

BOARD OF COUNTY COMMISSIONERS

March 24, 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, Executive Assistant Stoner, 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 Art Grayman, Port Charlotte Seventh Day Adventist Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Deletion #1: Agenda Item F-1 - Requested by Budget Office
RECOMMENDED ACTION: Approve a Resolution adopting the Marine Advisory Committee's recommendations for the West Coast Inland Navigation District (WCIND) County Navigation Improvement fund (CNIF) and Boater Improvement Fund (BIF) for the 2008-2009 fiscal year in the amount of \$454,718. **BUDGETED ACTION:** None, these expenditures are funded by WCIND/BIF taxes and fees and are budgeted in the Boater's Revolving Fund.

Deletion #2: Agenda Item L-4 - Requested by Economic Development
RECOMMENDED ACTION: Approve Phase II to File #09-022, Economic Development Consulting Services of PharmaBioSource, Inc., of Wayne, PA for a not to exceed fee of \$125,000, to perform consulting services for the Economic Development Office. PharmaBioSource Inc. has the requisite industry knowledge, business experience and network of key executive level contacts to implement the proposed services. **BUDGETED ACTION:** Funding for this contract is budgeted in the Economic Incentive Fund.

**COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA,
SECONDED BY COMMISSIONER STARR
MOTION CARRIED 5:0.**

Special Recognition

Proclamations - Commissioner Bob Starr

Bicycle Week

COMMISSIONER LOFTUS MOVED TO PROCLAIM THE WEEK OF MARCH 21, 2009 THROUGH MARCH 28, 2009 AS BICYCLE WEEK, SECONDED BY COMMISSIONER SKIDMORE
MOTION CARRIED 5:0.

Dannela Varel accepted the Proclamation on behalf of Team Punta Gorda and the Peace River Riders Bicycling Club and invited the Community to view the club's activities on their website: www.peaceriverridersbicycleclub.com.

Charlotte RSVP Volunteer Appreciation Day

COMMISSIONER LOFTUS MOVED TO PROCLAIM MARCH 31, 2009 AS CHARLOTTE RSVP VOLUNTEER APPRECIATION DAY, SECONDED BY COMMISSIONER SKIDMORE
MOTION CARRIED 5:0.

RSVP Director Wendy Cairns accepted the Proclamation on behalf of Charlotte County Volunteers.

Children's Week

COMMISSIONER LOFTUS MOVED TO PROCLAIM THE WEEK OF MARCH 29, 2009 THROUGH APRIL 5, 2009 AS CHILDREN'S WEEK, SECONDED BY COMMISSIONER SKIDMORE
MOTION CARRIED 5:0.

Marjorie Bateman of the Early Learning Coalition of Florida's Heartland, Inc., accepted the Proclamation on behalf of all the County caregivers and provided a brief slide presentation.

Cover the Uninsured Week

COMMISSIONER LOFTUS MOVED TO PROCLAIM THE WEEK OF MARCH 22, 2009 THROUGH MARCH 28, 2009 AS COVER THE UNINSURED WEEK, SECONDED BY COMMISSIONER SKIDMORE
MOTION CARRIED 5:0.

The Proclamation was accepted by Emily Lewis, Nancy Krause and Lauren Schmitz on behalf of the Indigent Healthcare Advisory Council.

Florida Surveyors and Mappers Week

**COMMISSIONER LOFTUS MOVED TO PROCLAIM THE WEEK OF MARCH 15, 2009 THROUGH MARCH 21, 2009 AS FLORIDA SURVEYORS AND MAPPERS WEEK, SECONDED BY COMMISSIONER SKIDMORE
MOTION CARRIED 5:0.**

Gerald J. Byrnes, Local Chapter President, accepted the Proclamation with thanks to the Board.

Florida Water Conservation Month

**COMMISSIONER LOFTUS MOVED TO PROCLAIM THE MONTH OF APRIL 2009 AS FLORIDA WATER CONSERVATION MONTH, SECONDED BY COMMISSIONER SKIDMORE
MOTION CARRIED 5:0.**

Terri Behling of the Southwest Florida Water Management District accepted the Proclamation and suggested water conservation techniques.

Relay for Life Day (Presented by Commissioner Skidmore)

**COMMISSIONER LOFTUS MOVED TO PROCLAIM MARCH 28, 2009 AS RELAY FOR LIFE DAY, SECONDED BY COMMISSIONER CUMMINGS
MOTION CARRIED 5:0.**

Mac Horton and Lou Long accepted the Proclamation and invited all to attend Relay for Life at Lemon Bay High School on Saturday, March 28, 2009.

Employee Recognition - None

Award Presentations - Commissioner Bob Starr

Recognition and presentation of 1st, 2nd, and 3rd place award ribbons to art contest winners of each grade level (K-12) for participation in the Charlotte County Utilities (CCU) Second Annual Water Conservation Student Art Contest.

Commissioner Starr and CCU representative Leigh Sprimont presented award ribbons to CCU Second Annual Water Conservation Art contest winners.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Kristen Marsella, President of Marsella Homes, thanked the Commissioners for reviewing the grant loans. **Chairman Duffy** noted Marsella Homes was one of the builders involved in the

blitz for Habitat Homes and mentioned they built nine homes in one week.

II. COMMITTEE VACANCIES

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

Grove City Advisory Board is seeking five members to serve. Must reside in or own property within the boundaries of the Grove City Community planning area. Terms are for three years. One member to represent the commercial interests of Grove City, one member to represent a professional in architecture, engineering, landscape architecture, planning or similar, one member representing multi-family interests and two members at large.

Harbour Heights Waterway Maintenance District Advisory Board - is seeking two (2) volunteers. One regular member and one alternate member.

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

South Gulf Cove Community Plan Advisory Committee - is seeking one volunteer to fill a vacated term.

