

**BOARD OF COUNTY COMMISSIONERS**

**March 17, 2009**

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

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

The meeting was called to order at **9:00 AM** followed by the Pledge of Allegiance.

**Changes to the Agenda:**

**Addition #1:** County Administrator, Agenda Item Z-2, 10:00 AM Presentation by Steven Mitnick on current services provided by the Charlotte County Health Department

**Addition #2:** Commission Office, Agenda Item Z-3, Approve Resolution to allow Project Graduation Parents (Lemon Bay High School) to conduct a Bucket Brigade to raise funds at State Road 776 a/k/a McCall Road and Pine Street/Placida Road on March 21, 2009 and April 25, 2009

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

**MOTION CARRIED 5:0.**

**Proclamations - None**

**Employee Recognition - None**

**Award Presentations - None**

**I. CITIZEN INPUT - AGENDA ITEMS ONLY(Z-1, G-1, and G-2) - None**

II.        COMMITTEE VACANCIES - None  
REPORTS RECEIVED AND FILED

III.

Minutes of the February 23, 2009 Charlotte Harbor CRA Advisory Committee Special Meeting.

IV.        CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE CONSENT AGENDA, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A.        Finance Division - No items

B.        Minutes Division - No items

Board of County Commissioners

C.        Commission Office - No items

D.        Administration - No items

E.        County Attorney - No items

F.        Budget Office - No items

G.        Growth Management

(1) RECOMMENDED ACTION: Approve the Affordable Housing Agreement between Babcock Property Holdings, LLC and Charlotte County.  
BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Set Board workshops on: April 14, 2009, at 5:30 p.m., or soon thereafter, April 21, 2009, at 9:00 a.m., or soon thereafter, May 12, 2009, at 10:00 a.m. or soon thereafter, May 19, 2009, at 9:00 a.m., or soon thereafter, June 16, 2009, at 9:00 a.m. or soon thereafter.

These workshops will present key issues identified through the County's experience with Elements and through the Smart Charlotte process. The Board will be informed of necessary changes and asked for direction about key decision points.  
BUDGETED ACTION: None

- H. *Economic Development - No items*
- J. *Environmental Services - No Items*
- K. *Facilities Construction and Maintenance - No items*
- L. *Purchasing - No items*
- M. *Human Resources - No items*
- N. *Human Services - No items*
- P. *Information Technology - No items*
- Q. *Parks, Recreation and Cultural Resources - No items*
- R. *Public Safety - No items*
- S. *Public Works - No items*
- T. *Real Estate Services - No items*
- V. *Tourism Development - No items*
- W. *Utilities - No items*
- X. *Building & Construction Services - No items*
- Y. *Other Agencies - No items*
- V. *REGULAR AGENDA*
- Z. *Regular Agenda*

(1) Growth Management - RECOMMENDED ACTION: The Board will receive an update about the Smart Charlotte 2050 Comprehensive Plan rewrite process.

Jim Fenwick gave a timeline of events related to the Smart Charlotte 2050 Comprehensive Plan update; noted public awareness and citizen participation efforts; talked about the vision and framework for the update, discussed requirements and draft elements, said those rewrites will be published on the County website on March 31, 2009; noted Board workshops and additional citizen stakeholder meetings will be held during April through June on the various Comprehensive Plan elements; indicated the web based Comprehensive Plan is fairly unique, advised it allows 24/7 access by the public which includes receiving their comments; and noted final drafts will be brought to the Board for discussion and consideration.

County Administrator Baltz requested an explanation of the elements. Mr. Fenwick referred the Board to his handout; advised the elements are key topic areas set in books which include transportation, capital improvements, infrastructure, public schools, parks and recreation, natural resources, and future land use for the County; said they have scheduled workshops to discuss element books individually and some as a group; and noted they will set extra workshops if they require additional time. **Commissioner Loftus** thanked Mr. Fenwick and staff for their efforts especially regarding the website and public awareness. Mr. Fenwick indicated the documents placed on the website are draft formats, and said they should be used as a starting point for discussion and ideas.

