we need to have the sewer and water lines in the ground and the electricity available; and that even if we cannot do the whole thing if we can get federal dollars to do that it would help us market the area and make it a productive part of the County.

Commissioner Skidmore stated the danger of deleting items and going project-by-project is that we do not know what the new administration has a fancy for; that it is important to get a pared down list to the delegation, being as comprehensive and shovel-ready as possible; that he is pleased with the list staff put together but agreed Murdock Village should be included wherever possible; that he hesitates to pull projects off, but would agree to pull smaller ones if necessary; and opined the number of jobs provided would dictate the significant look the projects get.

Chairman Duffy agreed the list should be trimmed, that Murdock Village should be a priority, and that items on the list related to Murdock Village be clear as to the relationship to that project; stated she does not want Charlotte County to be the last to have its list ready; that she is not certain The Ferguson Group has time to go through the list; and does not want it tied up if they cannot. **Commissioner Cummings** opined The Ferguson Group would be able to look at the list and get it back expeditiously; commented on the benefits gained as a result of Charlotte County's involvement with The Ferguson Group; and indicated the Commissioners lobby the national delegation every year in addition to the lobbyists.

Chairman Duffy inquired if Ms. Shoemaker had talked with The Ferguson Group about the Stimulus list. Ms. Shoemaker replied affirmatively; but indicated they were unable at this time to give additional criteria information over what we already have for what type projects communities should be looking at. Ms. Shoemaker stated she has not yet given The Ferguson Group a specific list for review, but would do so. **Commissioner Loftus** requested that the workforce list be included on what is furnished to The Ferguson Group. **Commissioner Starr** stated if everything is left in we need to prioritize for the legislators and lobbyists; that we need to get this going because there will

be a lot of people in line; and that his only request is to put Murdock Village at the top.

Chairman Duffy inquired if the Commissioners wanted the list reviewed. **Commissioner Skidmore** approved the list as it is. **Commissioner Loftus** stated he would rather the list with the employment numbers be furnished to The Ferguson Group as soon as possible for them to review; agreed Murdock Village should be at the top but include only the amount of monies to get water and sewer to Murdock Village; that we want to get as much funding as possible, but he understands projects should be shovel ready; and that we should be conservative and spread the funds out to as many projects as possible. **Commissioner Starr** stated he would like Murdock Village listed at the top and ask for \$100M to provide infrastructure. **Chairman Duffy** pointed out there are no definite figures on Murdock Village. **Commissioner Loftus** explained there is only a conceptual plan on Murdock Village; and opined we need to submit shovel ready projects we know we can obtain funds for today.

Commissioner Cummings stated he had no problem putting an item on the project list with an estimate of anticipated infrastructure cost for Murdock Village provided the list goes to The Ferguson Group, that they understand the numbers could change radically, and with that understanding if The Ferguson Group thinks inclusion is not a good idea it would be removed from the list; opined that there should be a separate item for Toledo Blade Boulevard with the same conditions; that the list should go to The Ferguson Group for vetting and that approved list be submitted; and indicated it was not necessary to go through each item on the list individually. **Chairman Duffy** suggested putting the matter on hold, contacting The Ferguson Group to discuss it with them today, and bringing it back at the 2:00 PM meeting. Ms. Shoemaker explained she could try, but that The Ferguson Group did not attend the meeting today because of a scheduling conflict. Ms. Shoemaker advised there was infrastructure needed for the re-development area that was next to Toledo Blade Boulevard which was broken down into Phase I when we talked internally about that project; that \$27M would cover the utilities and road work that staff had designed for that particular piece; and suggested if the Board wants to take a step in regards to Murdock Village that might help get somewhere in between. **Commissioner Cummings** inquired if that included Toledo

Blade Boulevard. Ms. Shoemaker replied affirmatively. Commissioner Loftus and Chairman Duffy agreed that was acceptable.

COMMISSIONER STARR MOVED TO APPROVE SUBMITTAL OF THE LIST TO THE FERGUSON GROUP WITH THE INCLUSION OF THE MURDOCK VILLAGE PROJECT BEING THE NUMBER 1 PRIORITY FOR \$27M TO PROVIDE INFRASTRUCTURE TO BEGIN DEVELOPING THE PROPERTY, SECONDED BY COMMISSIONER SKIDMORE.

Commissioner Cummings pointed out that an answer from The Ferguson Group should not be expected today because their only information is to have shovel - ready projects available and will not yet have new information to add to this analysis. Chairman Duffy stated she would support the motion; but opined that the list is too long and priorities should be focused on transportation, roads, water, and the incubator site. Commissioner Cummings opined that no single project should be the number 1 priority, only on the list for consideration.

Motion Carried 5:0.

Ms. Shoemaker clarified that the Board approves removal of any project or projects from the list if recommended by the Ferguson Group and that the Board would submit a revised list to the Regional Planning Council or anyone else as needed. (Consensus by the Board). Chairman Duffy reminded the Board that the legislative delegation meeting was scheduled for January 21, 2009.

Mr. Baltz explained what we are discussing is challenging because we do not know what the requirements will be; that it is not inconsistent with what other cities and counties are doing; and that this is a legitimate list of items to stimulate growth in our community

RECESS: 9:50 AM - 10:00 AM

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

(1) County Attorney - RECOMMENDED ACTION: Consider approving an ordinance extending the residential and commercial impact fee rollbacks for an additional six months.

Dan Gallagher explained this agenda item is to consider an ordinance extending the previous residential and commercial impact fee rollbacks, each respectfully by six months; indicated there was some grant funding for counties appropriated by the state legislature last year; that one of the conditions for funding eligibility was that the county's had to roll back their impact fee rates or reduce them by 25% for a period of 18 months; that we have done ours for 12 months; and to be eligible for the funding this must be considered for approval.

Earl Snyder and T.J. Thornberry spoke in support of extending the residential and commercial impact fee rollbacks for an additional six months.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE.
Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2009-001, SECONDED BY COMMISSIONER SKIDMORE.

Commissioner Cummings inquired how much money the County had foregone for the last year by having the reduced impact fee and how much money do we anticipate foregoing if extended another 6 months.

Jeff Ruggieri advised that the Budget Office runs a comparison every month of what the fees would have been at the 2006 rate versus the fees we are currently collecting; that to date we have not collected \$2.46M in impact fees; that, summed up over the 12-month period, comes to \$2.46M; that the permitting numbers have remained consistent; and that another 6 months would be about \$1.2M. Commissioner Cummings inquired what amount was anticipated in possible grant funding and the likelihood that would be funded. County Attorney Knowlton stated that the entire program had \$20M, with up to \$2M per jurisdiction. Bob Hebert advised that as of this morning there was no confirmation on funding; that the package being voted on by the chambers of the legislature tomorrow only includes broad numbers; that it does not specify discussions with the Florida Housing Finance Corporation; and there is a strong potential the \$20M may be eliminated. Commissioner Cummings expressed concern voting today

to forego \$1.2M in funding that would go toward meeting infrastructure needs in the hopes that maybe we could get a maximum of \$2M that would be directed toward affordable housing, which the market seems to be addressing at the present time.

