

BOARD OF COUNTY COMMISSIONERS

MAY 12, 2009

A regular meeting of the Board of County Commissioner was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Duffy, Commissioner Cummings, Commissioner Loftus, Commissioner Starr, and Commissioner Skidmore. Also in attendance were County Administrator Baltz, County Attorney Knowlton, Finance Director Larrivee, and Deputy Clerk Lansing. The following members were absent: None. The meeting was called to Order at **9:00 AM**.

The Invocation was given by Pastor Gary Clark, Fellowship Church followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: L-8 - These buses will be used for a fixed route or paratransit services along with U.S. 41 corridor between Charlotte Regional Hospital in Punta Gorda and the North Port city line. They have been specified as medium duty, diesel electric, hybrid, lift buses with seating for 24 and two (2) wheelchairs, plus an additional fold-down seat for two (2) when the wheelchair positions are not needed. Requested by Human Services

Change #2: Q-2 Addition of Rental Item Category "Rental of 4 Suites (all together)", as highlighted on attachment.

Change #3: Public Hearing #2 - The revised version of the proposed green building ordinance is provided in response to a request from a Commissioner. It includes at paragraph 3-2-85(g) as an incentive, an allowance for increased floor area ration, with detailed information on its implementation yet states that the subsection is not effective until after the comp plan is updated. Also provided for the Board's consideration is an alternative to paragraph 3-2-85(g) which simply states that the County shall develop additional incentives including but not limited to increased floor area ration and height as legally authorized.

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

Proclamations - Commissioner Richard Loftus

Arts and Humanities Council Artist of the Month

**COMMISSIONER CUMMINGS MOVED TO PROCLAIM KATE HOWE AS ARTIST OF THE MONTH OF MAY, 2009, SECONDED BY COMMISSIONER SKIDMORE.
Motion Carried 5:0.**

Audrey Seay accepted the proclamation on behalf of Ms. Howe and thanked the Board for its support of the Arts in Charlotte County.

Charlotte County Tourism Week

**COMMISSIONER STARR MOVED TO PROCLAIM WEEK OF MAY 9 THROUGH MAY 17, 2009 AS CHARLOTTE COUNTY TOURISM WEEK, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.**

Becky Bovell accepted the proclamation, discussed tourism industry businesses, and said the Annual Tourism Luncheon is being held tomorrow.

Charlotte Stone Crabs Day

**COMMISSIONER SKIDMORE MOVED TO PROCLAIM MAY 12, 2009 AS CHARLOTTE STONE CRABS DAY, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 5:0.**

A Stone Crabs representative accepted the proclamation, mentioned the team is leading in attendance, noted their scores, and thanked the County for their support of the team.

National Public Works Week

**COMMISSIONER STARR MOVED TO PROCLAIM MAY 17 THROUGH MAY 23, 2009 AS NATIONAL PUBLIC WORKS WEEK, SECONDED BY COMMISSIONER CUMMINGS
Motion Carried 5:0.**

Mr. Halfhill accepted the proclamation, discussed Public Works, commended his staff, and mentioned Public Works is a first responder and the last to leave the scene of an emergency.

Ocean's Sunflower Senior Appreciation Day

COMMISSIONER CUMMINGS MOVED TO PROCLAIM MAY 27, 2009 AS OCEAN'S SUNFLOWER SENIOR APPRECIATION DAY, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

An Ocean Sunflower representative was not available to accept the proclamation.

Hurricane Awareness Week

COMMISSIONER STARR MOVED TO PROCLAIM MAY 16, 2009 THROUGH MAY 23, 2009 AS HURRICANE AWARENESS WEEK, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

Gerald Mallet received the proclamation on behalf of Emergency Management, noted it has been five years since Hurricane Charley, mentioned the number of hurricanes that have come close to us since, and expressed the importance of being prepared.

Employee Recognition - County Administrator Roger Baltz

5 Years: Linda Coleman, Parks Recreation, & Cultural Resources; Briere Civil, Public Works; Joseph Bonner, Public Works; Michael O'Connell, Public Works; 10 Years: William MacDonald, Parks Recreation, & Cultural Resources; Janet McCloud, Parks Recreation, & Cultural Resources; 15 Years: Danny White, Human Services; 20 Years: Judy Hunter, Utilities; John Elias, Public Works; Not Attending: Thomas Peters, 5 Years: Public Works; Gloyd Stadel III, 5 Years: Fire/EMS; Anthony Messina, 5 Years: Fire/EMS; Mark Pelletier, 5 Years: Fire/EMS; James Leitz, 5 Years: Fire/EMS; Felix Hernandez, 10 Years: Fire/EMS; Barbara Kula, 20 years: Environmental & Extension Services

10:00 A.M. Presentation

David Moore, Executive Director of the Southwest Florida Water Management District discussed the Southern Water Use Caution Area, (SWUCA), the West Central Florida Water Restoration Action Plan (WRAP), explained the current water shortage, and answered several questions.

RECESS 10:50 AM - 11:01 AM

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Rob Humpel spoke on agenda items L-2 and L-11.