III. REPORTS RECEIVED AND FILED

Attachment of Charlotte County Utilities 2008 Annual Report prepared by PB Americas, Inc.

IV. CONSENT AGENDA

Commissioner Starr requested Consent Items F-6, F-7, and L-3 be pulled from the Agenda.

COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT FOR AGENDA ITEMS F-6, F-7, AND L-3, SECONDED BY COMMISSIONER STARR MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve the Clerk's Memorandum. BUDGETED ACTION: None

Memorandum #1 - Status of Contingency Reserves - FY 07/08

Memorandum #1A - Status of Contingency Reserves - FY08/09

Memorandum #2 - Total Disbursements for the Period March 3, 2009 through March 16, 2009 in the amount of \$9,396,320.43

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

01/13/09 9:00 AM BCC Regular

01/20/09 9:00 AM BCC Regular/Land Use

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the appointment of Fred G. Brown as the alternate member on the Northwest Port Charlotte Street and Drainage Advisory Committee for a two year term. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve Resolution further amending Resolution No. 2004-230, establishing Department of Health Fee Schedules, adding Attachment "D" with three new fees for overnight delivery, notary services, and passport photos. BUDGETED ACTION: None. No impact to Charlotte County's budget. These fees will be collected by the State of Florida and distributed back to Charlotte County, independent of the Charlotte County budget. **Resolution 2009-169**

D. Administration - No items

E. County Attorney - No items

F. Budget Office

(2) RECOMMENDED ACTION: a) Approve Budget Transfers # 09-008, # 09-009, # 09-010, # 09-011, # 09-012, # 09-013, # 09-014, # 09-015, # 09-016, # 09-017, # 09-018, and # 09-019 to adjust carry balances for various account lines for the FY08/09 budget;

and b) Approve Budget Amendments #09-A14, #09-A15, #09-A16, #09-A17, #09-A18, #09-A19, #09-A20, #09-A21, #09-A22, #09-A23, #09-A24, #09-A25, #09-A26, #09-A27, #09-A28, #09-A29, #09-A31, #09-A32, #09-A33, #09-A34, #09-A35, #09-A36, #09-A37, #09-A38, #09-A39, #09-A40, #09-A41, #09-A42, #09-A43, #09-A44, and #09-A45 to adjust carryover balances for various account lines in the FY08/09 budget; and c) Approve CIP amendment #09-C06 to adjust carryover balances within CIP projects. BUDGETED ACTION: The attached budget transfers and amendments are to "carry over" prior year unspent budget amounts that relate to Capital Projects, grants, or purchases of Capital Equipment. The amounts were anticipated to be spent in the prior year but for various reasons were not, usually they are timing issues. The typical example is with a major capital project such as the construction of a building, park, or roadway where it is necessary to "carry over" these unspent budgeted amounts in order to have the proper total budget to complete a project. These are not new budget items. Funds for these transfers and amendments are in various budgets.

(3) RECOMMENDED ACTION: Approve transfer of up to \$57,000, depending upon actual funds available, to the Sheriff department pursuant to F.S. 775.083 (2), Florida Statutes. BUDGETED ACTION: FY09 budget amount is \$57,000. Funds are provided in the Fine & Forfeiture Fund. Revenues are from court related fines and fees.

(4) RECOMMENDED ACTION: Approve transfer of \$30,000 to the Sheriff pursuant to F.S. 938.15 and F.S. 318.18(11)(c), Florida Statutes. BUDGETED ACTION: FY09 Budget Amount is \$30,000. Funds are provided in the Criminal Justice Education Fund. Revenues are from court related fines and fees.

(5) RECOMMENDED ACTION: Approve the transfer of \$65,000 to the Sheriff's Law Enforcement Trust Fund checking account. BUDGETED ACTION: None. Budget amount in FY09 is \$65,000. Funds are provided in the Law Enforcement Trust Fund. Revenues are from criminal and forfeiture proceedings.

(6) RECOMMENDED ACTION: Set a public hearing to be held on Tuesday, April 14, 2009 at 5:30 p.m., or as soon thereafter as may be heard, to consider approving an ordinance to include additional territory into the Punta Gorda Non-Urban Street & Drainage MSBU. BUDGETED ACTION: None, recording fees of \$44 are available in the Punta Gorda Non Urban Street & Drainage Unit.

Commissioner Starr stated for the record his reason for pulling items F-6 and F-7 is his opposition to burdening the MSBUs with gas tax roads.

COMMISSIONER LOFTUS MOVED TO SET A PUBLIC HEARING TO CONSIDER APPROVING AN ORDINANCE TO INCLUDE ADDITIONAL TERRITORY INTO THE PUNTA GORDA NON-URBAN STREET & DRAINAGE MSBU, SECONDED BY COMMISSIONER CUMMINGS
MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.

(7) **RECOMMENDED ACTION:** Request the Board set a public hearing to be held on Tuesday, April 14, 2009 at 5:30 p.m., or as soon thereafter as may be heard, to consider approving an ordinance amending the territory of the Deep Creek Street & Drainage MSBU. **BUDGETED ACTION:** Recording fees of \$44 are available in the Deep Creek (non-urban) Street & Drainage Unit.

COMMISSIONER CUMMINGS MOVED TO SET A PUBLIC HEARING CONSIDER APPROVING AN ORDINANCE AMENDING THE TERRITORY OF THE DEEP CREEK STREET & DRAINAGE MSBU, SECONDED BY COMMISSIONER LOFTUS
MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.

