

BOARD OF COUNTY COMMISSIONERS

July 14, 2009

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

Members present were: Chairman Duffy, Commissioner Starr, Commissioner Loftus, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, and Deputy Clerk Lansing. The following members were absent: Commissioner Cummings. The meeting was called to order at **9:00 AM**.

The Invocation was given by Father Leo Smith, St. Charles Borromeo Catholic Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: Z-3 - Change to verbiage. SUMMARY: In conclusion, staff recommends approval of the Authority tentative budget. While staff has not been satisfied or in agreement with all methodologies applied in determining the variable rate, on the whole this budget complies with our master water supply contract. This tentative budget is within the range that our County utility planning and rate study anticipated. The combined obligation of base rate charges and variable charges which our County is estimated to pay in this budget amount to just over \$12 million. Requested by Administration

Deletion #1: L-8 - a) Award Request for Proposal No. 09-220, Charlotte County Fire Rescue/EMS Medical Director, to Dr. Daniel V. O'Leary, MD; b) Authorize negotiations; c) Authorize the Chairman to sign the Contract; and d) Terminate Contract #03-129 with Dr. Raymond A. James, D.O., P.L., per the contract provisions of a 90-day notification.

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

MOTION CARRIED 4:0.

Proclamations/Awards

Proclamations - Commissioner Robert Skidmore

Wolfgang "Dick" Soine Day

COMMISSIONER LOFTUS MOVED TO PROCLAIM JULY 14, 2009 AS WOLFGANG "DICK" SOINE DAY, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 4:0.

Mr. Soine accepted the proclamation.

Arts and Humanities Council Artist of the Month

COMMISSIONER LOFTUS MOVED TO PROCLAIM RICHARD GILLESPIE AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF JULY, 2009, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 4:0.

An Arts and Humanities representative accepted the proclamation on behalf of Mr. Gillespie.

Parks and Recreation Month

COMMISSIONER LOFTUS MOVED TO PROCLAIM JULY, 2009 AS PARKS AND RECREATION MONTH, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 4:0.

Mr. Jackson accepted the proclamation.

Employee Recognition - County Administrator Roger Baltz

5 Years: Charles Bush, Jr., Building Construction Services; Terry Drab, Parks, Recreation & Cultural Resources; Heather Gordon, Building Construction Services; Alvin Hodge, Jr., Facilities; Pauline Klein, Parks, Recreation & Cultural Resources; Alison Layne, Parks, Recreation & Cultural Resources; David Watson, Facilities. **20 Years:** John Calendine, Parks, Recreation & Cultural Resources; Christina Perin, Building Construction Services. **25 Years:** Christopher Gleason, Parks, Recreation & Cultural Resources. **Not Attending: 5 years:** Jonathan Baldwin, Utilities; Terence Egalton, Facilities; Dale Hoskisson, GIS; Chris Schmidt, Growth Management; Larry Reed, Facilities; Craig Soosh, Fire/EMS.

Presentations

Steve Partington will present a plaque to the Charlotte County Board of County Commissioners acknowledging its cooperation and support of the 2009 Snowbird Classic Baseball Tournament.

Mr. Partington presented the Board with a plaque of appreciation for the use of the Baseball field.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

II. COMMITTEE VACANCIES

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

Murdock Village CRA Advisory Committee is seeking one volunteer representing the banking and finance sector or appraisal sector, the latter as defined in Chapter 475, Florida Statute. The term is for three years, effective immediately.

South Gulf Cove Street & Drainage is seeking one volunteer to fill the vacant alternate seat on this committee. Term is effective immediately and expires February 2011. Must own property and live within the unit.

III. REPORTS RECEIVED AND FILED

Minutes of the Charlotte Harbor CRA Advisory Committee Special Meeting of June 10, 2009.

IV. CONSENT AGENDA

Commissioner Starr requested item F-11 be pulled from the Consent Agenda.

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

MOTION CARRIED 4:0.