Peter Van Buskirk discussed local preference and urged the Board to consider spreading the work around.

Gary Bayne agreed the work should be spread among the best qualified firms and provided suggestions.

Ray Ackinson commented on the benefits of using Construction Manager at Risk (CM at Risk).

II. COMMITTEE VACANCIES

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

Englewood East Street & Drainage Unit Advisory Committee is seeking one volunteer to serve a three year term effective immediately and expiring January 9, 2012. Must own property and reside within the unit.

Burnt Store Village Street & Drainage Unit Advisory Board is seeking one member and one alternate member. Volunteers must reside within the boundaries of the unit.

Construction Industry Licensing Board is seeking a volunteer to represent the electrical contractor category. Volunteer must be a resident of Charlotte County for at least 2 years and be a licensed electrical contractor. Length of term - until March, 2012.

Construction Industry Licensing Board is seeking a volunteer to represent the specialty contractor category. Volunteer must be a resident of Charlotte County for at least two years and be a licensed specialty contractor. Length of term: until May 27, 2012

Environmentally Sensitive Lands Oversight Committee is seeking two volunteers who are residents and electors of the County to represent the environmental expertise category. One term is for three years and the other one is until January 23, 2010.

Grove City Advisory Board is seeking one member to serve as the multi-family interest representative on this newly formed board. Must reside or own property within the boundaries of the Grove City Community Planning Area. Term is for three years.

Grove City Street & Drainage Advisory Committee is seeking two (2) volunteers. Terms effective May 23, 2009, expiring May 23, 2012. Must reside within the unit.

Recreation and Parks Advisory Committee is seeking two (2) volunteers to serve as at-large members. These are three (3) year terms effective June 14, 2009 and expiring June 14, 2012.

Town Estates Street & Drainage Unit Advisory Board is seeking two (2) regular members for three year terms, effective immediately. Must own property and live within the unit.

III. REPORTS RECEIVED AND FILED

Minutes for the April 23, 2009 Charlotte Harbor CRA Advisory Committee meeting.

Commissioner Skidmore asked for items L-2, L-5, L-10 and L-11 be pulled from the Consent Agenda.

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE THE BALANCE OF IV. CONSENT AGENDA, SECONDED BY COMMISSIONER STARR.

Motion Carried 5:0.

Clerk of the Circuit Court

A. Finance Division

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

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for: February 17, 2009, 9:00 a.m. Board of County Commissioners Regular Meeting February 18, 2009, 2:00 p.m. Board of County Commissioners and Airport Authority Joint Meeting February 20, 2009, 9:00 a.m. Goal Setting Workshop February 23, 2009, 6:00 p.m. Town Hall Meeting - Charlotte Harbor Event & Conference Center February 24, 2009, 9:00 a.m. Board of County Commissioners Regular Meeting February 26, 2009, 9:00 a.m. Board of County Commissioners/Charlotte Harbor CRA and Advisory Committee Joint Meeting March 3, 2009, 1:30 p.m. Budget Workshop - Constitutional Officers. BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Please re-appoint Mr. Charles Lindberg to the Englewood East Street & Drainage Unit Advisory Committee. Mr. Lindberg's term expired in January 2009 and he has requested re-appointment. This is a three year term and shall expire on January 9, 2012. BUDGETED ACTION: None

D. Administration - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: Approve a settlement agreement between Bruce Bermel and Charlotte County. BUDGETED ACTION: None

F. Budget Office

(1) RECOMMENDED ACTION: a) Authorize submission of an application to the Edward Byrne Memorial Justice Assistance Grant Program to apply for the Charlotte County allocation of

\$275,631 from the American Recovery and Reinvestment Act funds as set forth in Exhibit A and b) Authorize the Chair to execute the necessary grant documents. BUDGETED ACTION: Approve the revenues and expenditures for the Edward Byrne Memorial Justice Assistance Grant as set forth in Attachment A.

(2) RECOMMENDED ACTION: a) Accept the role as the coordinating unit of government in the Florida Department of Law Enforcement's Edward Byrne Memorial Justice Assistance Grant (JAG) Program with the Budget Office administrating the grant; and b) Approve the Byrne grant funds distribution among the Charlotte County Sheriff's Office for 60%, the Punta Gorda Police Dept. for 10%, and Court Administration / Neighborhood Accountability Board for 30%; and c) Authorize the Chair to sign the acceptance form. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Schedule budget workshops for Monday, June 15, 2009 at 2:00 p.m. and Wednesday, June 17, 2009 at 10:00 a.m. in Room #119 to discuss the Constitutional Officers' budgets. BUDGETED ACTION: None

G. Growth Management

(1) RECOMMENDED ACTION: Approve a resolution and accompanying covenant adopting a Certification of a Sending Zone, petition # CSZ-09-04-01 for Robert and Catherine Hrstka. BUDGETED ACTION: None (**RES2009-198 / XREF: RES960980A0**)