(8) **RECOMMENDED ACTION:** a) Approve the loan from Charlotte County Public Safety Fund to the Enhanced 911 System Fund for the purchase of E911 equipment. The amount of the loan is \$679,350 and the first payment is due on March 25, 2010. The fifth and final payment will be made on March 25, 2014. B) Approve Budget amendment 09-A48 in the amount of \$679,350. **BUDGETED ACTION:** Approve Budget amendment 09-A48 in the amount of \$679,350.

G. Growth Management - No items.

H. Economic Development

(1) **RECOMMENDED ACTION:** Set a Public Hearing for April 14, 2009, at 5:30 p.m., or as soon thereafter as may be heard, to adopt an Ordinance to expand the Board of Directors of the Charlotte County Industrial Development Authority. **BUDGETED ACTION:** None

J. Environmental Services

(1) **RECOMMENDED ACTION:** Approve the request to: a) accept a grant agreement between Gulf Coast Community Foundation of

Venice and Charlotte County in the amount of \$27,982 for the Sea Grant Program Assistant position; and b) the signature of the Board Chairperson. Charlotte County UF/IFAS Extension Services program includes Sea Grant programs and services. BUDGETED ACTION: None, funding is provided by a grant from the Gulf Coast Community Foundation of Venice in the amount of \$27,982 and is budgeted in Extension Services Division, General Fund. Grant 2009-009

K. Facilities Construction and Maintenance - No items.

L. Purchasing

(1) RECOMMENDED ACTION: a) Approve split award of Bid #09-184, Chemicals for Ballfields-Annual Contract, of Helena Chemical Co., of Dade City, Florida, of Univar USA, Inc., of Orlando, Florida, and of Lesco, Inc., of Pt. Charlotte, Florida, at the unit prices specified on attached tabulation. The term of the contract is 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; to secure a firm price for the purchase of various chemicals used in park maintenance by the Parks, Recreation, and Cultural Resources Department, on an "as required" basis. BUDGETED ACTION: Budgeted amount \$117,000. Funding for this expenditure comes from the General Fund and the Stadium M&O Fund.

(2) RECOMMENDED ACTION: Approve award of Bid # 09-147, Stormwater Control Structure-Jupiter Waterway/Chancellor Boulevard, of Armadillo underground of Fort Myers, Florida, for a total cost of \$424,487, to secure the services of an experienced, licensed and qualified Contractor for the installation of a stormwater control structure to include concrete pipes, concrete end walls roadway reconstruction, guardrails, and utility relocations. The location of the work is at the structure on Chancellor Blvd. at the Jupiter Waterway. BUDGETED ACTION: FY09 funds are available in the Mid-Charlotte Stormwater MSBU, CIP project c390304 Greater Port Charlotte Control Structure Replacement, project total \$35,720,000 and CCU's Renewal and Replacement Fund, CIP project.

(3) RECOMMENDED ACTION: Approve Award File #09-042, Work Order #7, Contract #08-007, Potable Water Distribution Model - Update, of Jones Edmunds & Associates, Inc., of Tampa, Florida, in the total not-to-exceed amount of \$219,190. This Work Order is for

services to be rendered in the calibration of pressures/flows of existing pipelines and update the Water Distribution System Model with new pipelines/appurtenances coming online in Central and West Charlotte County from the completion of new MSBU's and line extensions. BUDGETED ACTION: None. Funding of \$180,060 for this expenditure comes from CCU Operations and Maintenance budget and \$39,130 from Rotonda Villas and Springs MSBU Fund.

Commissioner Starr commented on spending \$219,000 on computer software to monitor in ground water pipes, said CCU explained it will identify potential bottlenecks in the system, mentioned we must still send a crew out to rectify the problem, and opined in these economic times this expenditure is unfounded. **Commissioner Cummings** said the Water Authority is building a \$19 Million pipeline and asked if this software could tell us what the flow rate is through that pipeline. Terri Kesner answered affirmatively. **Commissioner Cummings** opined this could be a useful tool to determine if this pipeline was worthwhile and suggested a better modeling system will help us make better decisions in the future. **Commissioner Starr** said this is not for future modeling, noted it is to monitor the current system, and opined we will soon know if the flows are sufficient. Terri Kesner read a portion of the scope into the record for clarification.

Commissioner Loftus believes the software is important; said it will identify where we have pressure problems; and opined we need to keep on top of the flows and multitude of systems connecting together. **Commissioner Skidmore** asked if Jones Edmonds is a Charlotte County firm. Ms. Kesner explained none of the firms who responded were from Charlotte County. Kim Corbett described the process in detail and clarified the manner in which work order assignments are submitted. **Commissioner Skidmore** expressed concern that firm ranking backup materials were not included. Ms. Corbett noted the scoring is done when they are prequalified, explained the process for Engineer of Record is different than other bids, clarified Florida State Statute requirements, and offered to include the ranking information within the backup materials in the future. **Commissioner Skidmore** asked how a delay would impact our citizens. Ms. Kesner said they still have a flat model that can be used during the delay and provided a list of the four who submitted proposals.

Commissioner Skidmore recommended a delay until additional backup material is received, expressed concerned that we have no local firms on the list, and asked for detail related to why the

local firm was not considered. **Commissioner Starr** said we want to prioritize local firms, but indicated the bigger issue is that this expenditure is not critical to Charlotte County at this time, indicated he would support **Commissioner Skidmore's** request for additional information, but would rather not see this item back on the agenda. **Commissioner Cummings** commented on the cost of capital projects; said this program is a management tool to help determine what project needs to be done; mentioned if you wait until the line breaks you have a safety issue; explained costs are higher under emergency conditions; and stated this important tool will save millions and provide public safety in the long run. **Commissioner Loftus** agreed this is a necessary management tool.