Commissioner Cummings inquired if there was evidence this has affected permitting on a broad scale or only individual projects. Mr. Ruggieri said no big spike was seen during the process; but agreed there was some antidotal relief to a handful of individuals. Commissioner Cummings stated he does not agree with the concept that if this helps one job it was worth it because it is \$3.7M to meet concurrency needs that the State requires of us; and opined it does not appear to be a good bet for the potential return.

Commissioner Starr pointed out the \$2.46M is already gone and it is uncertain Charlotte County would receive the \$2M; explained the Board would be looking at re-structuring the fees anyway; that Charlotte County had high impact fees beforehand; that possibly keeping the fees where they are may help jump-start Charlotte County's economy; and stated he supports the motion.

Commissioner Skidmore spoke in support of extending the residential and commercial impact fee rollbacks for an additional 6 months; and opined if we do not continue the rollback of fees it would be inconsistent with the Board's message that Charlotte County is open for business.

Commissioner Cummings stated there is no evidence supporting economy would be helped by lowering impact fees, but rather to the contrary if the infrastructure is not there; and opined we will regret this when up against concurrency.

Chairman Duffy advised she supports the motion.

Motion Carried 4:1. Commissioner Cummings opposing.

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

V. REGULAR AGENDA (Continued)

Z. Regular Agenda (Continued)

(4) Commission Office - RECOMMENDED ACTION: Set three State of the County Town Hall Meetings as follows:

January 29, 2009 at Tringali Recreation Center, 6:00 p.m. - 8:30 p.m.

February 4, 2009 at Murdock Administration Center, Room 119, 6:00 p.m. - 8:30 p.m.

February 11 at the Event and Conference Center, 6:00 p.m. - 8:30 p.m.

Mr. Baltz explained this item is on the agenda for the Board to set these dates for what is being called the State of the County Town Hall Meetings in order to give the public information on what is doing on in County government; that he hopes all Commissioners are able to attend; and asked if the Commissioners still want this to occur with appropriate County staff available and to include a question and answer session.

Commissioner Loftus advised he does want staff available and a question and answer session. Chairman Duffy explained the intent is to provide the public with information and the ability to speak to the Board of County Commissioners in a town hall meeting, to give information on 2008 accomplishments, what is hoped for 2009, to open it up for questions and answers, and have it convenient for the public.

COMMISSIONER SKIDMORE MOVED TO APPROVE SETTING THREE STATE OF THE COUNTY TOWN HALL MEETINGS AS FOLLOWS: JANUARY 29, 2009 AT TRINGALI RECREATION CENTER, 6:00 PM - 8:30 P.M.; FEBRUARY 4, 2009 AT MURDOCK ADMINISTRATION CENTER, ROOM 119, 6:00 P.M. - 8:30 P.M.; AND FEBRUARY 11, 2009 AT THE EVENT AND CONFERENCE CENTER, 6:00 P.M. - 8:30 P.M., SECONDED BY COMMISSIONER STARR.
Motion Carried 5:0.

(5) County Attorney - RECOMMENDED ACTION: Approve, and authorize the Chair to sign, a Release authorizing Charlotte County to release Willis Group Holdings Limited ("Willis") from any claims or actions by Charlotte County. In exchange, Willis, through the Florida Attorney General's Office, will tender payment in the

amount of \$2,222.77 to Charlotte as full and final settlement of any claims Charlotte County may have against Willis.

Attorney Knowlton explained this is an item that came to their attention yesterday from the Clerk's Office; that the Attorney General entered into a settlement agreement with the Willis Group Holdings Limited regarding non-disclosure of compensation from insurers; that at some point between 1999 and 2004 Charlotte County was a customer and entitled to share in the settlement proceeds; that Legal has checked with Risk Management and we are unaware of any claim that we have pending against this company; and that the recommendation of Risk Management, Legal, and the Clerk's Office, is to sign the Release, which would entitle the County to share in the settlement proceeds in the amount of \$2,222.77.

COMMISSIONER SKIDMORE MOVED TO APPROVE, AND AUTHORIZE THE CHAIR TO SIGN, A RELEASE AUTHORIZING CHARLOTTE COUNTY TO RELEASE WILLIS GROUP HOLDINGS LIMITED ("WILLIS") FROM ANY CLAIMS OR ACTIONS BY CHARLOTTE COUNTY. IN EXCHANGE, WILLIS, THROUGH THE FLORIDA ATTORNEY GENERAL'S OFFICE, WILL TENDER PAYMENT IN THE AMOUNT OF \$2,222.77 TO CHARLOTTE AS FULL AND FINAL SETTLEMENT OF ANY CLAIMS CHARLOTTE COUNTY MAY HAVE AGAINST WILLIS, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

VII. PRESENTATION AGENDA - No items.

X. CITIZEN INPUT - ANY SUBJECT

Merritt D'Arcy commented on neighboring renters having garage sales that continue constantly with truck loads of items being brought in; expressed concern with constant added traffic; indicated Code Compliance seems not to be able to stop it; and requested assistance from the Board of County Commissioners. **Chairman Duffy** advised she is working on this and would speak to him after the meeting.

Kendall Leach provided a copy of Quality Mine Excavation 07-EX-34 16 Stipulations/Conditions; indicated Quality Mines is not adhering to the conditions; and commented on concerns had by the Rotonda Meadows Villas and Rotonda Sands Homeowner Associations and South Gulf Cove residents.

Joan Pilikian commented on the frequent absences of certain members of the NW Port Charlotte Waterway MSBU; opined they should forfeit their appointments; advised that she is a qualified petitioner and would like to fill one of the positions.

AA. County Administrator:

Mr. Baltz explained that several months ago the prior Commission advised the Environmentally Sensitive Lands Oversight Committee (ESLOC) not to evaluate any other properties; that there had been an "A" list and a "B" list; and asked if the current Commissioners want that altered so that other properties can be considered. **Commissioner Loftus** recalled that a date certain was given to close all applications and opined we need to stay with that. **Chairman Duffy** agreed.

Ms. Shoemaker explained that the properties that the current Board considered two months ago were properties that were on the list and had made the application deadline. **Commissioner Starr** questioned the continued need of the ESLOC committee.

Chairman Duffy stated she supports the program; indicated County staff could handle the maintenance; and that the ESLOC committee could be put on hold until a change in climate and then request their help again. **Commissioners Skidmore** and **Loftus** agreed. **Commissioner Cummings** advised the Ordinance creates the committee and that the committee must be kept in place based upon what went to the voters; that there is no reason to not look at whatever opportunity comes down the lines when we have a group of volunteers; and reported there is still \$5M remaining in the program. Mr. Baltz said he understands that the prior Board action still stands and would check further on what the Ordinance says about releasing the committee.

Mr. Baltz requested feedback from the Commissioners to having a Workshop on Murdock Village. **Commissioner Skidmore** advised he sits on the Murdock Village Advisory Committee; that the committee believes there is a lack of direction from the BOCC; that the Advisory Board would like to know what the public wants to see happen with Murdock Village; and requested guidance from the BOCC.