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: March 20, 2009, 1:30 p.m. Budget Workshop March 23, 2009, 1:30 p.m. Budget Workshop March 24, 2009, 9:00 a.m. BOCC Regular Meeting March 30, 2009, 1:30 p.m. Budget Workshop April 7, 2009, 1:30 p.m. Budget Workshop BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

- (1) RECOMMENDED ACTION: Appoint Jack Bateman to serve on the Environmentally Sensitive Lands Oversight Committee representing the environmental expertise category. Length of term: until January 23, 2010. BUDGETED ACTION: None
- (2) RECOMMENDED ACTION: Submit nominations to Governor's Appointment Office for the Children's Services Council for an expired term. M. Irene Feist, Steve Dionisio, and Teresa Palmer have applied. Governor Crist will appoint one member for a four year term. BUDGETED ACTION: None
- (3) RECOMMENDED ACTION: Re-appoint Mr. Michael Brown to serve another three year term on the Deep Creek Street & Drainage Unit Advisory Committee. Mr. Brown's term expired July 8, 2009 and he has requested to be re-appointed. BUDGETED ACTION: None
- (4) RECOMMENDED ACTION: Appoint Douglas Donovan to the Marine Advisory Committee, to fill the vacated position created by Paul Marcuzzo's retirement, as requested by the Committee members. This term is effective immediately and shall expire December 31, 2009. BUDGETED ACTION: None

D. Administration - No Items

E. County Attorney

- (1) *RECOMMENDED ACTION: Approve advertisement for letters of interest to serve on 18-member (15 voting and three alternate non-voting) Charter Review Commission. BUDGETED ACTION: None*

F. Budget and Administrative Services

- (1) *RECOMMENDED ACTION: a) Approve letter of commitment agreeing to pay Florida Healthy Kids Corp. an estimated \$3,853 local match for children not qualifying for Federal funding, b) Authorize Chairman to sign the letter of commitment and c) Authorize Chairman to sign contract upon review and approval by the County Attorney's Office. BUDGETED ACTION: None*

GRT2009-026

- (2) *RECOMMENDED ACTION: Set a Public Hearing for July 28, 2009, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance amending section 1-6-11 of the Charlotte County Code to provide for a \$30 surcharge on noncriminal and criminal traffic violations to fund State Court Facilities. BUDGETED ACTION: None*
- (3) *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 & Administrative Services Dept. administrating the grant, and b) Authorize the Chair to sign the attached coordinator role acceptance form. BUDGETED ACTION: None*
- (4) *RECOMMENDED ACTION: a) Approve acceptance of the Department of Justice Edward Byrne Memorial Grant in the amount of \$275,631; and b) Authorize the Chair to sign all necessary documents. BUDGETED ACTION: This item will be budgeted in the FY 09-10 budget.*

Fiscal Services - No Items

Information Technology - No Items

Purchasing

- (5) RECOMMENDED ACTION: a) Approve the split Award of Bid #09-242, Medical Supplies for Fire/EMS, by line item at the unit prices bid to Interboro Packaging Corporation of Montgomery, NY; Kentron Health Care, Inc. of Springfield, TN; Progressive Medical of Vista, CA; Bound Tree Medical of Dublin, OH; Medi-Graphics, Inc. of Hallandale, FL; Medical Products Supply, Inc. of Babylon, NY; Moore Medical LLC of Farmington, CT; QuadMed, Inc. of Jacksonville, FL; S & W Healthcare Corp. of Brooksville, FL; Southeastern Emergency Youngsville, NC; Henry Schein MatrX Medical of Irmo, SC; and Midwest Medical Supply Co., LLC of Earth City, MO. Term of contract is to be from date of award through and including September 30, 2010, b) Authorize the County Administrator to approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: None required. FY09/10 proposed budget for medical supplies is \$148,000.
- (6) RECOMMENDED ACTION: Approve award of Bid #09-270, Shell/Rock Material - Annual Contract, at the unit prices indicated on the bid form as follows: a) Shell Material and Shell Rock, Supply Only and Supply and Delivery, to Washington Loop LLC of Punta Gorda, FL; b) Limerock, Supply only, to Grippo Pavement Maintenance Inc. of Lehigh Acres, FL; and c) Limerock, Supply and Delivery, to Swiftline Trucking Inc. of Cape Coral, FL. d) 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. The contract period will be effective from date of award through and including December 31, 2010. BUDGETED ACTION: FY09 purchases to date are approximately \$207,900.
- (7) RECOMMENDED ACTION: a) Approve Amendment #7 to Contract #06-190, Project Management - Dredge Projects, with Coastal Engineering Consultants in the amount of \$43,900.00; and b) Authorize the Chair to sign the Amendment to the Contract to cover changes for survey services and drawings associated with Alligator Creek dredging. BUDGETED ACTION: The FY09 budget contains funding for this change order in the Alligator Creek Waterway MSBU. CIP project c390502 Alligator Creek S Curve and Dredging. Total project budget is \$1,301,000.