COMMISSIONER SKIDMORE MOVED TO DENY POTABLE WATER DISTRIBUTION MODEL, SECONDED BY COMMISSIONER STARR

Commissioner Starr again expressed his opposition to spending money we do not have on this item and commented this is a want not a need at this time. **Commissioner Skidmore** said we have one of the highest water rates in the County because of poor decisions made in the past, noted the horror stories associated with CCU management, indicated he is not certain approval of this item would fix the problems, noted no local firm responses, said we need to take control and do things different than they have been done before, and requested a delay.

Chairman Duffy said she is not in favor of this motion, indicated she cannot support it, opined we need to buy this calibration system, and stated she would be in favor of a delay to seek additional information. **Commissioner Starr** asked for clarification of the product and original cost. Ms. Kesner explained the original software is in place, noted this product is an enhancement, and said she would provide the initial cost information to the Commission. **Commissioner Starr** opined the initial cost was probably more than \$250,000 and again remarked that this is a want situation, not a need situation. **Commissioner Loftus** indicated he cannot support the motion but is in favor of a delay until additional information is provided. **Commissioner Skidmore** asked for a call on original motion.

MOTION FAILED 2:3.

COMMISSIONER LOFTUS MOVED TO DELAY ACTION AND BRING BACK ADDITIONAL INFORMATION WITHIN A REASONABLE TIMEFRAME, SECONDED BY CHAIRMAN DUFFY

Commissioner Cummings said this is not an issue of fact, but an issue of belief, opined more information will not change anyone's mind, and suggested the conversation will just drag out when it returns.

MOTION CARRIED 3:2. COMMISSIONER CUMMINGS, COMMISSIONER STARR OPPOSING.

RECESS: 10:15 AM - 10:30 AM

M. Human Resources - No items.

N. Human Services

(1) **RECOMMENDED ACTION:** Approve the Goals Charts that establish the level of funding for SHIP strategies. By the adoption of these funding levels the Board gives staff direction on the implementation of the strategies previously approved. **BUDGETED ACTION:** Funds provided in Local Housing Assistance Trust Fund.

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

(1) **RECOMMENDED ACTION:** Approve the attached Resolution approving the release of a portion of a recorded twenty-foot (20') wide canal maintenance easement, and a portion of a platted twenty-five foot (25') wide canal maintenance easement, both located in Port Charlotte Subdivision, Section Forty-Four, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portions of said easements. (Owners: Janet B. and Gordon P. Reynolds) **BUDGETED ACTION:** None. **Resolution 2009-170**

(2) **RECOMMENDED ACTION:** Approve the attached Resolution approving the release of a Non-Exclusive Utility Easement located in Lot 1, Block 56, Port Charlotte Subdivision, Section Five (Owners: Anton L. Panyan and James A. Panyan) **BUDGETED ACTION:** None. **Resolution 2009-171**

(3) **RECOMMENDED ACTION:** Approve the attached Resolution approving the release of a Non-Exclusive Utility Easement located on Lots 2, 3, and 4, Block 56, Port Charlotte Subdivision, Section Five; and Lot 34, Block 56, Replat of Tract AF, Port Charlotte Subdivision, Section Five (Owner: Creighton Commercial Development, L.L.C.) **BUDGETED ACTION:** None.
Resolution 2009-172

V. Tourism Development - No items.

W. Utilities

(1) **RECOMMENDED ACTION:** Approve the Chair to sign the Certification of Financial Responsibility for the annual cost estimate of \$563,040 to complete the plugging and abandonment of two (2) Injection Wells and related monitoring wells at the East Port Water Reclamation Facility, if and when the time comes to abandon the use of the wells. The Certification of Financial Responsibility is a Florida Department of Environmental Protection (FDEP) permit requirement for both Underground Injection Wells located at the East Port Water Reclamation Facility. **BUDGETED ACTION:** None

(2) **RECOMMENDED ACTION:** Approve the Chair to sign the Certification of Financial Responsibility for the annual cost estimate of \$317,148 to conduct plugging and abandonment of two (2) Injection Wells and related monitoring wells at the West Port Water Reclamation Facility, if and when the time comes to abandon the use of the wells. The Certification of Financial Responsibility is a Florida Department of Environmental Protection (FDEP) permit requirement for both Underground Injection Wells located at the West Port Water Reclamation Facility. **BUDGETED ACTION:** Funding, if and when the wells need to be abandoned, will come from CCU Operation and Maintenance Fund.

X. Building & Construction Services - No items.

Y. Other Agencies - No items.

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

(1) Growth Management - **RECOMMENDED ACTION:** Conduct the first Public Hearing to consider approving a Developer's Agreement between Punta Gorda of Charlotte County, LLC, a Florida limited

liability company, and Charlotte County. The second Public Hearing has been set for April 14, 2009, at 5:30 p.m., or as soon thereafter as may be heard, to consider approving a Developer's Agreement between Punta Gorda of Charlotte County, LLC, a Florida limited liability company, and Charlotte County, a political subdivision of the State of Florida, as authorized under the "Florida Local Government Development Agreement Act," Sections 163.3220 - 163.3243, Florida Statutes.

Jeff Ruggieri said this is the first of two public hearings, explained the purpose of the Developer's Agreement, provided a brief presentation, and paralleled visual slides.

Morris Massey spoke on behalf of the applicant in support of approval of the Developer's Agreement, viewed the agreement as a win situation for everyone involved, mentioned capped impact fee credits, said they are currently negotiating an agreement with the City of Punta Gorda related to a waste water extension, and requested approval.

Commissioner Cummings asked if it was likely that impact fee credits will exceed the impact fees at build out and commented that usually the difference is fairly wide. Mr. Ruggieri explained why they do not know that at this time and commented the ordinance causes staff to narrow their focus. Mr. Ruggieri and **Commissioner Cummings** continued to discuss the subject further. **Commissioner Skidmore** agreed with **Commissioner Cummings** related access points.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR
MOTION CARRIED 5:0.**

Jane Caldara said she has been working for the past year with Public Works and Growth Management on the traffic engineering and access management plan, provided explanation related to why access is as it is, indicated the ordinance has guidelines on Piper Road access, pointed out detail on the visual slides, and noted why they asked for one extra driveway. **Commissioner Cummings** said he is not quite satisfied and presumes Growth Management and Public Works will provide additional information.