Commissioner Cummings opined that going out to the public for Murdock Village right now is a bad idea; that the economy and market will not allow just anything to happen there right now; that this is not the right time to go out for the visioning process; that there is not much for the committee to accomplish at this point because of the market conditions, but options should be kept open; that we must do ground work that can happen first; and continue going through the permitting process so when the market allows us to take action we can move as soon as possible. **Commissioner Cummings** stated this is a unique asset and the worst thing we could do is give away the property and still own the debt; and that we must stick it out, handle the market as it is, create the opportunity going through the permitting process, and work with what the market allows to be done.

Commissioner Starr stated he supports a workshop of the Murdock Village Advisory Committee, the BOCC, and the public. **Commissioner Loftus** opined Murdock Village will be market-driven; indicated he believes strongly in visioning; that the property should be promoted for economic development, but we have no idea of what will happen on it yet; and that he is in favor of meeting with the advisory board for a full discussion.

Mr. Baltz explained that his question is if the BOCC wants a workshop with the Murdock Village Advisory Committee in order to report on current status, re-confirmation of actions being taken, vested rights, cost estimations, and informational items, but not as a new visioning process.

Commissioner Cummings and **Chairman Duffy** are in favor of the workshop. Mr. Baltz stated that he looked at the calendar in preparation of talking with the BOCC and that February 10, 2009 in the afternoon is a good day for this workshop. (**Consensus by the Board**). **Commissioner Cummings** pointed out that the Murdock Village parcel is unique in Southwest Florida and would be a priceless piece of property if Hometown Democracy passes. Mr. Baltz explained that the intention is to try and schedule workshops on afternoons of BOCC Meetings and Land Use Hearings whenever possible.

Mr. Baltz reported that we have an interconnect with Englewood Water District; that last year we had a request from the Water

Authority to use that interconnect during times of drought and explained the process; indicated there is a cost to us when the Water Authority requests this to occur; indications are we anticipate a request to do this again; and that he will keep the Board informed.

Mr. Baltz advised that a \$1.8M project to replace windows in the Murdock Administration Building with hurricane windows is moving forward; that we obtained a little over \$1.2M from a Federal Emergency Management Agency (FEMA) grant; that the cost to Charlotte County to move forward with the project is about \$500,000; that the project was approved, the contract bid and awarded to Matthews-Taylor, and minor pre-construction work done; and that **Commissioner Starr** questioned if we want to move forward on the project based on the cost to Charlotte County.

Commissioner Starr advised that it is great to have received a \$1.2M grant, but cannot see spending \$500,000 tax money to put windows in a building that survived hurricane Charley; that he understands most of the leaks have been corrected; and asked if the project can be stopped and the contract rescinded.

Kim Corbett advised the contract has been executed; if the Board does not want to proceed with the contract there is a termination clause in the contract that the County must give 30 days' written notice; that the County is obligated to pay for services performed to date; that the project is currently under Phase I and the not to exceed amount on Phase I is \$8,451. **Commissioner Skidmore** requested clarification that there was a plan a couple years ago to tear down the Administration Complex and the B building. Ms. Shoemaker explained there is concern in how to best approach handling receiving a grant from FEMA, returning it and then having difficulties in the future. Ms. Shoemaker reported that at one time when funding was available there was a Capital Improvement Project (CIP) to demolish building B, not the Administration Complex, and put another building and garage on the property. **Chairman Duffy** asked if there is a benefit on our Property and Casualty Insurance for hurricane windows. Ms. Shoemaker replied there was not. **Chairman Duffy** advised if we do not proceed with the project we must return the grant funds to FEMA; that the County encourages hurricane windows for all residences and businesses when possible; opined that hurricane windows are cheaper than shutters; and stated she is in favor of

proceeding with the project. Andrew Baker advised staff looked into shutters and hurricane windows are much cheaper.

Commissioner Cummings stated he is not convinced the leaky window problem has been solved; that it has been consistent, keeps recurring, and is a result of the design and way it was initially installed; and inquired if the County was partly insured. Ms. Shoemaker said she cannot speak to specifics but when she checked with the Risk Manager she was told it would not help in regards to the insurance. **Commissioner Cummings** stated he would feel better about it if we were not so far into the process. **Commissioner Loftus** agreed with **Commissioner Cummings** that there have always been problems with the leaking windows and agreed we need to proceed forward on this.

COMMISSIONER STARR MOVED TO CANCEL THE CONTRACT AT A COST OF APPROXIMATELY \$8,000 TO DO SO, SECONDED BY COMMISSIONER SKIDMORE.

Motion Failed 2:3. Chairman Duffy, Commissioner Cummings, and Commissioner Loftus opposing.

Mr. Baltz advised that correspondence was received from Sarasota County requesting feedback from the BOCC as to the mission of the Englewood Area Planning Advisory Board (EAPAB) and if the BOCC supports that committee continuing. **Commissioner Starr** opined that based upon information he has reviewed the committee should be dissolved. **Commissioner Cummings** said he would prefer to hear that from the committee. **Chairman Duffy** stated she has received feedback from some committee members indicating that the committee has served its purpose. **Commissioner Skidmore** gave a brief history; indicated the committee is scheduled to sunset in 2010; that Sarasota County pulled back staff-time assistance; that he is not prepared to give guidance today; and requested comments from Dr. Bill Coy, Vice Chairman of the committee.

Dr. Coy reported that the EAPAB was started in 1995, limited only to designated services to the Englewood area, and done diligently; that there has been little public audience although meetings are open to the public; that the principals who are presenting the services to us from all three areas are present; that the meetings are recorded and noticed; that the ordinance reflects a sunset in 2010, but also indicates the possible expansion of the mission; and pointed out that there are some who

want to consider the EAPAB as a homeowner association, which is not the mission or direction of the committee. Dr. Coy stated that at this time the EAPAB does not need the County's help; that it has private places to meet, has its own recording system, notices and invites the public, and is doing all that the mission states. Dr. Coy opined that Sarasota Commissioner Staub believes the EAPAB should be dissolved. **Commissioner Starr** clarified the EAPAB is covered under Sunshine Laws, has the capability to do the minutes and meet sunshine requirements, and that no County staff assistance is needed. Dr. Coy replied affirmatively.

Chairman Duffy asked who pays for advertising of the meetings. Dr. Coy advised the committee does. **Chairman Duffy** inquired if the committee wants the BOCC to make this an informal committee. Dr. Coy stated that would be up to the committee, advised reports are made to the Commissions on what dedicated services to the area have transgressed over the past year; and pointed out that the committee does not discuss matters that are homeowner association business, but refers those who approach them about such matters to the appropriate homeowner association contacts. **Commissioner Cummings** inquired if it was Dr. Coy's impression that the majority of members want the committee dissolved. Dr. Coy opined that 2 of the 5 members would be happy if the committee was dissolved. **Commissioner Cummings** recalled establishing the committee; and indicated if the majority of the committee believe it is still important, wish to continue, and operate under Sunshine, he sees no reason not to allow them to do so. Dr. Coy commented on the important of being a County organization rather than an informal committee. **Commissioner Cummings** explained that as long as they are a County committee there is no informal committee; and that as a County organization the EAPAB cannot fulfill the role of a homeowners association.