**VI. PUBLIC HEARING AGENDA - 9:00 A.M.**

(1) Growth Management - RECOMMENDED ACTION: Consider and adopt text amendments to the Land Development Regulations Concurrency Policy, Section 3-5-330 to 3-5-341.

Mr. Fenwick explained the reason for the text amendments to the Concurrency Management Policy and Land Development Regulations; reported a successful partnership has been achieved between the Charlotte County Public Schools, City of Punta Gorda, and Charlotte County related to mandatory concurrency issues; mentioned the Interlocal Agreement and Land Development

Regulations comply with Senate Bill 360; said the entire Concurrency Land Development Regulation was revised and is complete; and noted changes are anticipated in about six months with the implementation of new permit tracking software. **Commissioner Skidmore** concluded this is a working document and changes can be made. Mr. Fenwick agreed, said they currently release transparencies monthly, and explained their goal is to provide public transparencies immediately. **Commissioner Cummings** clarified this is not just a draft document and said the intent is to adopt the Land Development Regulations now and allow subsequent changes later. Mr. Fenwick answered affirmatively, explained this document is a good basic concurrency management system, indicated the school portion must be adopted per State Mandate, and indicated they are committed to updating the document in the future.

Percy Angelo spoke on behalf of her husband Marv Medintz and Friends of Cape Haze, advised she participated on the draft before the Planning & Zoning Board; expressed concern with two areas related to standardizing management practices; suggested concurrency findings be placed in a Concurrency Certificate for easy reference; mentioned costs and legal risks; opined website access should be offered; and noted staff and the public should be offered the most transparent system.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 5:0.**

**Commissioner Cummings** explained his understanding associated with the availability to view related documents, concluded that one body of documents should be available to provide total capacity of projects including current and potential demands, noted a running tally of liabilities versus assets, and opined that is the core of concurrency management. Mr. Fenwick reported a five-year analysis is required with continuous updates. **Commissioner Cummings** pointed out the Department of Community Affairs has required reservations of water capacity. Mr. Fenwick answered affirmatively and provided additional detail. **Commissioner Cummings** questioned if the on-line data would provide current and future capacity and concluded that the net capacity instead of gross capacity would be available on-

line. Mr. Fenwick stated the intent is to have all permits on-line and commented that developers need to know aggregates. **Commissioner Cummings** said the information must be consistent, simplified, and should be provided in a concise manner which is easily accessible to the public. Mr. Fenwick reported available capacity on the website is updated on a monthly basis and the goal is to get every development permit on-line. **Commissioner Cummings** stated he looks forward to having more refined data available to everyone. **Commissioner Loftus** expressed understanding that the new software program will be up and running in six months. **Commissioner Skidmore** commented that a centralized database is available and thanked the Friends of Cape Haze for their concerns.

**COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2009-013, SECONDED BY COMMISSIONER SKIDMORE**

**MOTION CARRIED 5:0.**

(2) Growth Management - **RECOMMENDED ACTION:** At the request of the Board, staff has prepared revisions to the landscaping code. Staff is requesting that the Board review and comment on the proposed changes.

Mr. Ruggieri explained the proposed landscape ordinance updates, noted they address Commission concerns related to Florida Friendly landscaping and water conservation associated with the rainy season, and advised the ordinance is being brought forward for discussion and direction only. **Commissioner Cummings** pointed out the rainy season usually starts the third week of June through August. **Commissioner Starr** suggested changing the time period to June through October and opined this will help save money and conserve water. **Chairman Duffy** agreed and noted this will provide an additional option. **Commissioner Loftus** agreed they need to do everything they can to conserve water. Mr. Baltz clarified under the update, a developer would have eight to 12 months time to install landscaping after the project is complete and remarked on the esthetic impact to the County. **Commissioner Skidmore** commented on the importance of water conservation, expressed concern with 50% of potable water being used for irrigation, suggested this could be an opportunity for community involvement, and mentioned utilizing master gardeners and groups to work with developers. **Commissioner Starr** pointed