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

Real Estate Services

- (10) RECOMMENDED ACTION: Approve the attached resolution authorizing the Chair to execute an Addendum to the Lease Agreement for office and warehouse space located at 5474 Williamsburg Drive, Punta Gorda. This leased space is currently occupied by the County's Fleet Management Services. BUDGETED ACTION: None

RES2009-217

- (11) RECOMMENDED ACTION: Approve the Resolution authorizing the Chair to grant a non-exclusive utility easement to Peace River Manasota Regional Water Supply Authority over, under and across portions of County owned real property lying in the South Cleveland Subdivision adjacent to Charlotte County Fire/EMS Station No. 6. BUDGETED ACTION: None

RES2009-218

Commissioner Starr opined the County should be compensated for granting the easement.

COMMISSIONER STARR MOVED TO DENY APPROVAL OF THE RESOLUTION AUTHORIZING THE CHAIR TO GRANT A NON-EXCLUSIVE UTILITY EASEMENT TO PEACE RIVER MANASOTA REGIONAL WATER SUPPLY AUTHORITY.

THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER LOFTUS MOVED TO APPROVE THE RESOLUTION AUTHORIZING THE CHAIR TO GRANT A NON-EXCLUSIVE UTILITY EASEMENT TO PEACE RIVER MANASOTA REGIONAL WATER SUPPLY AUTHORITY, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 3:1. COMMISSIONER STARR OPPOSING.

- (12) RECOMMENDED ACTION: Approve the attached Resolution authorizing the Chair of the Charlotte County Board of County Commissioners to approve the agreement for exchange

of the County's interest in six platted lots for the interest in six privately owned platted lots owned by Charlotte County Habitat for Humanity Inc., located in Charlotte County, Florida. BUDGETED ACTION: None

RES2009-219

G. Building & Construction Services - No Items

H. Economic Development

- (1) RECOMMENDED ACTION: Approve request for the Economic Development Office to become a member of the Southwest Florida Economic Development Partnership, Inc. and allow the Director of Economic Development to execute documentation to effect membership and represent Charlotte County on the Board of the Southwest Florida Economic Development Partnership. BUDGETED ACTION: None
- (2) RECOMMENDED ACTION: Approve the overall conceptual plan for the Charlotte Harbor Community Redevelopment Area (CRA) Gateway Harbor Walk Project and provide staff direction to proceed to final construction plans for Phase I. BUDGETED ACTION: None

J. Environmental Services - No Items

K. Facilities Construction and Maintenance - No Items

L. Growth Management

- (1) RECOMMENDED ACTION: Approve release of the Developer's Agreement 2006-034 and Cash Bond in the amount of \$22,850.85; releasing \$10,449.67 to Boca Gulf, LLC, and \$12,401.18 to Angler's Club of Boca Grande, LLC. BUDGETED ACTION: None

M. Human Resources

- (1) RECOMMENDED ACTION: Approve Amendment to Collective Bargaining Agreement 2008-035 between Local 1010, IUPAT, and Charlotte County Board of County Commissioners. BUDGETED ACTION: None

- N. *Human Services - No Items*
- P. *Parks, Recreation and Cultural Resources - No Items*
- Q. *Public Safety - No Items*
- R. *Public Works - No Items*
- S. *Tourism Development - No Items*
- T. *Utilities - No Items*
- U. *Other Agencies - No Items*
- V. *REGULAR AGENDA*
- Z. *Regular Agenda*

- (1) *Public Works - Presentation on Charlotte County Ten Year (FY 2009/2010 - FY 2018/2019) Transit Development Plan (TDP) presently being developed. This was requested by MPO Board Members to the Board of County Commissioners.*

Wendy Scott provided related information and history. Jay Goodwill provided a brief Transit Development Plan (TDP) PowerPoint presentation and responded to Board discussion.

- (2) *Commission Office - Select by ballot one person to serve as resident and one to serve as employer on the Affordable Housing Advisory Committee. Length of terms: 1 year*

The Commissioners voted and passed their ballots to Mr. Baltz to tally. Mr. Baltz read the results into the record: Employee: Barbara D. Melanson, 4 votes and Resident: Jeff Ahrews, 4 votes.

COMMISSIONER LOFTUS MOVED TO REAPPOINT BARBARA D. MELANSON TO SERVE AS EMPLOYER ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 4:0.