Jeff Ruggieri advised that staff support is currently provided and would be continued based upon BOCC direction; indicated we fully support the committee but there are concerns on juggling staff and a need to re-evaluate goal statements and actions plans for the group so as not to waste staff time. **Commissioner Skidmore** stated there is value in the EAPAB but recommended the discussion continue at the next meeting.

BB. County Attorney:

County Attorney Knowlton updated the BOCC on the Regional Planning Conflict Council lawsuit which challenged the constitutionality of the creation of the Regional Planning Conflict Council and the funding requirement that was shifted from the State to the counties; advised that the Regional Planning Conflict Council occupies the second floor of the renovated courthouse; that we have an outstanding bill that has been pending since October 2008 of approximately \$5,000 for their IT expenses; and it is her recommendation until the matter is resolved that we continue to allow them to use the space; but as far as paying their bills at this point we have a court decision saying it is not our obligations; and unless the Board directs otherwise she will respond to the bill advising it will be held in abeyance pending outcome of the lawsuit, which is consistent to what the other counties are doing. (**Consensus by the Board**).

Attorney Knowlton stated that the Board members received a memo from Kelly Shoemaker on January 6, 2009 regarding the Burnt Store Lakes Property Owners desire to form a new MSBU to move their utilities underground; that in order to create those assessments for next fall we must have a Resolution approved by this Board by March 1, 2009; and that the Resolution would be submitted at the February 24, 2009 meeting. Attorney Knowlton reported that during the week of January 24-27, 2009 the advertising must be done; that it does not mean the Board is obligated to create the new MSBU; but that we need to move now so the Board has the option later. (**Consensus by the Board**). **Chairman Duffy** confirmed there was a consensus on the conflict resolution issue (**Consensus by the Board.**)

Attorney Knowlton commented on an email received by **Chairman Duffy** from the Chief at DMV Bureau of Mobile Home and RV Construction and copied to the Commissioners with regards to who has the authority to inspect mobile homes for repair; indicated that further clarification is needed and Legal's opinion has not changed. **Commissioner Cummings** opined it is an unenforceable standard. **Chairman Duffy** stated the citizens are in the middle of this issue and we need to get them an answer. Attorney Knowlton said she would send out a memo this week.

Attorney Knowlton commented on the Quality Mine issue that was raised this morning; explained that the permit itself issued by the Hearing Examiner delegated the authority to issue stop work orders for enforcement or call another hearing to the Excavation Administrator, not to the BOCC; that it is in the hands of the Excavation Administrator to move forward; and that a demand letter was sent to Quality Mine this week, but that she did not know the response.

CC. Commissioner Comments:

Commissioner Starr explained that as a result of the contract with the Devil Rays Charlotte County received a box suite and tickets to the games; and recommended asking the Rays if they want to buy the box back, or sell it on the open market or on ebay to generate revenue. Ms. Shoemaker advised the Rays organization value placed on their suite is \$1000/\$1500 per game, depending upon opponent. **Chairman Duffy** opined the County only has the box for the first and last games. **Commissioner Skidmore** requested clarification that the County controls the box and there is a proposal floating around to assign the box to different departments. Mr. Baltz stated he was correct. Ms. Shoemaker explained all Commissioners should have received the memo in late December 2008 laying out staff ideas; and confirmed there were 30 tickets per game with 16 games to be played. **Commissioner Starr** opined it would be best to divide the tickets among the Commissioners to provide to the non-profits; and that the non-profits could have disadvantaged children go to the games or sell them to generate revenue for the non-profits.

Commissioner Loftus recalled that the memo was for the Commissioners to have the suite for 1 or 2 games and the rest would be divided between various organizations for the benefit of the citizens of Charlotte County. Ms. Shoemaker replied affirmatively and indicated it was 2 games for the BOCC. **Commissioner Starr** stated he was looking at ways to raise money; and opined selling the 30 tickets would be an advantage to the non-profits. **Commissioner Cummings** indicated this is a good asset for the organization to have while trying to stimulate economic development and for some of the non-profit organizations to give young children a opportunity they normally would not get to experience; and opined those type opportunities would provide more than \$16,000-\$24,000 worth of value.

Commissioner Loftus stated that the Northwest Port Charlotte Advisory Board advised they are currently doing a canal dredging project and wish to extend it to two more canals while the equipment is on location; that this requires a public hearing; that there is no money in the treasury for the project at this time; that the advisory board has had communication with Public Works and there are ways to receive funds through a loan; that they would extend the project for another year at \$100/per ERU; and requested approval from the BOCC to proceed with a public hearing so they could move forward this year. Ray Sandrock explained that as an alternative we are looking at the General Development Corporation (GDC) recovery funds, which may generate enough funds to do the project; and that perhaps a public hearing would not be needed. **Commissioner Loftus** explained the GDC settlement issue.

Commissioner Loftus stated that Dave Moore is the Executive Director of the Southwest Florida Water Management District (SWFWMD); that last year his appointment was not reaffirmed; that the Water Authority was sending a letter to Governor Crist and the Senate for reaffirmation; and requested approval for a letter to be sent from the Charlotte County Board of County Commissioners under signature of the Chair in support of Dave Moore's reaffirmation. **Commissioner Cummings** said he absolutely would not support that. **Chairman Duffy** had no objection. **Commissioners Skidmore** and **Starr** stated they could not endorse someone they did not know.

Commissioner Loftus advised there is a 45 mph speed limit on Veterans Boulevard going up to Kings Highway, but the speed limit is 55 mph going toward Englewood; indicated he is in favor of moving transportation; and asked if the Board was favorable to increasing the speed limit to 55 mph. **Commissioner Starr** opined Veterans Boulevard was designed for 55 mph and stated he would support the speed limit increase to 55 mph. **Chairman Duffy** stated she also supports the speed limit increase.

Commissioner Loftus stated he had a conversation with Attorney Knowlton yesterday afternoon in reference to his lack of confidence in her ability to run the County Attorney's office; commented on communication difficulties through that department; indicated he did not want this brought up in the public and

mentioned it to her with the thought there would be some action prior to this meeting; and that since there had been none he is bringing it forward to the Board.

Commissioner Cummings stated that Jeanette Knowlton is the best County Attorney he has ever met; that you can always count on her to do the right thing regardless of intimidation; that she will always support the BOCC and is certain not to share personal opinion; that we cannot replace her in the near future with someone of her level of integrity and competence; that this conversation in itself is terribly destructive and she deserves better; that we need to most carefully listen when we are being told something that we do not want to hear; that he has never had trouble getting information; that it is our own fault if we do not get what we ask for; and extended thanks and admiration to Attorney Knowlton.

Commissioner Skidmore said he was not planning on this conversation; and stated he does have some concerns with the County Attorney's Office and outside council. **Chairman Duffy** stated that performance of someone's job is hard to do in a public meeting but it is the only way it can be done; indicated she has some serious concerns which she shared with Attorney Knowlton; and that she does not have the utmost faith in Attorney Knowlton.