(2) Human Services - **RECOMMENDED ACTION:** Hold a Public Hearing to receive Public Input into the final Neighborhood Stabilization Program Application. Approve the Neighborhood Stabilization Program Application.

Bob Hebert explained the purpose for the Public Hearing, noted the desire to receive public input related to Neighborhood Stabilization Funding, said they are requesting approval of the Neighborhood Stabilization Program (NSP) application for submission, and provided a brief power point presentation to summarize the application.

Suzanne Graham asked for detail related to the local preference process on these properties. Mr. Hebert advised the County will buy the property, deed it over to get local preference, and commented on mandates and using existing staff to help them retain their jobs. Ms. Graham indicated their goal is also to get people back to work. **Commissioner Cummings** asked if there is another mechanism to allow someone else to use a local preference. Mr. Hebert answered affirmatively and explained further.

Kristen Marsella pointed out the importance of this suggestion for all contractors and opined it will have a positive impact on our economy as a whole.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE
MOTION CARRIED 5:0.**

Chairman Duffy asked how Habitat for Humanity fits into this program. Mr. Hebert explained they typically do new construction, said the intent is to get people back to work, not get volunteers working, commented further where Habitat and others could bid on properties in the land bank. **Chairman Duffy** stated she is opposed to Charlotte County getting into the land ownership or building business, suggested they only hold the land for a short period of time, and said this does not make sense if we cannot allow local builders and contractors to benefit from the funding. **Commissioner Cummings** said there is a modest amount of funding for demolition and land acquisition. Mr. Hebert replied it is capped, said they may release those funds when they get done with the application, and commented further. **Commissioner Cummings** opined the highest value back to the community is cleaning up the neighborhoods and getting land inventory for the future. Mr. Hebert mentioned the importance of adding properties to the land bank and reminded the Board that this is just to send the application forward and advised if Department of Community Affairs approves the application, it will come back to us with more defined information and terms.

COMMISSIONER CUMMINGS MOVED TO ACCEPT STAFF RECOMMENDATIONS, INCLUDING AUTHORIZING THE CHAIR TO SIGN THE 2009-2010 NEIGHBORHOOD STABILIZATION PROGRAM APPLICATION FOR GRANT, SECONDED BY COMMISSIONER SKIDMORE
MOTION CARRIED 5:0.

VII. PRESENTATION AGENDA - No items.

VIII. PUBLIC WORKSHOP - No Items.

IX. BOARD WORKSHOP AGENDA - No items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) County Attorney - RECOMMENDED ACTION: Staff is requesting the Board to Review and either accept, reject or modify the recommendation of the Special Magistrate in respect to Peace River Landings LLC's ("PRL") Application for Relief under the Florida Land Use and Environmental Dispute Resolution Act; and further authorizing the Chair to sign additional settlement documents as deemed consistent with the Board's will.

Attorney Knowlton explained the application and its five conditions, provided a brief history, stated all Wayne Sallade's (Emergency Management Director) concerns were addressed, and advised the Board could accept, reject, or modify the Special Magistrate's findings.

COMMISSIONER SKIDMORE MOVED TO ACCEPT SPECIAL MAGISTRATE RECOMMENDATIONS AND CONDITIONS AS NOTED WITH RESPECT TO PEACE RIVER LANDINGS LLC'S, SECONDED BY COMMISSIONER LOFTUS
MOTION CARRIED 5:0.

(2) Purchasing - RECOMMENDED ACTION: Provide a comprehensive update to the Board regarding grounds maintenance to include the following: (1) Analysis of work performed in-house versus outsourcing (2) Discussion of current and future grounds maintenance being performed by inmate labor (3) Next Steps - Grounds Maintenance efficiencies (4) a) Board to consider and provide direction on the Grounds Maintenance for the South County portion of Bid #09-159 for the services to be performed and provided for by the Charlotte County Sheriff's Office with the use of inmate labor; and b) Authorize the attached budget transfer in the amount of \$26,541 for the purchase of required

equipment; and (5) a) Approve Award Bid #09-159 Grounds Maintenance-Annual Contract in whole or in part to the overall lowest responsive, responsible bidder; of Excavation Etc., Inc., of Punta Gorda, Florida; and b) Authorize the County Administrator to approve renewal options up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent. This project is to secure the services of a qualified Contractor(s) to care for and maintain the grounds of multiple County locations at a level acceptable to the County.

Kim Corbett provided an update, indicated the Board packet report outlines all grounds maintenance services and advises who performs the work, and described the individual requests in detail.

Commissioner Skidmore advised he supports the use of inmate labor, noticed specifications are inconsistent with manufacturer specifications, suggested we can save by cutting the number of times certain things are done, opined although we are using inmate labor, we are raising the bid price, and asked why we do not follow manufacturer guidelines.