(2) RECOMMENDED ACTION: Approve the DRC-PD-80-4ZZZ Partial Final Detail Plan Resolution permitting Charlotte Commons, L.L.C. to develop Charlotte Commons located at the intersection of Peachland Boulevard, Veterans Boulevard and Loveland Boulevard. BUDGETED ACTION: None (**RES2009-199 / XREF: RES2008-158**)

(3) RECOMMENDED ACTION: Approve Final Plat for Interstate Commerce Park - Petition FP 08-06-01. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Approve Amended Developer's Agreement to extend agreement to June 27, 2012 and approve reducing surety to complete the project to \$58,290.65 for Oak Harbour subdivision, Petition FP 05-04-05. Accept Rider to Bond Number 929388493 issued by the Continental Insurance Company reducing bond to \$58,290.65. BUDGETED ACTION: None (**RES2006-029**)

H. Economic Development - No Items.

J. Environmental Services - No Items.

K. Facilities Construction and Maintenance - No Items.

L. Purchasing

(1) **RECOMMENDED ACTION:** Approve the award of Bid #09-156, Water Control Structure - Cheshire Waterway, Chancellor Boulevard, to the lowest responsive, responsible bidder, Southwest Utility Systems, Inc. of Fort Myers, FL, for a total cost of \$166,057.50. **BUDGETED ACTION:** The FY09 budget has \$350,000 available for this structure in the Mid Charlotte Stormwater MSBU. CIP project c390304, Greater Port Charlotte Drainage Control Structure Replacement. The project total is \$35,720,000.

(2) **RECOMMENDED ACTION:** a) Approve ranking of firms for Request for Proposal #09-177, Placida Road Design: 1st American Consulting Engineers of Florida located in Port Charlotte, FL; 2nd Johnson Engineering, Inc. located in Port Charlotte, FL, and 3rd Giffels-Webster Engineers, Inc. located in Englewood, FL; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for professional engineering services for the design and permitting of Placida Road from a two-lane section to a four-lane divided road. **BUDGETED ACTION:** The FY09 Road Improvements budget contains \$4,000,000 for this design in CIP project c410521, CR 775/Rotonda Blvd West to Cape Haze Dr., project total is \$41,334,000. Funds for the design are supplied Gas Taxes (\$2,000,000) and the 2009 Sales Tax (\$2,000,000).

Commissioner Skidmore mentioned the importance of this Sales Tax Project, expressed concern that two road design projects were awarded to the same firm, talked about ranking criteria, and proposed they invite the top firms to provide a presentation before the Board. **Commissioner Cummings** explained why the Commission stopped viewing presentations, noted political complications, and suggested the experts continue to evaluate. **Commissioner Loftus** agreed they should view oral presentations and stated the need for local jobs. **Commissioner Starr** agreed with the need to evaluate the firms and explained

he would not be politically influenced. **Chairman Duffy** was also in favor viewing the presentation on large projects.

COMMISSIONER SKIDMORE MOVED TO REJECT APPROVAL OF RANKING FIRMS FOR REQUEST FOR PROPOSAL #09-177, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:1. COMMISSIONER CUMMINGS OPPOSING.

Mr. Baltz asked Ms. Corbett to provide a summary of purchasing procedures. Ms. Corbett presented an overview of regulations, options, State Statutes that must be followed, and indicated violations committed by AshBritt, Inc. **Commissioner Cummings** asked if there were any violations this morning. Ms. Corbett opined no violations since everything was done at a public meeting and in the Sunshine. **Chairman Duffy** asked if Purchasing would handle the presentation schedule. Ms. Corbett answered affirmatively and requested the Board make an official motion of direction.

COMMISSIONER SKIDMORE MOVED TO DIRECT PURCHASING TO SCHEDULE THE TOP THREE (3) RANKING FIRM (L-2) PRESENTATIONS AT A FUTURE MEETING BEFORE THE BOARD OF COUNTY COMMISSIONERS, SECONDED BY COMMISSIONER LOFTUS.

Chairman Duffy asked for clarification related to the projects affected by this motion. **Commissioner Skidmore** asked the Attorney's Office how this should be handled since the intent is to include Item L-10. County Attorney Knowlton indicated separate motions would be appropriate. **Commissioner Skidmore** confirmed his motion was for L-2. **Commissioner Loftus** asked if they could discuss Construction Manager at Risk responsibilities. **Commissioner Skidmore** indicated he had asked for that information and did not receive a response. **Chairman Duffy** explained staff had responded it was not recommended, indicated they could discuss the issue, and asked that the vote for L-2 be taken first.

Motion Carried 4:1. COMMISSIONER CUMMINGS OPPOSING.