Commissioner Skidmore thanked Mr. Leach and the citizens of Gulf Cove for their diligence and performance of what they believe is their duty to have a peaceful, exceptional quality of life in Southwest Florida; indicated they have done an exceptional job serving as an advisory council and bringing information to light that many of us do not experience on a daily basis. **Commissioner Skidmore** advised he has agreed to visit the properties early morning when the problems are being experienced and possibly get an aerial view of the mine; indicated he has forwarded the many emails he received to Attorney Knowlton; that it is the County's responsibility to post the signs that say "no thru trucks", not the mining company; that there would be a public hearing at the end of the month in order to create the Ordinance for enforceability of the posted signs; and commented on a comprehensive findings report filed by Barbara Jeffries.

Commissioner Skidmore stated he looks forward to his first Regional Planning Council meeting on Thursday, January 15, 2009 and his first Town Hall Meeting tonight at Tringali Park Recreation Center from 6PM to 8PM; and advised that the rumors of sewers for West County would be addressed at that meeting.

Commissioner Cummings explained that the County Attorney does not and cannot hire outside council above a certain amount without permission from the BOCC; that it is the County Attorney's job to give her professional assessment if an outside council has a greater potential for reducing our exposure than if we tried to do it in-house and make certain we are aware of that professional recommendation; and that hiring is done at the direction and decision of the BOCC.

Commissioner Skidmore expressed concern with lack of communication from the County Attorney's office to the BOCC dealing with the County's litigator leaving; that it was known the individual was leaving and he believes interviews started late; and that often there is lack of preparation in recommendations that come to the BOCC. **Commissioner Cummings** stated that whether someone was leaving or not would not change the decision the BOCC faced.

Chairman Duffy advised that she and Mr. Sandrock met with the Constitutional Officers to discuss the budget, cross-training, travel, cell phone use, specialty items, and to get suggestions from the officers; indicated that the officers would get back with suggestions; and that she will meet with them again as the budget proceeds.

Chairman Duffy pointed out that the BOCC would soon be working on the budget and doing a performance-based budget; stated that the previous Board had a set of 8 goals but this Board has not yet established its goals; that the goals of the organization drive the budget; requested approval of the Board to have a meeting to review those goals; and suggested having it after the Land Use Meeting on Tuesday, January 20, 2009. (**Consensus by the Board**).

Chairman Duffy expressed concern with lack of follow-up communication to continue the Board's "open for business" mission; requested approval from the Board to set up a workshop-

type meeting with people from the business community, developers, citizens, staff, and the Board to keep communication going. **Commissioner Skidmore** agreed the concept is good; expressed concern with having so many workshops; and suggested this be done individually. **Commissioner Loftus** opined it is important to have some kind of "open for business" workshop. **Chairman Duffy** stated she would schedule the meeting and whoever can be there could attend. **Commissioner Cummings** indicated if the DRC process is to be discussed it would be helpful to have background information or statistics beforehand. **Commissioner Loftus** stated he has received complaints of things not having been caught before a Certificate of Occupancy (CO) was issued and the CO was called back.

Commissioner Skidmore advised that his Town Hall Meeting is from 7PM to 9PM, not 6PM to 8PM.

Chairman Duffy stated she wants to talk about the jail but that it is almost 1:00 PM. **Commissioner Cummings** recommended that discussion be done after the 2:00 PM hearing. (Consensus by the Board).

RECESS: 1:00 PM to 2:00 PM

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

(Chief Deputy Board Services White and Executive Assistant Gant were not present for the Board Workshop.)

Update the Board on status of Impact fee ordinance changes requested at March 11, 2008 Board of County Commissioners meeting. Provide update on a) Status quo impact fee update, b) Tiered impact methodology and fee rate schedule as the method for assessing transportation impact fees; and c) Single residential unit methodology to assess residential impact fees. Further, seek Board direction on incorporating any of these changes into existing Impact Fee Ordinance.

Growth Management Department Concurrency Manager Jim Fendrick informed the Board that staff was requested to do a full impact fee study to determine if fees were accurate, not just perform the annual adjustment called for in the ordinance, and to develop a tiered impact fee proposal; and indicated he would give an

overview of the findings of the impact study and seek direction from the BOCC on options.

Mr. Fendrick stated that impact fees are capacity charges and reviewed what they pay for per the packet material furnished; and indicated that the impact fee system is an attempt to have the developer of a new business or new home pay as much of their impact as possible so the general public does not have to pick up the cost. **Commissioner Cummings** inquired if they pick up the full cost. Mr. Fendrick explained there are many things to be considered and each situation is different. **Commissioner Cummings** asked if there is anywhere in the State that new construction pays its full cost. Mr. Fendrick said that has a range of answers.

Mr. Fendrick advised that Future Land Use Policy 1.4.4 of the Charlotte County Comprehensive Plan (Comp Plan) states that Charlotte County would review its impact fee schedule by December 2008 in order to develop a series of graduated impact fees to encourage development in infill locations; and that the graduated impact fee schedule would reflect the true cost of infrastructure provision. Mr. Fendrick stated the best place to look at tiered impact fees is the roads because they are the most substantial cost and more of an impact as you move out from the urban service area; and advised that focus on the tiered impact fee study and results was on traffic impacts and traffic capacity costs. Mr. Fendrick reported that the County was broken up into 4 areas but 3 impact fee districts; that Babcock is the 4th area, committed to pay 100% of its impacts, and was excluded from the study; and pointed out that affected the improvement of S.R. 31, which Babcock is going to handle.

Mr. Fendrick reviewed the New Fee Districts Urban to Rural Transportation Impact - Fee Districts as shown on the slide; and indicated a rural area is reflected assuming there might be some type of transition as the County grows to 2050 or 2100. **Commissioner Cummings** suggested changing the name because the implication is we will expand the urban service area out to that place; that the law says we are not; that there is sufficient development potential in the urban service area for a city the size of Tampa; and that it will be a while before we can show a need to expand the urban service area. Mr. Fendrick stated it would not be difficult to change the name.

Mr. Fendrick said it is the goal of the Comp Plan to focus all of the development into the infill (tan) area; agreed that as far as need and what the State perceives as need it should be focused into that area; and advised that is the purpose of the tiered impact fee system. Mr. Fendrick opined it should cost more the further you go out from the infill area because it costs more to put roads out there; and that we are not always building roads out there because no additional growth is anticipated. Mr. Fendrick reported there was nothing included in the LRTP for new construction capacity versus in the urban service area beyond what the Comp Plan had already anticipated; that 59% of capacity needs had already been scheduled in the long range transportation plan (LRTP) as we had already anticipated putting our monies into the infill area and do not anticipate putting our money into the rural areas; that if we decide to do that someone must pay additional money; and agreed impact fees should be higher in the rural areas.

Commissioner Cummings stated that the New Fee Districts Urban to Rural map is the core issue; that when we set about this the Comp Plan says infill areas, which is the whole urban service area, not an infill area, and difficult to separate out; opined there are some costs that should not be incorporated but the law may require us to do so and we are only able to look at the gap funding; that in that event there are a couple things to consider (1) do you re-prioritize funding for your Capital Improvements Program (CIP) away from meeting new growth needs and toward meeting existing deficits because we hear it said all the time that we cannot use impact fees to meet existing deficits; if that is true, fine, but then conversely you should not use all your other funding to meet the needs that the impact fees should pay for because when we do that then the new development impact fees get that subsidy, as opposed to meeting the needs of the people who paid the tax in the first place.