Andrew Baker advised there will be opportunities to revise this bid at the upcoming performance budgeting workshop and suggested landscaping will be reduced then. **Chairman Duffy** said staff is asking the Board to approve this today, but noted they can negotiate changes later. Ms. Corbett said the recommendation is to move forward with the award of the bid and explained the adjustment process. **Commissioner Starr** questioned how they arrived at the unit cost, said he does not want to commit to the unit prices shown, suggested they revisit the numbers during performance based budgeting, opined a large reduction in future landscaping, stated he is in favor of the use of inmate labor, and indicated he would rather put this contract on hold until they are able to determine these are the best unit prices. **Commissioner Skidmore** said he would like to go a step further, noted we are writing specifications that are very narrow, recommended the use of alternative and generic products, asked Mr. Baltz to take control of this issue and write specifications to allow cost effective generics, requested they be certain to use them in accordance with manufacturer specifications, and recommended this item be sent back. **Chairman Duffy** suggested they at least approve inmate labor for South County and noted the Sheriff Department has worked very hard to provide an option to save a lot of money. Ms. Corbett advised the Sheriff's proposal has identical specifications but explained staff can modify the required services and described the procedure they

would follow. **Commissioner Loftus** agreed with the need to look further to determine the best practices and stated he is in favor of moving forward with the use of inmates in South County. **Commissioner Cummings** asked if unit costs were established by the bid and when our current contract is up. Ms. Corbett clarified the unit costs are submitted by the bidders, explained we do not have a current contract, advised no services are presently being done, noted we have been lucky with draught conditions, and announced the Sheriff's Department has performed any required duties. **Commissioner Cummings** questioned whether they would need to go through the bid process again if they should decide to make changes. Ms. Corbett responded they would reject all bids, modify the specifications, remove South County, and bring the bids back to the Board within 60 days for award. **Commissioner Cummings** opined those who have been maintaining these buildings know what is required better than the Board, suggested the savings are not substantial, noted other benefits, and indicated this program will cost 1/3 more.

Commissioner Starr expressed confusion with **Commissioner Cummings** comments, said there is a savings by using the Sheriff Department, noted a significant savings will be realized after the initial purchase of equipment, and opined we need to make changes. Ms. Corbett explained the current contract expired January 30th. **Commissioner Starr** pointed out the majority of the County has not required maintenance to date and suggested we can cut the cost substantially. **Commissioner Cummings** commented further on the figures and said there may be variations, but noted the total bid price is clear. **Commissioner Skidmore** said he is not in favor of approval today, requested they take a look at the specifications, and expressed concern that they were being asked to approve now and possibly make changes at performance based budgeting. **Commissioner Cummings** clarified the reason why that was suggested. **Commissioner Skidmore** said we have bid specifications going out that drive up the costs and stated we need to change the way we do business today. **Commissioner Loftus** agreed with **Commissioner Skidmore**, opined this could come back in a shorter period of time if it is not sent back out to bid, and expressed the importance of finding the most cost effective method. **Commissioner Skidmore** expressed frustration in reviewing bids for generic availability and announced Administration and staff needs to focus on the issue.

Commissioner Skidmore moved to deny staff recommendations and **Commissioner Starr** seconded. **Chairman Duffy** stated the motion required additional direction and made suggestions. Ms. Corbett asked for direction to be clarified. **Commissioner Skidmore** said

he wants to change the way we do the bid process, stated the need to amend the organization, culture, and thought process from here on out. **Chairman Duffy** reminded there is no County landscaping contract from January through now, remarked on a 50% reduction on price already, and opined we do need to have some landscaping done. **Commissioner Skidmore** indicated it could still wait a while longer. **Chairman Duffy** suggested they take the lowest bid, negotiate on frequency of applications, research less expensive chemicals and other cost saving means, and bring it back before the Board with recommendations in a shorter period of time. **Commissioner Cummings** said he is happy to go with the current bid and negotiate from there, explained the reason for specific bid requirements, and commented on alternative bidding methods. **Commissioner Starr** said he has not noticed that the mulch and mowing had not been maintained for 2 months, opined if the contract was in place, they would have mowed dirt, commented they need to look at every nickel and dime, indicated the need to review all these issues and provide a satisfactory level of service for the least amount of money, and asked if there is a motion on the floor. **Commissioner Skidmore** said he lost track of his motion. County Attorney Knowlton clarified the motion was to deny and come back with reduction of product costs and establish different cycles. **Commissioner Loftus** asked if staff could re-negotiate for reductions rather than going out for re-bid and asked if the same could be done with the Sheriff Department contingent upon the reduction of chemical costs and cycling. **Commissioner Skidmore** asked for clarification. **Commissioner Loftus** explained. **Commissioner Skidmore** stated he does not want to approve the Sheriff Department portion today, apologized for the delay, commended Sheriff representatives for their time and work, said he does not want to micro-manage, but must be sure that the Board gives clear direction, noted he is not opposed to re-negotiation, however expects staff to follow the will of the Board, indicated he would like to see a new a thought process, and expressed the need for Administration to return with real efforts to save taxpayer dollars. **Commissioner Starr** asked for the legal impact of a re-negotiation. Ms. Corbett explained the related County procurement code in detail. **Chairman Duffy** pointed out citizen suggestions related to saving money.

COMMISSIONER SKIDMORE MOVED TO AMEND THE OVERALL LOWEST BID, NEGOTIATE REDUCTIONS WITH EXCAVATION ETC., INC. BY USE OF GENERIC CHEMICALS, REDUCED CYCLES AND OTHER COST EFFECTIVE MEANS TO CARE FOR AND MAINTAIN THE GROUNDS OF MULTIPLE LOCATIONS IN CHARLOTTE COUNTY (MID COUNTY, WEST COUNTY, AND TWO LOCATIONS IN

PUNTA GORDA), AND DIRECT STAFF TO BRING THIS BACK TO THE BOARD WITH RECOMMENDATIONS, SECONDED BY COMMISSIONER STARR
MOTION CARRIED 5:0.