Commissioner Loftus suggested CM at Risk could save the County money and put more residents back to work. **Commissioner Cummings** disagreed and explained the reasons for his opposition. **Commissioner Skidmore** pointed out organizations

that use CM at Risk with success and noted the importance of getting these sales tax projects right. **Chairman Duffy** said Charlotte County has been using CM at Risk for buildings, noted we would not be the only County to use CM at Risk on road projects, and stated she is in favor of exploring the option. **Commissioner Cummings** responded further. **Commissioner Starr** asked if they could have two sets of bids. Ms. Corbett recommended they do not use that procedure and explained further. Mr. Baltz remarked he provided the Board with a memorandum outlining what Ms. Corbett had just explained and clarified their research did not prove CM at Risk would save Charlotte County money. **Commissioner Cummings** asked if a change would delay the project. Ms. Corbett indicated it would not. Dan Quick explained the time frame further. Mr. Sandrock advised this project is not fully funded and noted they will use short term financing. **Commissioner Starr** said they should proceed with what they have until they receive proof of savings. **Commissioner Loftus** suggested they continue the discussion at the next regular meeting. **(Board consensus was received.)**

(3) **RECOMMENDED ACTION:** a) Approve ranking of firms for Request for Proposal #09-182, Vending Machine Services; 1st Cadillac Quality Vending of Ft. Myers, 2nd Snackworks, Inc. of Bradenton, and 3rd Demko Vending of Ft. Myers; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for a qualified firm(s) or individual(s) to provide and manage vending machine services at Charlotte County facilities. **BUDGETED ACTION:** None

(4) **RECOMMENDED ACTION:** a) Approve ranking of firms for Request for Proposal #09-192, Sidewalk Design - Sales Tax Projects: 1st Johnson Engineering, Inc. located in Port Charlotte, FL; 2nd Kimley-Horn & Associates, Inc. located in Port Charlotte, FL; and 3rd Charlotte Engineering located in Port Charlotte, FL; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for professional Engineering services in the design and permitting of the 2009 Year One, Sales Tax Sidewalks, countywide. **BUDGETED ACTION:** The FY09 budget contains \$400,000 for design in the 2009 Sales Tax Extension fund. CIP project c410918, Sidewalks 2009 Sales tax. The project total is \$10,000,000.

(5) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #09-199, Mobile Concession Services: (Port Charlotte Beach) 1st Jack Dagg's Hot Dog Zone located in Port Charlotte (only submission for this location) and (Englewood Beach) 1st Liberty Concessions located in Punta Gorda- 2nd Southern Snow located in Port Charlotte - 3rd Luigi's Restaurant located in Port Charlotte; b) Approve start of negotiations; c) Authorize the Chairman to sign the contract after completion of negotiations; and d) Authorize Administrator to approve annual renewals. This is for mobile concession services for two locations within Charlotte County BUDGETED ACTION: Budgeted amount is \$70,000 (Revenue)

Commissioner Skidmore indicated he pulled L-5 in error.

COMMISSIONER SKIDMORE MOVED TO APPROVE ITEM L-5 (RANKING OF FIRMS FOR REQUEST FOR PROPOSAL #09-199), SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

(6) RECOMMENDED ACTION: Approve award of Bid #09-227, Wheeled Excavator to Kelly Tractor Company of Miami, FL for the base amount of \$169,888 with the Optional Extended Powertrain Warranty amount of \$2,775 for a total cost of \$172,663. BUDGETED ACTION: The FY09 budget contains \$225,000 for this purchase in the Transportation Trust fund. CIP project c410907, Excavator (Replacement). Project total budget is \$225,000.

(7) RECOMMENDED ACTION: a) Approve split award of Bid #09-230, Ballfield Chemicals-Annual Contract, to Helena Chemical Company, of Dade City, FL; ProSource One, of Immokalee, FL; Univar USA, Inc., of Orlando, FL; and Lesco Inc., of Cleveland, OH (served by local office); at the unit prices specified on the attached tabulation, with a contract 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: Budgeted amount is \$38,756 in Athletic Field Maintenance and \$14,137 in Stadium M&O

(8) RECOMMENDED ACTION: a) Approve File #09-241, Dial-A-Ride Buses for the purchase of five (5) medium duty hybrid buses under the Florida Department of Transportation Contract #FVP-05-CA-3 with Transit Plus, Inc. of Atlantic Beach, FL in the amount of \$1,125,740; and b) Approve Budget Amendment 09-A49 in the amount of \$1,125,740 to recognize grant revenue from Section 5307 ARRA Grant (Stimulus Package). BUDGETED ACTION: Approve Budget Amendment 09-A49 in the amount of \$1,125,740 to recognize grant revenue from Section 5307 ARRA Grant (Stimulus Package). CHANGE#1: L-8 These buses will be used for a fixed route or paratransit services along with U.S. 41 corridor between Charlotte Regional Hospital in Punta Gorda and the North Port city line. They have been specified as medium duty, diesel electric, hybrid, lift buses with seating for 24 and two (2) wheelchairs, plus an additional fold-down seat for two (2) when the wheelchair positions are not needed. Requested by Human Services

(9) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #05-410A Community Development Block Grant Disaster Recovery Initiative-Administration Services in the amount of \$20,000 which represents an increase in administrative fees from 8 percent to approximately 8.22 percent and b) Authorize the Chairman to sign the contract. BUDGETED ACTION: None

(10) RECOMMENDED ACTION: a) Award Request for Proposal #09-115, Emergency Debris Removal to the firms in the following descending order: DRC Emergency Services, LLC of Mobile, Alabama; AshBritt, Inc. of Pompano Beach, Florida; and T.F.R. Enterprises, Inc. of Leander, Texas to establish pre-qualified Contractor(s) to assist Charlotte County in the management of debris resulting from a catastrophic event; and b) Authorize the Chairman to sign the contracts; and c) Authorize the County Administrator to have the authority to approve renewal options for one (1) additional five-year term at the prices, terms and conditions, as stated in the documents, by mutual consent. BUDGETED ACTION: None

Commissioner Skidmore mentioned several reasons why he pulled this item. Ms. Knowlton indicated AshBritt, Inc. had violated terms within the governing resolution, read the associated resolution into the record, and opined they be disqualified.