Commissioner Cummings said the other piece of that is controlling the level of service; if you are in an infill area like in the Murdock increment DRI no matter how many roads you build you are not going to be able to maintain the same level of service that you can on a rural road; that right now we have a uniform level of service countywide; that we are trying to find ways to promote good growth management even within the urban

service area; that looking at our CIP and varied levels of services for different areas might give you a way to start tweaking that because we are not covering the full cost, or even coming close in most instances, that the new unit puts on the community. Mr. Fendrick reported that in most instances impact fees are not covering 100%; and that usually an impact fee consultant will not come in with a 100% fee proposal because it would be unattainable and not accepted. **Commissioner Cummings** pointed out that Dr. Nicholas had previously agreed; indicated we should strive to find ideas that allows us to use this as a better tool for promoting good growth management; and opined there is room to do that because in the vast majority of cases the unit is not paying the full cost that it imposes upon the tax payers of the community.

Mr. Fendrick said the tiered impact fee is just one tool in a toolbox to try and promote growth the way the Commission wants to see it developed; that Growth Management envisions, if we implement a tiered impact fee system, it is just one tool, not the end of the discussion. Mr. Fendrick explained we are also working on the framework document which talks about emerging neighborhoods, maturing neighborhoods, revitalization, and incentives and disincentives put together through that program to help refine the direction where growth will occur.

Commissioner Cummings said one of the things he keeps in the back of his mind is what was driving this was that septic tanks are sustainable at a quarter acre lot for the first 15 or 20 (acres) but by State law at 200,000 (acres) they are not; that we know because we went to court in an effort to avoid having to sewer the entire urban area and we lost; that the State said we must sewer the entire urban service area, so instead we came back with the strategy to find ways of reducing densities in areas like northwest Port Charlotte and intensify the development in the infill areas so you would not have to sewer the entire thing and try and get at least some parts of the urban service area at a density that you do not have to sewer because we could not make the economics of that work, and so far we have a long way to go in making that happen; that this is an important tool to accomplish that; that the level you are at is a good thing and he supports it; but he thinks it needs to go farther and differentiate within the urban service area and find a way to make that work.

Mr. Fendrick reviewed the page on Basis: Trip Length and Real Needs of Long Range Transportation Plan (LRTP); advised that we are focusing on transportation in this tiered program; that basically it gets down to trip lengths; that the farther you live from the urban service area where services are the more capacity you need of roadway; that there are many different facets put into determination of trip lengths and complex on how Dr. Nicholas pulls this all together.

Mr. Fendrick advised that in addition to trip length the long range transportation plan (LRTP) was looked at and what capital improvements were planned, what capacity was going to be available, and if that would be paid for, was it anticipated, and if not, it became a cost under the impact fees; that most improvements of the roadways through the County's LRTP will be in the infill area because that is where most of the people are, so there is definitely a rational nexus between trip length and where monies are allocated and cost going up proportionately as you go away from the urban service area; and that in effect the urbanites subsidize rural development when there is a uniform fee in place.

Mr. Fendrick reviewed the Urban District Fee Decrease from 2005/pre-rollback slide, which shows the 2005 fees, the rollback, the 1998 fees, and the 2008 proposed fees in the urban area; indicated the tiered structure has a variety of fees; that as you move out they become much greater; but just within the urban area where according to the Comp Plan we are trying to promote growth, roadway impact fees in 2005 were \$6,206, the rollback brought them back to \$1,709, and the revised fee is \$4,442, so there is about a 28% decrease in the road fee which is consistent with a decline in the cost of construction that has occurred. Mr. Fendrick reported the composite fee takes the tiered road fee and adds a uniform fee that is charged throughout the County for libraries, parks, law enforcement, etc.; that within the urban area the total fee in 2005 was \$9,015, under the rollback the total fee was \$2,510; that this is if it was looked at as a completely flat fee because we currently charge a square footage rate for single family households, and that the revised fee for 2008 is \$8,137.

Commissioner Cummings inquired if the costs were uniform even with the difference in response time in Law Enforcement and Fire/EMS. Mr. Fendrick explained it is not a uniform cost but is just not significant enough to include it in this proposal. **Commissioner Cummings** asked if that was because of the difference in response times. Mr. Fendrick indicated there are a number of issues; that we believed this was complex enough and hit most of the dollars; but that there is a difference and we can look further at that as this is refined. **Commissioner Cummings** pointed out that when a fire station was constructed to serve Cook-Brown-Little Farm Road area the cost per capita was astronomical. Mr. Fendrick agreed and stated that gets into operating cost. **Chairman Duffy** asked if the level for the portion of impact fees that goes toward parks is determined by the level of service we have set. Mr. Fendrick replied affirmatively; and pointed out that was one fee area in 2005 that was not brought fully up to where it should have been so it appears a little higher because it is making some catch-up; but that it is not related to the level of service. **Chairman Duffy** asked who decided to make it a little catch-up. Mr. Fendrick advised we decided to be just as fair as possible in presenting the fees. **Chairman Duffy** recalled that in 2006 we raised the level of service for parks and at that time she was concerned that the level of service was being raised too high; and indicated that at another time in considering concurrency we need to talk about that because the public is constantly telling her there are too many parks.

Mr. Fendrick pointed out another change made in the entire fee structure is that there used to be a facilities charge for law enforcement that was in the law enforcement section; right now it is equipment and other capital costs related; that the building cost was put into public facilities so there is a reduction in law enforcement and an increase in public facilities; that we wanted to give you more flexibility as far as how you use your capital dollars toward facilities; that if it is categorized by law enforcement and general public facilities you can only use things within those categories, but the Board may think it is more important to spend more monies on a jail or new administrative complex; and that this allows more flexibility.

Mr. Fendrick reviewed Tiered Impact Fees - Roads Fee only - All Districts; stated there is a big change in 2008; that there is an

almost 27% reduction in the urban area; that the increase in the urban reserve, which we will find a new name for, and the rural is 164% and 186% respectfully, so the fee goes from \$6,000 to \$10,000 in the urban reserve area and the rural area goes to \$11,371. Mr. Fendrick explained one of the proposals we will talk about today is what happens if the Board wants to go with a status quo where there is not a tiered impact fee but the same across-the-board charge; and advised if we just went with one fee across-the-board it would be \$8,740 for the road portion of the impact fees.

Mr. Fendrick showed a slide on Tiered Impact Fees - Combined Fee - All Districts, which reflects the total fee costs for a single family home; and reviewed the Comparison With Neighbors Urban Area Zone Fee slide, which indicates we are in the ballpark of neighboring counties. Mr. Fendrick reviewed a slide which reflected a sample of what the different fees would be; indicated this is in the fee tables at the end of the fee study, that there is a reduction between 2005 and 2008 across-the-board in the urban area, but a significant increase in the urban reserve and rural areas.