Chairman Duffy questioned direction related to the Sheriff's Department work. **Commissioner Loftus** moved to approve the Sheriff's Department work on the same basis as Excavation Etc., Inc. and **Chairman Duffy** seconded. **Commissioner Skidmore** asked if Excavation, Etc. provided South County with the same unit price as other counties. Ms. Corbett explained each unit price is unique to the facility and provided an example. **Commissioner Cummings** commented on the grouping for South County. **Chairman Duffy** asked to be directed to the related backup materials. **Commissioner Cummings** pointed out the information and explained the presence of variables and the importance of the bottom line. Captain Goodwin commented that **Commissioner Cummings** is correct, said it is a higher bid than what the lowest contractor was, explained they can lower their bid by reducing the cycles. **Chairman Duffy** pointed out the Sheriff's Department already provides the landscaping needs of several County buildings and asked about the additional staff person that may be needed if additional volume is awarded. Captain Goodwin clarified if they took on South County they would require one staff person when the jail expansion is complete. **Commissioner Skidmore** asked if they could initially do without the staff person if the specifications were reduced. Captain Goodwin said they could not. **Commissioner Loftus** indicated one of the benefits of using inmates is therapeutic. Captain Goodwin agreed and noted the program also teaches inmates a trade since they are trained on safety, equipment needs, and it allows inmates the opportunity to give back to their community. **Commissioner Starr** questioned the need for an officer at \$38,000 per year if the program uses volunteers. Ms. Corbett clarified the position is held by a trained civilian supervisor who is a paid employee. **Commissioner Starr** expressed concern with how high the Sheriff's costs were, remarked they have no labor overhead, commented that this is not a profit center for the Sheriff, and questioned the breakdown. Ms. Corbett explained how the Sheriff determined the costs and advised they filled out the bid form for South County. **Chairman Duffy** asked why the Sheriff's bid was higher when their labor costs are free. Lt. Melissa Turney explained how the bid was reached, said they chemically measured per manufacturers recommendation, and mentioned a major reduction could be achieved if the specifications were reduced. **Commissioner Cummings** pointed out the same cost reduction would apply to the contractor and opined there are other matters to be considered. The Commissioners continued to discuss related issues.

Commissioner Cummings suggested they need to let those who do this work decide what equipment is needed, gave examples, and opined the Board should not establish those details from the Dias. **Commissioner Starr** suggested they park unused equipment behind the Building Department, expressed the need for efficiencies and sharing, and suggested a motor pool.

COMMISSIONER LOFTUS MOVED TO NEGOTIATE REDUCTIONS WITH THE CHARLOTTE COUNTY SHERIFF'S DEPARTMENT ON THEIR CONTRACT THE SAME AS IS BEING REQUESTED FROM EXCAVATION ETC., INC. BY USE OF GENERIC CHEMICALS, REDUCED CYCLES, AND OTHER COST EFFECTIVE MEANS AND BRING RECOMMENDATIONS BACK TO THE BOARD, SECONDED BY COMMISSIONER CUMMINGS
MOTION CARRIED 5:0.

Mr. Baltz clarified the motions, asked Ms. Corbett for confirmation, indicated an understanding of general Board dissatisfaction with the purchasing bid specification process, said the Commissioners have been clear on their desire for heavier attention to detail and concentration on cost reductions in every area of bid specifications, and the need to be open for business to local contractors. Mr. Baltz generalized they have always tried to be specific in contracts to avoid controversy and accusations of favoritism.

X. CITIZEN INPUT - ANY SUBJECT

Scott Heinis spoke on behalf of the local Firefighters and EMS, thanked **Commissioner Cummings** and **Commissioner Skidmore** for their efforts to stop the Request for Proposal (RFP) concerning privatization of Fire/EMS, commented on concessions given by the firefighters and paramedics, thanked **Chairman Duffy**, **Commissioner Loftus**, and **Commissioner Starr** for meeting with their business agent, apologized if the Union's response to the Commission's request for a pay freeze last August caused offense to Administration, indicated its intent was to emphasize organizational cuts they felt were not being critically considered, expressed concern with department moral and future leadership, explained some of the finest have begun applying elsewhere, spoke against the RFP, and requested new direction be given.

AA. County Administrator:

Mr. Baltz asked the Board to review a letter he furnished related to the purchase of Rocky Creek Marina, gave a brief

summary, noted cost is an issue during this economic climate, mentioned other funding options, and advised Board direction is necessary to pursue or not pursue the purchase. **Commissioner Loftus** said marinas are scarce in Charlotte County, expressed the importance of pursuing the purchase, suggested they seek alternative funding and price negotiation, and stated it would be beneficial to the Community. **Commissioner Skidmore** agreed, commented on its great location, confirmed DEP concerns have been satisfied, mentioned grant funding they may qualify for next year, discussed the terms of the agreement and return on investment, and urged Administration to move forward with the acquisition of this parcel. **Commissioner Starr** expressed his strong opposition, said people cannot even afford gas for their boats, discussed storage issues, opined the income mentioned was in good times, asked why we would want to be in the marina business, and said there were logistical and cash flow problems related to the property. **Commissioner Cummings** agreed with the importance of marina preservation for our community, mentioned the trend of marinas flipping to condos and taking away public access, indicated it does not qualify for conservation easement, and opined this would be a good opportunity, but noted if millage rate stays the same funds will not be available. **Commissioner Skidmore** said staff advised him that this does qualify for conservation, requested the Chair direct Administration to research, and remarked on the amount of boaters. **Chairman Duffy** agreed, said a lot of people still go boating even in this economic climate, announced most ramp parking lots are full, and agreed with looking further into funding, but expressed opposition to using ad valorem funds. The Commissioners continued to discuss funding options. **Commissioner Starr** expressed strong opposition to spending \$3 Million on this marina. Mr. Baltz announced he will investigate all possible funding sources.