COMMISSIONER STARR MOVED TO DISQUALIFY ASHBRIIT, INC. OF POMPANO BEACH, FLORIDA FROM THE PROCESS, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

Chairman Duffy suggested they address any litigation. Assistant County Attorney Honse explained the litigation in detail. Ms. Corbett noted the forth firm would be brought up to the third spot and confirmed it is a five (5) year contract.

COMMISSIONER SKIDMORE MOVED TO MOVE THE FORTH (4TH) FIRM (OMNI PINNACLE, LLC, PEARL RIVER, LA) TO THE THIRD (3RD) POSITION FOR PROPOSAL #09-115, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

(11) RECOMMENDED ACTION: a) Approve ranking of Firms for Request for Proposal #09-180 Edgewater Drive Phase II - Design: 1st-American Consulting Engineers of Florida, LLC of Port Charlotte, FL; 2nd-Kimley-Horn and Associates, Inc. of Port Charlotte, FL; and 3rd-Southwest Engineering & Design, Inc. of Punta Gorda, FL and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations to obtain the services of a professional engineer to provide design services for the Edgewater Drive Phase II project; d) Approve CIP amendment 09-C07 in the amount of \$2,400,000. BUDGETED ACTION: Approve CIP amendment 09-C07 in the amount of \$2,400,000. After approval of CIP amendment 09-C07 the FY09 budget will contain \$2,400,000 for engineering in the 2009 Sales Tax Extension Fund. CIP project c419002, Edgewater Corridor Phase 2 - Harbor to Midway 4 Lane. Project total is \$28,913,000.

Commissioner Skidmore requested the Board view a presentation on the Edgewater Drive Phase II.

COMMISSIONER SKIDMORE MOVED TO REJECT APPROVAL OF RANKING OF FIRMS FOR REQUEST FOR PROPOSAL #09-180 AND DIRECT PURCHASING TO SCHEDULE THE TOP THREE (3) RANKING FIRM (L-11) PRESENTATIONS AT A FUTURE MEETING BEFORE THE BOARD OF COUNTY COMMISSIONERS, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:1. COMMISSIONER CUMMINGS OPPOSING.

(12) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #06-230, Design - Cape Haze Bridge Replacement, with American Consulting Engineers of FL LLC, reducing the amount by \$12,110.00, for a revised contract amount of \$165,745.70 and b) Authorize the Chairman to sign the Amendment. BUDGETED ACTION: The FY09 budget contained \$1,020,000 for this bridge replacement in the Placida Area Streets and Drainage MSBU, CIP project c410603, Placida Bridge Replacement - Cape Haze Dr at Amberjack WW, Project total is \$1,020,000.

M. Human Resources - No Items.

N. Human Services - No Items.

P. Information Technology - No Items.

Q. Parks, Recreation and Cultural Resources

(1) RECOMMENDED ACTION: a) Approve acceptance of The Big Read grant award which is a national initiative of the National Endowment for the Arts in partnership with the Institute of Museum and Library Services designed to restore reading to the center of American culture and b) Authorize staff to sign grant agreement. BUDGETED ACTION: Revenue and Expenditures will be budgeted in the FY 2010 Budget.

(2) RECOMMENDED ACTION: Approve the changes to the Charlotte County Parks, Recreation and Cultural Resources (PRCR) Department Fee Schedule affecting the Charlotte Sports Park. BUDGETED ACTION: Budgeted amount for rental income at the Charlotte Sports Park is \$51,450. Staff expects to make approximately \$85,000 over FY 09 revenue in fees with this proposal for a total of \$145,580. CHANGE #2: Q-2 Addition of Rental Item Category "Rental of 4 Suites (all together)," as highlighted on attachment.

R. Public Safety - No Items.

S. Public Works

(1) RECOMMENDED ACTION: Approve and authorize the Chairman to execute the Amended Interlocal Agreement between the City of Punta Gorda and Charlotte County for the Aqui Esta Drive

Widening Project that reflects changed funding levels of the project and details the responsibilities of the parties. BUDGETED ACTION: Funding is in the Road Improvements Fund, CIP project c419301, Aqui Esta/US 41 to Bal Harbor. The project total is \$11,666,000. (XREF: Punta Gorda Resolution# 2796-09 (AGR2004-014 / RES2004-039))

(2) RECOMMENDED ACTION: Set a public hearing for May 26, 2009, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an Ordinance to establish a "No Vehicles Over Six Wheels" zone on Sunset Road North, Sunset Road, Indian Creek Drive, Fruitland Avenue, Spinnaker Boulevard/Cougar Way and Rebel Court. BUDGETED ACTION: The FY09 budget has \$750 available for the approximate cost of "No Vehicles over Six Wheels" signs in the Rotonda Heights, Rotonda West and Englewood East Streets and Drainage MSBUs.