Mr. Fendrick reviewed Option 1 - Square Foot Charge - Single Family Residences Only slide; stated the reason we came before you today is to determine how the Board wants the ordinance put together; indicated the first option is if you want to continue with a square footage or go with a flat fee for single family homes. **Commissioner Cummings** stated his preference is for a flat fee. Mr. Fendrick clarified that it would still be tiered but the charge would not be a per square foot unit charge for single family households. **Commissioner Cummings** explained that would also mean we would not charge for remodeling, etc. because it is still one unit; and stated if someone wants to add a lanai to their home it would not increase the number of trips they make to and from their home. **Commissioner Loftus** stated that one of the complaints right now is in the remodeling.

Chairman Duffy said she is in favor of the per unit if it gets rid of the remodeling. **(Consensus by the Board)**. **Commissioner Cummings** stated that a condo going from 2 units to 6 units would be different because it is number of units; and that he would also question if a guesthouse or something of that nature that

would likely be rented out was being built; but that as long as it is still 1 unit, it is still 1 unit. Mr. Fendrick agreed.

Mr. Fendrick advised that option number 2 is if the Board wants the tiered impact fees or a uniform single fee throughout the County. **(Consensus by the Board (5/0) for tiered impact fees.)**

Mr. Fendrick clarified that what he hears from the Board is staff will put together an impact fee ordinance; that because of the 6 month extension he will talk to Dr. Nicholas and determine he is okay reviewing the numbers one more time and running them by the departments to be certain road construction costs, buildings, etc., have the latest data, and take into account what is happening as far as the trend; that if values are going up a lot we may recommend not changing the values in this study; but that we will try and make certain we are charging what needs to be charged. Mr. Fendrick clarified we will do the tiered impact fee methodology in the ordinance and will put together for single family households the per unit rate rather than the square footage rate.

Commissioner Cummings stated he would support that which was presented today but he would like to see us go forward and find a way to differentiate between different zones within the urban service area; and pointed out if you are looking for tools you can use to encourage density in the infill areas and encourage a reduction in density in other areas, one quick and easy one that you can go to is that we have a rule that says if you put a conservation easement over however many lots you own that says you will never develop those lots or sell them off so anyone else can, then you only get charged one MSBU. **Commissioner Cummings** opined that this should not apply to infill areas where you are trying to increase density; that if you are trying to increase density in infill areas you should not offer tools for decreasing it, so you just make that little tweak so it now only applies to whether it is suburban or whatever; that it would also require as you look at creating these new zones identifying where it is you are trying to reduce densities; that should apply only where you are trying to reduce densities, not where you are trying to increase them; and indicated that could be changed rapidly.

CC: Commissioner Comments (continued)

Chairman Duffy explained that first phase of a 3-phase jail expansion included the inmate visitation building for videotaping and the minimum security work program housing buildings; and that for the most part the rest of the building includes an addition for 400 plus beds, a medical mental health expanded services, a number of pods, classroom space, 2 additional courtrooms, and a juvenile wing. **Chairman Duffy** stated that the current jail has roughly 500 beds and 1 courtroom; that the purpose of the courtroom is for video first appearance by inmates and avoids inmates having to be transferred to the Justice Center for first appearance; commented on restrictions of co-mingling certain inmates in the same room at the same time; indicated that getting inmates into the courtroom must be done carefully and takes a great deal of staff time; and expressed concern that when the jail is added onto it would take a longer time getting inmates to the rooms, especially with the inmate separation issue.

Chairman Duffy advised that the third portion of the unit that is under discussion is for juveniles; that currently there is a juvenile area up front near the medical area; that the first cuts removed the new medical and mental health area; that a few months ago the Commission agreed to certain cuts which saved \$3M but at the time the Commissioners did not fully understand what the \$3M meant in the way of cuts; and that now we know it was the entire portion with the juvenile unit, 2 courtrooms and a classroom. **Chairman Duffy** commented on her concerns with removal of the juvenile unit; opined that we would spend more in operational costs in the long-run; and advised there are monies available in a fund which would avoid putting additional burden on the taxpayers.

Commissioner Starr stated he was not involved in the original allocation vote of \$30M for the new jail but he would have voted no; that the \$2M contingency fund should go toward the County's budget shortfall; that there were 4 buildings built and there are no beds in them; that he understands the Sheriff's concerns but he is not an advocate of putting more money into brick and mortar jails; that if more space is needed tents or modular will do; and that his thoughts will not change.

Chairman Duffy requested clarification of how many beds are in the work release program building and to explain the savings. Andrew Baker said it has 80 beds and was completed October 2008. Mr. Baker explained there is \$2.6M still in the budget unused, which is preserved by taking out the "J" area; that there is \$850,000 contingency for the entire project; and other dollars that are not contingencies, such as \$1.1M for FF&E (furniture, fixtures and equipment) and \$600,000 for permitting.

Chairman Duffy inquired if this portion of the jail had been started; that she understands the plumbing is already in. Mr. Baker explained that some of the plumbing and infrastructure from portions of the jail that is being built connect with this portion but there is nothing built for this area yet. **Chairman Duffy** asked if there are plans for expanding medical if this portion is taken out and the juveniles remain where they are. Mr. Baker stated we are looking at modular buildings with connectivity. **Chairman Duffy** stated she is not in favor of that. **Commissioner Cummings** commented on operational costs and recalled from past experience in modular facilities there is a lot to be desired, it is not cost-effective, and not a positive experience. Mr. Baker agreed that the construction piece is the best idea but that everything being done is in an effort to save dollars on the project; and pointed out that part of the reason we picked this area is because it did not impact the bed count significantly with the jail because it was courtrooms, classrooms, and ancillary areas. **Commissioner Cummings** said the issue is do we understand the operational costs sufficiently to know if we will gain or save money in the end.

Major Rogers from the Charlotte County Sheriff's Office (CCSO) Jail stated there would be more escort officers required to move inmates down the hallways to the courtroom as compared to today because of the added length. **Commissioner Cummings** inquired what was being done with the juveniles at the present time. Major Rogers advised that the juveniles are presently being sent to Collier County; that Collier County currently holds our juveniles free of charge as a pay-back trade off but that policy could change at any point; and that presently our juvenile facility is being used for medical because the medical area is overflowing with ill and mentally ill.

Chairman Duffy inquired how many inmates on an average are in medical and mentally ill. Major Rogers said currently there are about 14 inmates in the medical ward when there should be about 10, and does not include juvenile. **Chairman Duffy** asked if medical and mental health can be mixed together. Major Rogers explained that is being done right now because there is no choice; that some rooms are isolated with one inmate per room and must be used with the mentally ill who cannot get along with others; that some inmates, medical and mental, must go back to their pods or juvenile with nurses doing sick-call throughout the day because of lack of space; and that there is space in the ward only for those with serious problems.

Commissioner Cummings asked how many people in the jail are guilty and of those who have not been convicted how many are repeat offenders. Major Roberts said about 10% have been convicted; that many are awaiting trial; and that the latest statistics show about 67% are repeat offenders in a 3-year period, but he could not say specific to the Charlotte County Jail. **Commissioner Cummings** pointed out that there would be about a quarter percent of inmates who have not been convicted of anything and the CCSO must keep an environment that is safe for those people. **Chairman Duffy** stated her first thoughts was to put inmates in tents but that a high percentage of our inmates have not been convicted of anything and cannot be subjected to inhumane conditions.