Mr. Baltz passed out a letter titled Southwest Florida Consortium 2009 Legislative Priorities, provided detail, and noted he does not see any conflict related to the BOCC. **Chairman Duffy** asked if they considered Charlotte County legislative priorities. Mr. Baltz answered affirmatively. **Commissioner Loftus** and **Commissioner Cummings** stated their support. **Chairman Duffy** expressed disappointment that their request to have the issue of not announcing the budget prior to going out to bid was not included. **Commissioner Cummings** said the budget has to be available to the public, understood the intent, and explained the issue of transparency. **Commissioner Loftus** stated he never supported the idea and opined it is not functional.

Mr. Baltz advised they are reducing custodial costs at various Sheriff Department locations, said these changes will save a little over \$21,000 per year, and explained they have found alternative solutions. Mr. Baltz said the County will receive \$1.8 Million in Capital Funds for immediate utilization under the ARRA Stimulus Program and said they are looking at alternative fuel buses for the use of those funds. **Chairman Duffy** said they just bought two buses within the last week. Mr. Baltz said he will look into that purchase.

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Loftus commented that he has been in favor of using hybrid buses, remarked we were aware of stimulus funds for buses, and noted he will be upset if they purchased buses that were not hybrid. **Commissioner Loftus** mentioned Mr. Heinis' comments this morning related to reducing costs, indicated he was not sure of the status of the RFP related to Fire/EMS, asked if the Board was in favor of working with the Union as they are with the Sheriff Department, and commented he was upset with the letter, but is willing to work together as a family. **Commissioner Cummings** said he would second the motion to work with them. **Commissioner Skidmore** announced he would be a third. Mr. Baltz said the RFP is in process but advised it is not yet on the street. **Chairman Duffy** said Mr. Sandrock indicated it was ready to go. Ms. Corbett confirmed it is close but not finalized.

COMMISSIONER SKIDMORE MOVED TO ELIMINATE THE RFP FOR FIRE/EMS, MOVE IT INTO RESEARCH MODE, AND DIRECT STAFF TO WORK WITH ALL EFFECTIVE PERSONNEL INCLUDING THE LOCAL IFF 2456, SECONDED BY COMMISSIONER CUMMINGS

Commissioner Starr said he does not understand the mindset, noted staff direction was to move forward with the Fire/EMS RFP, reminded the Board of the last Fire/EMS negotiation, said they were not cooperative and advised they would take their 10%, said every other department including **Chairman Duffy** and **Commissioner Loftus** took pay cuts, opined pulling the RFP will not change a thing, commented that the will of the Board should be for the citizens not the Union, and expressed his strong opposition. **Commissioner Loftus** stated he is here to serve the people, explained the importance of negotiation and being reasonable,

commended Fire/EMS for their service to the Community, and indicated he is willing to see their reduction plan. **Chairman Duffy** said she met with the Union about a year ago, indicated they had many good reduction recommendations, and opined we need to be receptive to make real progress. **Commissioner Starr** commented on their large budget, compared it to the Sheriff Department, opined they are only giving in now because of the threat of privatization, and said we need a benchmark prior to negotiations to be in a position of strength. **Commissioner Loftus** clarified the motion is to begin research and reduction negotiations. **Commissioner Skidmore** confirmed the motion, noted several money making tactics private services use, said they can still seek outside information, and opined no reason to continue with the RFP. **Chairman Duffy** advised she will support the motion, but indicated the need to find significant savings.

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Commissioner Skidmore announced he spoke at the Habitat for Humanity Builders Blitz over the weekend, advised they built nine homes in one week, thanked all who assisted in the process, and commended staff and our building inspector. **Commissioner Skidmore** noted proposals for projects such as Edgewater Blvd and Placida Road, brought up the new Design-Build process that the State and others have adopted, stated his understanding is that this process can significantly save money, asked Mr. Baltz to look into it, and indicated they can implement this process on existing projects. **Commissioner Skidmore** announced the County received \$1 Million from FEMA and additional funding for Burnt Store Road as a direct result of their trip to Washington DC and thanked all involved and responsible for allowing the trip. **Commissioner Skidmore** announced Senator Dave Aronberg is holding a Town Hall Meeting to discuss Veteran Benefits on April 4th at the Cultural Center at 11:00 AM. **Commissioner Skidmore** thanked all Sheriff Department staff for their work and support, said the Community will be impacted by the lost of Tosie Hindman and opined she was a great community member, commented on water issues and provided additional facts related to the water modeling software mentioned earlier.

Commissioner Skidmore pointed out that the Board approved a split chemical bid for the ballfield under Agenda Item L-1 this morning and indicated he has since learned there are alternatives available.

COMMISSIONER SKIDMORE MOVED TO RECONSIDER AGENDA ITEM L-1, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 3:2. COMMISSIONER CUMMINGS, COMMISSIONER STARR
OPPOSING.

COMMISSIONER SKIDMORE MOVED TO REVERSE APPROVAL OF AGENDA ITEM
L-1 AND DIRECT STAFF TO FIND MORE COST EFFECTIVE AND EFFICIENT
CHEMICALS BY SEEKING OUT GENERICS AND ALTERNATIVES, SECONDED BY
COMMISSIONER LOFTUS

MOTION CARRIED 3:2. COMMISSIONER CUMMINGS, COMMISSIONER STARR
OPPOSING

Commissioner Cummings said sometimes the Commissioners receive
information from former employees and warned it may not always
be factual. **Chairman Duffy** addressed bid specifications, said
bids between Placida Road and Edgewater Blvd were not
consistent, commented that the Edgewater bid was so restrictive
that not one Charlotte County firm could qualify. **Chairman
Duffy** mentioned Commissioner vacations, gave options, and asked
the Board to get back to her. **Chairman Duffy** said the Dias
computers are great, but noted a delay when moving on to the
next agenda item. **Commissioner Cummings** provided a solution to
the problem.

ADJOURNED: 1:20 PM

Signature on file in Commission Minutes
Chairman

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

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