out this will be a market driven issue and opined developers will install landscaping for marketing purposes. **Commissioner Cummings** commented that condition of development will be more costly later and said it should be imposed to eliminate potential legal action. **Chairman Duffy** questioned the possibility of issuing a Certificate of Occupancy (CO) without landscaping. Mr. Ruggieri explained in detail. **Chairman Duffy** commented it makes sense to enforce the changes so planting is not required during a drought. **Commissioner Skidmore** pointed out additional costs would only apply with non-compliance and asked staff to research additional concepts. **Commissioner Cummings** indicated there will be costs associated with enforcing compliance. **Commissioner Starr** questioned the Completion Bond language and asked how it relates to water conservation. Mr. Ruggieri asked for direction related to the rainy season language change and the Board provided consensus to change the time frame to June through October. Mr. Ruggieri moved on to describe the Irrigation Language and Exemptions change. **Commissioner Cummings** noted the number of corporate jets flying into the Punta Gorda Airport, said Airport Road is one of the gateways to our community, commented that visitors will travel past the buildings being exempt from the landscaping standards, explained many of these people are likely candidates for economic development, and indicated his opposition. Mr. Ruggieri said the rainy season date change will be made and confirmed he would look into the Bonding language.

John Swan, a landscape architect, stated this is a pretty good ordinance; indicated it is acceptable but questioned exemption of public safety facilities; opined they should have the same standards as the rest of the County; suggested implementation of technology related to conservation; provided ideas including moisture sensors and drip irrigation systems; expressed concern for plants placed during the rainy season; said without irrigation they will not be maintained properly in the dry season; and recommended approval.

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

**MOTION CARRIED 5:0.**

**Chairman Duffy** questioned inclusion of rain sensors and drip irrigation system techniques. Mr. Ruggieri pointed out they can be made a part of the development plan. **Commissioner Skidmore** commented on items in the green building ordinance pertaining to new technology implementation, talked about the use of incentives and being part of the cutting edge, and asked that staff look into the use of incentives. **Chairman Duffy** stated she needs more information before deciding on the exemption of public safety buildings. Mr. Ruggieri stated this may be brought back for additional discussion. **Commissioner Skidmore** stated his opposition to landscaping at the jail and fire towers. **Commissioner Loftus** concurred since landscaping at eight fire stations cost about \$80,000. **Commissioner Starr** agreed, commented on continuing costs associated with landscaping maintenance, and indicated reluctance to require landscaping along Airport Road. **Commissioner Skidmore** recalled comments made during the joint meeting with the Airport Authority on landscaping requirements. **Commissioner Cummings** recalled a lot of community efforts have been expended on landscape standards and said they should be applicable on a County-wide basis. **Chairman Duffy** noted the point, mentioned the costs related to reducing the irrigation, and asked what else is costing so much. Mr. Ruggieri reported staff did a study of numerous counties on landscape requirements and ascertained Charlotte County was in the mid-range requiring a lot less landscaping than other counties.

(3) Growth Management - RECOMMENDED ACTION: Consider and approve resolutions adopting Petition NOPC-08-09-40

**(Chairman Duffy polled the Board for ex-parte disclosures and there were none) (Minutes Supervisor Nice administered the oath to staff and Attorney Berntsson)**

Planner Smith presented the petition which paralleled visual slides, said they are affecting three of the four increments, and explained the outcome of each. Attorney Berntsson recalled the history of the project; noted changes in the Murdock Development of Regional Impact (DRI) since the 1986 inception; pointed out detail associated with the build out on the slides; and requested approval of the multiple revisions in the Resolution.