(3) RECOMMENDED ACTION: Approve and authorize the Board of County Commissioners Chair to execute a Sovereignty Submerged Lands Easement for the Alligator Creek Dredging Project, instrument/document from the Florida Department of Environmental Protection (FDEP) Bureau of Public Land Administration that provides updated billing information, sales tax information, and other data required pursuant to Florida Statutes. BUDGETED ACTION: None (X-REF: RES2008-066)

T. Real Estate Services

(1) RECOMMENDED ACTION: Approve the attached survey showing a portion of Bermont Road (C.R. 74) in Sections 1, 2, & 3, Township 40 South, Range 23 East, Charlotte County, Florida that has been continuously maintained by the County for more than four (4) years. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve and authorize a Resolution to execute a grant of two (2) utility easements to Florida Power & Light Company, to be located on a portion of land lying in Section 16, Township 41 South, Range 23 East, for the expansion of the Charlotte County Jail. BUDGETED ACTION: None (RES2009-200)

(3) RECOMMENDED ACTION: Approve the five (5) Resolutions of Necessity authorizing the acquisition of real property by any

legal means for the Midway Boulevard Corridor Project Phase 1. BUDGETED ACTION: The FY09 Road Improvements budget contains \$2,095,000 for ROW purchases. CIP project c419005, Midway Blvd.-Elkcam to Kings Hwy. Project total is \$51,554,000. (RES2009-201, 202, 203, 204, and 205)

V. Tourism Development - No Items.

W. Utilities

X. Building & Construction Services

(1) RECOMMENDED ACTION: Approve a Resolution authorizing the Chair of the Charlotte County Board of County Commissioners to sign code enforcement related liens and satisfaction and release of liens including but not limited to liens arising from the lot maintenance ordinance and under Florida Statute, Chapter 162 granted in favor of Charlotte County. BUDGETED ACTION: None (RES2009-206)

Y. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

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

(1) Building and Construction Services a) Conduct a public hearing to consider approving an ordinance relating to building and building regulations amending Chapter 3-2 Contractor Certificates of Competency and related boards, providing for inclusion in the Charlotte County Code; providing for severability; and providing for an effective date; and b) Approve a resolution setting the schedule of fees referenced in the ordinance. (ORD2009-019 / RES2009-207)

Jim Evetts explained the reason for the public hearing and proposed changes and provided an informational presentation which paralleled visual slides.

T.J. Thornbury asked for clarification on the filing fee requirements. Erin Mullen-Travis responded.

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

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE ORD2009-207 AMENDING CHAPTER 3-2 CONTRACTOR CERTIFICATES OF COMPETENCY AND APPROVE RES2009-207 SETTING THE SCHEDULE OF FEES REFERENCED IN THE ORDINANCE, SECONDED BY COMMISSIONER SKIDMORE.

Chairman Duffy asked for additional information related to fee amounts and questioned the impact to local contractors. *Ms. Mullen-Travis* and *Mr. Evetts* explained the requirements, costs, and impacts further.

Motion Carried 5:0.

(2) *Building and Construction Services.* Conduct a public hearing to consider approving an ordinance to implement a Green Building Program for Charlotte County. CHANGE# 3: The revised version of the proposed green building ordinance is provided in response to a request from a Commissioner. It includes at paragraph 3-2-85(g) as an incentive, an allowance for increased floor area ration, with detailed information on its implementation yet states that the subsection is not effective until after the comp plan is updated. Also provided for the Board's consideration is an alternative to paragraph 3-2-85(g) which simply states that the County shall develop additional incentives including but not limited to increased floor area ration and height as legally authorized. (ORD 2009-020)

Mr. Evetts gave a brief visual presentation related to the Green Building Ordinance, mentioned the Florida area ratio language on page 7 and 8, read alternative language into the record, and indicated the conflict associated with not having a completed Comprehensive Plan.

Commissioner Loftus pointed out section 2-G indicates this subsection does not become effective until the Comprehensive Plan is updated. **Commissioner Skidmore** asked who pays the third party company for lead certification. *Mr. Evetts* remarked the developer does, explained the importance, and commented on the difficulty of achieving a high-level green. **Commissioner**

Cummings remarked on the positive aspects of this Ordinance and expressed his concern with the alternative language related to height. Ms. Knowlton indicated there are three sections to Section G and provided the Board with detail on each. **Commissioner Loftus** opined this is an opportunity to provide the private sector with an incentive. Ms. Knowlton indicated the Motion will also need to amend the Title from 3-2-89 to 3-2-88. **Commissioner Skidmore** expressed concern that the Comprehensive Plan will protect certain areas related to height. Mr. Ruggieri said this Ordinance has no effect on any existing height standards. **Commissioner Cummings** questioned why the height reference is included. Mr. Ruggieri stated the Board could strike the reference. Mr. Evetts announced the height reference is only mentioned in the alternative language. Ms. Knowlton confirmed. The Commissioners discussed the issue further.