Commissioner Starr expressed concern with so many repeat offenders and stated that perhaps they would not be repeat offenders if they did not have life so easy; indicated he cannot do anything about the \$25M that has already been invested; that it is the Sheriff's job to manage the jail and his job to give the Sheriff input and provide guidance as to how to manage the jail effectively; but that he is very passionate about not investing more into the jail.

Commissioner Cummings pointed out that the guards must be in the same facility (room, barrack, tent, etc.) with the inmates; that whether we like it or not there are a host of standards we are required to meet; that there is good reason why the vast majority of counties have not done what was done in Arizona; commented on the requirements for having built the Jail and Justice Center; stated that in the end we want to do the most cost-

effective thing; that there is reasonable room for debate on both sides of the issue and is uncomfortable drawing an arbitrary line saying this is the magic number; that the question is does spending more money at the capital end save operational cost in the long-run; and indicated for the increment we are looking at we need a better idea of the capital expenditure versus what are the long-term savings or costs operationally for year after year.

Commissioner Loftus stated that cost of capital versus operational costs in perpetuity should be part of figures that come before the Board before approving any project; that operational costs should be addressed on using modular versus completing the section under discussion; pointed out that operational costs were never mentioned when discussing the wish list this morning; and opined that should be looked at carefully before submitting the list.

Mr. Baltz summarized where the project is at staff level based on direction already received from the County Commissioners; that in May 2008 the County Commissioners approved a Guaranteed Maximum Price (GMP) for this project; that the GMP by contract that was approved to complete phase 2 of the jail, which is the part of the jail that is being built right now, was \$27,915,281.00; that at the same time the County Commissioners approved a little over \$1M for FF&E; that since then we have been working on revising the architectural plans to accomplish that; that those were the actions taken and the direction we are going unless we hear otherwise from the Commissioners.

Chairman Duffy said she heard **Commissioner Loftus** ask for more information on operations versus construction capital costs; and asked if Major Rogers and Sheriff Cameron could work on clear numbers of what eliminating the courtrooms and juvenile facility could result in additional staff time costs over a one year period and the costs for the modular.

Commissioner Loftus inquired if we could look at reducing the FF&Es. Mr. Baker said if the courtrooms, classrooms, and juvenile are not done there would be a reduction because those areas would not require furnishings; and indicated that they are always at looking to reduce FF&E throughout the entire project. **Commissioner Skidmore** said he would like to know that as well.

Commissioner Skidmore indicated that the Board should be cautious; that we are at a \$40M shortfall and have an opportunity to save \$2.6M; that we let \$492,000 go by this morning; that there are always compelling arguments to spend money; and we need to stop spending money.

Chairman Duffy agreed with **Commissioner Skidmore**, but pointed out it is also our responsibility to protect the health, safety, and welfare of the community; indicated we do not want to build a jail that does not meet the needs of the community; and that if the numbers show it is more cost effective to eliminate that portion she would be supportive of it. **Commissioner Cummings** recalled that the \$40M budget shortfall is predicated upon maintaining the same millage rate.

Mr. Baltz explained that the jail project is under construction, moving forward, and phase 2 is about 30% complete; that the direction staff has right now is to bring the project in at the GMP that was approved; that part of how that is being done is elimination of the courtroom and classroom features; that he hears from the Commissioners now that they would like some additional operational information about modular and those portions; and inquired if anything being discussed today would delay the construction schedule for completing phase 2. Mr. Baker stated there possibly would; that we are burning \$120,000 per month in overhead for this project; that any delay extends the construction process out and more will be paid at the end for that; that as of right now we have taken this area out and it is gone; that we can reverse direction, put it back in, and possibly delay the process again and pay whatever the extra cost would be; that we can do whatever the Board wants but there would be a cost at some point if direction is once more reversed.

Commissioner Cummings opined when the capital cost implications are brought forward the incremental costs of changing course again would be included. Mr. Baker replied affirmatively; explained that the architect has already been paid to delete the area; that extra architectural services are not needed to add it again; and that they are only talking about the overhead if we must delay the process to gather information or if the project must be stopped because of indecisiveness on the direction in which to go. **Commissioner Cummings** clarified he is looking for overhead cost of whatever delay to the project would be; and

pointed out that there may be parts like the medical that added significant operational costs but would be one that had the biggest implication if you tried to change and would throw a wrench in phase 2. Mr. Baker agreed; and explained that there would be operational cost from Major Rogers and a cost from staff to add this back in, which would be close to 7 figures and would be taken out of the \$2.6M savings; but pointed out that the project is well under budget and has never been over budget. **Chairman Duffy** asked how much the budget was. Mr. Baker stated it was \$2,584,719.00.

Mr. Baltz requested clarification that the majority of the Commissioners want staff to proceed with the project analysis at this time. **Chairman Duffy** stated the Commissioners would like to receive information on how much it would cost to keep this phase in and how much it would cost to replace it with modular and that Major Rogers would furnish information on what the increase in operations cost would be by taking out the juvenile facility and the courtrooms. **Commissioner Skidmore** agreed as long as it does not delay the project; and expressed concern of eating into the \$2.6M savings. **Commissioner Cummings** opined that could be addressed by giving direction to continue work on the project and get the information back as quickly as possible rather than everything coming to a halt while analysis is done. **Chairman Duffy** asked if the information could be available for the January 20, 2009 Land Use Meeting. Mr. Baker said he believes all the numbers could be available in a week with the exception of the modular, but would put the modular numbers together as close as possible; and stated that the project would continue moving forward while options are being reviewed.

Commissioner Cummings said he hears there are 3 scenarios; staying the course as it is right now; adding back in whatever elements the analysis looks at adding back in; and trying to meet the same thing through modular and what the operational implication of each of the 3 scenarios would be. Mr. Baker replied affirmatively.

Mr. Baltz opined that if any change is made to include elements back in there would be increase in the project cost beyond the GMP; and pointed out that if any increase in the cost of the project would be unacceptable to a majority of the Commissioners today he is not certain the analysis would be time well spent for

staff. **Chairman Duffy** stated that we are not increasing the cost of the project, just reducing the amount of the savings. Mr. Baltz stated that even phrasing it that way if it is still not acceptable to the majority of the Commissioners it should be recognized. **Commissioner Starr** stated it is not acceptable to him and the project should be left as it currently is proposed; that it is not cost productive to spend any more on this jail; and that most everything needed is there. **Chairman Duffy** expressed concern that the Commissioners were not fully aware of what was included in the cut at the time.

Commissioner Cummings stated if it means ending up spending more money after looking at a combination of the capital and operational costs he would not support that; that he does not see it important to differentiate between the operational and capital; and that he is prepared to spend more in capital if it would give sufficient operational savings to offset those. **Commissioner Loftus** agreed with **Commissioner Cummings**; opined the operational cost is about \$7M -\$8M with the new addition when in full operational stage; and is in favor of reducing operational costs. **Chairman Duffy** stated that 3 Commissioners would like to see the numbers and would like them back for the next meeting if possible.

ADJOURNED: 3:20 PM

Signature of 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

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