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

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO ENACT RESOLUTIONS 2009-164, 2009-165, 2009-166, 2009-167 AS READ INTO THE RECORD AND APPROVE PETITION NOPC-08-09-40, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

VII. PRESENTATION AGENDA - No items

VIII. PUBLIC WORKSHOP AGENDA - No items

IX. BOARD WORKSHOP AGENDA - No items

X. CITIZEN INPUT - ANY SUBJECT

RECESS: 9:55 AM - 10:00 AM

V. REGULAR AGENDA

(2) 10:00 AM Presentation by Steven Mitnick on current services provided by the Charlotte County Health Department

Steven Mitnick provided an annual Charlotte County Health Department update which paralleled visual slides; mentioned the clinics are located in Punta Gorda, Englewood, and Port Charlotte; indicated services and programs provided and mentioned proactive efforts made to advise the public of available services; noted a 32% increase in patients over the last year; said expenses have been kept as low as possible while providing quality health care; and discussed on-line and volunteer services. **Commissioner Cummings** questioned the level of services provided as compared to other counties. Mr. Mitnick stated it varies from area-to-area. **Commissioner Loftus** complimented Mr. Mitnick on energy saving reductions and suggested a 50% savings. Mr. Mitnick said the Health Department facilities will be more cost effective and energy efficient. **Commissioner Loftus** suggested Mr. Mitnick consult with Andrew Baker on cost savings on lighting. Mr. Mitnick explained the

County is already involved. **Chairman Duffy** concluded births are almost double the number of deaths. Mr. Mitnick noted services are adjusted based on changes in the median age.

(3) Approve Resolution to allow Project Graduation Parents (Lemon Bay High School) to conduct a Bucket Brigade to raise funds at State Road 776 a/k/a McCall Road and Pine Street/Placida Road on March 21, 2009 and April 25, 2009.

Assistant County Attorney Honse explained the purpose for the proposed resolution to allow a bucket brigade.

**COMMISSIONER SKIDMORE MOVED TO ALLOW PROJECT GRADUATION PARENTS (LEMON BAY HIGH SCHOOL) TO CONDUCT BUCKET BRIGADES TO RAISE FUNDS, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

**AA. County Administrator:**

Mr. Baltz referenced the "white paper" memorandum which summarized seven items for consideration by the State Legislature and requested direction on providing a stand-alone listing from the County or a joint letter with the City of Punta Gorda. **Commissioner Loftus** expressed a preference for a stand-alone list of items. **Commissioner Starr** commented in support of a joint listing since the items were discussed at the City of Punta Gorda Joint Meeting and **Commissioner Cummings** and **Commissioner Skidmore** agreed. **Chairman Duffy** suggested a stand-alone letter be sent to the Legislature referencing the joint meeting discussion. **Commissioner Skidmore** stated he does not want to take away the Board's local control, recommended the letter include why the County is in opposition, suggested the letter also be sent to House Representatives, and asked that the Board Members call their legislative contacts. **Commissioner Starr** suggested messages from the City and County be unified and agreed they should contact local legislative representatives. Mr. Baltz concluded staff will draft a cover letter for the Chairman to sign and noted it will be addressed to the appropriate personnel including Senators and Congressman. **Commissioner Skidmore** stated the letter should be sent to the Bill originator. **Commissioner Cummings** suggested the Florida Association of Counties be contacted for additional ideas. Mr.

Baltz stated the topic for the budget workshop this week is on the Capital Improvements Program and requested the March 18, 2009 budget workshop be cancelled since another budget workshop is scheduled for March 20, 2009.

**COMMISSIONER SKIDMORE MOVED TO CANCEL THE MARCH 18, 2009 BUDGET WORKSHOP, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

**BB. County Attorney: None**

**CC. Commissioner Comments:**

**Commissioner Cummings** acknowledged firefighter concessions were made as a direct response to the possibility of privatization, said they wanted to preserve their jobs, and opined the Board has not negotiated in good faith since they took their reductions and continue to move toward privatization. **Commissioner Cummings** stated the precedent set by not doing a jail privatization should be given to the firefighters as well. **Commissioner Skidmore** agreed that the RFP process should be pulled back.

**ADJOURNED: 11:10 AM**

**Signature on file in Commission Minutes**  
**Chairman**

**ATTEST:**

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

**By: Signature on file in Commission Minutes**  
**Deputy Clerk**

**JL**