Suzanne Graham commented that this issue was open to the public and stated she is in favor of the language with or without the height reference.

T.J. Thornbury thanked the Board for allowing the Building Industry Association to be part of this Ordinance, expressed his support, and commented that taxpayers will ultimately pay the high cost of government buildings going green.

Mr. Evetts remarked that the green government building mandate is a State ordinance.

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE ORD2009-020 AMENDING THE CHARLOTTE COUNTY CODE USING ORIGINAL LANGUAGE RELATED TO THE GREEN BUILDING PROGRAM, CORRECT TITLE TO 3-2-88, AND CORRECT THE SCRIVENER'S ERROR, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

Chairman Duffy commented on our website and mentioned the quality of Sarasota County's Green Building website. Mr. Evetts

said they have viewed it and expect to complete our website soon.

(3) County Attorney Conduct a public hearing to consider approving an ordinance extending the residential and commercial impact fee rollbacks to September 7, 2009. (ORD2009-021)

Ms. Knowlton explained this Public Hearing is to consider an ordinance to extend the impact fee rollbacks to September 7, 2009.

T.J. Thornbury expressed the importance of the 60 day extension and a tiered impact fee ordinance.

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

Motion Carried 5:0.

Commissioner Loftus expressed his appreciation to the Building Association for their input and support of this ordinance.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2009-021 EXTENDING THE RESIDENTIAL AND COMMERCIAL IMPACT FEE ROLLBACKS TO SEPTEMBER 7, 2009, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

(4) Parks, Recreation and Cultural Resources Conduct a public hearing to consider approving an Ordinance amending Chapter 1-10, Article IX of the County Code allowing for Mobile Concessions at County Parks.

Michael Koenig described the proposed ordinance.

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

Motion Carried 5:0.

Commissioner Skidmore thanked staff for their work on this ordinance and expressed hope that they will continue to consider additional concessions in the future.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2009-022 AMENDING CHAPTER 1-10, ARTICLE IX OF THE COUNTY CODE ALLOWING FOR MOBILE CONCESSIONS AT COUNTY PARKS, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Loftus suggested staff expand on concession vendors and locations. Mr. Koenig advised they are moving forward with expansions and additional offerings including recreational and leisure activities.

Motion Carried 5:0.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - 10:00 A.M.

Staff will present and seek Board guidance about the initial redrafting of the 1997-2010 County Comprehensive Plan Infrastructure and Public Schools Facilities Elements.

Mr. Hendricks explained the plan is still in the drafting mode and urged citizens to continue to provide their input. Steve Ellis explained Public Schools Facilities is a new Element to the Comprehensive Plan, discussed its history, framework, changes, and paralleled visual slides. Matt Trepal discussed the Infrastructure Element; referenced handouts that included the current and proposed goals, objectives, and policies; commented on the four sections within the Element, and described the Framework Types in detail.

Commissioner Loftus appreciated the presentation, commended the work associated with the proposed plan, and mentioned the problems with stormwater. Mr. Hendricks provided a schedule of future Comprehensive Plan presentations. **Commissioner Cummings** commented on extending water and sewer lines. Mr. Trepal discussed the issue further. Mr. Hendricks advised the Framework document will have guiding incentives and disincentives. **Commissioner Cummings** discussed the build out scenario and the importance of neighborhood planning. Mr. Hendricks welcomed the comments, noted they will all be considered, and mentioned the Department of Community Affairs

(DCA) was so pleased with the process, they may adopt it as a State Model.

X. CITIZEN INPUT - ANY SUBJECT

AA. County Administrator:

Mr. Baltz indicated Kitson and Partners has requested the County draft a letter to assistant them with roadway improvement funding. **Commissioner Skidmore** and **Commissioner Cummings** asked to review the letter first and commented Lee County projects should be considered as well. **Chairman Duffy** asked for the timeframe. **Commissioner Cummings** said Kitson was to pay their own way and questioned if they were applying for gas tax dollars. Mr. Baltz indicated they would bring a draft back before the Board.

Mr. Baltz mentioned they have received a fully reimbursable Federal grant in the amount \$196,000 to fund renovations to the Family Service Center, indicated he was seeking approval to pull the funds from reserves, and advised the County would be reimbursed.

**COMMISSIONER SKIDMORE MOVED TO ALLOW ADMINISTRATION TO WITHDRAW \$196,000 FROM RESERVES FOR FAMILY SERVICE CENTER RENOVATIONS (FUNDS TO BE REIMBURSED BY THE FEDERAL GOVERNMENT LATER), SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.**

Mr. Baltz announced they have cancelled the Budget Workshop scheduled for May 15, 2009. Mr. Baltz mentioned Administration will work with Purchasing on a presentation related to Construction Manager at Risk. **Commissioner Skidmore** stated he is more interested in the practicality of the process. Mr. Baltz provided a status update on the pipeline project with the City of North Port. Mr. Baltz discussed issues related to the speed limit changes on Veterans Blvd., explained the landscaping issues, noted an 18' clearance zone, and discussed Florida Department of Transportation (FDOT) guidelines. **Commissioner Loftus** mentioned other locations where standard clearance zones are in place and said he did not want to see vegetation removed. Mr. Baltz advised Dan Quick had measured the distances. **Chairman Duffy** said her understanding was that the speed limit change had

nothing to do with the removal of the trees. Mr. Quick displayed pictures of the areas he measured distances, discussed the road design, commented the trees do not meet FDOT green book standard, and recommended the trees be removed. **Commissioner Skidmore** remarked that the trees were planted in error and should come down no matter what the speed limit. Attorney Knowlton indicated the industry standard is a recommendation, not a law; noted this conversation announces a known danger that was created by planting these trees; and commented this conversation hands an accident victim their defense. **Chairman Duffy** summarized the conversation related to removing the trees. **Commissioner Cummings** discussed the landscaping in other areas and noted trees do not break away like light poles do. Mr. Quick provided additional information related to landscaping, green book standards, provided cost estimates to remove and transplant the trees, and said they are reviewing places to relocate the trees. **Commissioner Cummings** made additional comments related to accident statistics, public safety, replacing the trees with Florida friendly landscaping, and opined it is less expensive to remove the trees now. Mr. Baltz noted they will attempt to utilize in-house resources to remove and transplant the trees within the County. **Commissioner Loftus** announced the trees had not originally come from ad valorem taxes. **(Board Consensus was received to move forward with the removal and transplanting of the trees along Veterans Blvd.)**

BB. County Attorney:

Ms. Knowlton announced a Sheriff Department representative was here to discuss All-Terrain Vehicles (ATV), discussed the proposed ATV ordinance, noted our current County codes in great detail, and asked for Board direction. Captain Donna Roguska explained why the Sheriff is requesting the creation of an Ordinance to address and enforce several ATV issues. **Commissioner Skidmore** commented that the incidents are isolated and suggested the Sheriff work with the property owners. Captain Roguska indicated many local stakeholders are complaining and mentioned the problem is within a broader area. **Chairman Duffy** asked how surrounding areas are handling the issue. Assistant County Attorney Honse said City of North Port and Miami-Dade County both have an ordinance prohibiting ATVs on private property without the permission of the property owner. **Chairman**

Duffy noted the ordinance prohibits ATVs on County Roads. Captain Roguska explained related State Statutes. **Commissioner Loftus** remarked on both sides of the enforcement issue. Captain Roguska described the steps related to enforcement. **Commissioner Starr** discussed the reasons why he is in favor of an ordinance. **Commissioner Skidmore** opined the problem would not be solved with this ordinance and suggested the issue be brought back to the Safety Council. **Commissioner Cummings** summarized the current rules and opined the only issue now is the difficulty in locating absentee landowners. **Chairman Duffy** said she is in favor of an ordinance. **Commissioner Loftus** agreed it should be brought back to the Safety Council. **Commissioner Skidmore** commented that permission will not eliminate the noise and mentioned comments made by a judge at the Safety Council meeting. Captain Roguska explained the warning and educational process and discussed the Redneck organization. **Commissioner Skidmore** recommended they bring the issue before the Safety Council again. **Commissioner Cummings** commented that research indicated a small percentage of ordinances within the State. (Board consensus was received to bring the issue before the Safety Council.)

CC. Commissioner Comments:

Commissioner Skidmore mentioned the status of utilizing Reserve Deputies at our MSBU Hearings, advised the long range transportation plan was discussed at the Murdock Village CRA meeting, and noted Matt LaPorta will be in Tampa Bay this Friday night.

Chairman Duffy noted the Charlotte County Homeless Shelter Coalition has applied for an emergency grant for \$75,000 and advised the application requires a signature from a governing entity.

COMMISSIONER CUMMINGS MOVED TO AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENT ON BEHALF OF THE CHARLOTTE COUNTY HOMELESS SHELTER COALITION, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Chairman Duffy commented that Charlotte County Homeless Shelter Coalition is experiencing financial problems, said they are looking at options to help maintain themselves, stated they are

requesting financial assistance from the County, and explained they estimate \$85,000 will sustain them until October, 2009. Mr. Hebert discussed the Homeless Coalition locations, mentioned their work and funding sources, and recommended the County provide the funding. **Commissioner Skidmore** asked if the decision could be brought back at the Land Use meeting in one week. Mr. Hebert advised they are unable to make their payroll this Friday. **Chairman Duffy** suggested they initially provide a lesser amount to cover their payroll and bring the issue back next week.

COMMISSIONER SKIDMORE MOVED TO AUTHORIZE FUNDING IN THE AMOUNT \$10,000 TO COVER CHARLOTTE COUNTY HOMELESS SHELTER COALITIONS CONTINUED OPERATION AND BRING BACK THE ADDITIONAL FUNDING REQUEST AT THE NEXT LAND USE MEETING, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

ADJOURNED: 1:45 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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