COMMISSIONER LOFTUS MOVED TO REAPPOINT JEFF AHREWS TO SERVE AS RESIDENT ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 4:0.

- (4) Commission Office Discussion on the American Recovery and Reinvestment Act of 2009 - Recovery Zone Bonds which is a stimulus bonding program authorized through the Internal Revenue Service.
- (3) Utilities Discussion and direction from Board for approving or not approving the Peace River/Manasota Regional Water Supply Authority's (Authority) FY 2010 tentative budget. The budget will be presented at the Authority Budget Hearing on July 29, 2009.

Terri Kesner provided background information and introduced Pat Lehman to present the budget message. Mr. Lehman gave a PowerPoint overview of the proposed Budget for FY 2010 and responded to Board discussion. Mr. Baltz clarified the purpose of this method is to give direction to the Water Authority.

COMMISSIONER LOFTUS MOVED TO APPROVE THE PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY'S (AUTHORITY) FY 2010 TENTATIVE BUDGET PROPOSAL, SECONDED BY CHAIRMAN DUFFY

MOTION CARRIED 3:1. COMMISSIONER STARR OPPOSING.

RECESS: 10:08 AM - 10:23 AM

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

- (1) Budget - Conduct a public hearing to consider approving an ordinance removing certain properties from the Farabee Road Street & Drainage MSBU that do not receive a benefit from the Unit. ORD2009-031

ORD2009-031

Marty Simone gave a brief explanation of the proposed ordinance.

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

MOTION CARRIED 4:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE AN ORDINANCE REMOVING CERTAIN PROPERTIES FROM THE FARABEE ROAD STREET & DRAINAGE MSBU THAT DO NOT RECEIVE A BENEFIT FROM THE UNIT, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 4:0.

- (2) Budget - Conduct a public hearing to consider approving an ordinance amending the Capital Improvements Ordinance by the amount of CIP Amendment #09-C08.

ORD2009-032

Linda Carr explained the reason for the proposed Capital Improvements Ordinance amendment.

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

MOTION CARRIED 4:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE AN ORDINANCE AMENDING THE CAPITAL IMPROVEMENTS ORDINANCE BY THE AMOUNT OF CIP AMENDMENT #09-C08, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 4:0.

(4) Commission Office Discussion on the American Recovery and Reinvestment Act of 2009 - Recovery Zone Bonds which is a stimulus bonding program authorized through the Internal Revenue Service.

Commissioner Skidmore described the purpose of the PowerPoint presentation and provided detailed information related to the program. Tommy White explained the bonds, discussed the benefits and risks, and pointed out additional options.

Commissioner Skidmore mentioned the next steps and Board discussion continued.

COMMISSIONER SKIDMORE MOVED TO DIRECT STAFF TO SCHEDULE A PUBLIC HEARING AS QUICKLY AS POSSIBLE, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 4:0.

VIII. PUBLIC WORKSHOP AGENDA - No Items

X. CITIZEN INPUT - ANY SUBJECT

Elaine Miller, Madeleine D. Basham, Troy Gills, and Phil Eason commented on the Manasota Key Overlay Code.

Cliff Martinez spoke of the condition of the County.

Commissioner Skidmore suggested residents contact Growth Management Director, Jeff Ruggieri and staff with their issues. **Chairman Duffy** announced she would discuss the subject at Commissioner Comments.

AA. County Administrator:

Mr. Baltz gave an update of American Recovery and Reinvestment Act (ARRA) efforts and mentioned working with staff to research options available for an Energy Analysis of our facilities. **Commissioner Loftus** commented on the use of energy consultants and vendors and mentioned related efforts he has taken to date. There was **Board Consensus** to move forward in energy efficiency.

BB. County Attorney:

County Attorney Knowlton noted several legal challenges associated with the recent tax amendments, said the First District Court of Appeal found the tax benefit is based on the use of the property not the resident status, and announced the Court upheld the "Save Our Homes" amendment.

CC. Commissioner Comments:

Commissioner Loftus expressed concern with micromanaging and remarked on restroom bids associated with plumbing, pipes and ventilation options. Mr. Baltz said he has addressed the plumbing concerns and advised the process associated with specifications being met. Related Board discussion continued. **Commissioner Skidmore** suggested the Administrative and Legal Pen

amounts could be reduced, said he was willing to research the subject, and received **Board Consensus** to move forward. **Commissioner Skidmore** thanked Manasota Key residents for their attendance and comments. **Chairman Duffy** discussed several issues related to the Manasota Key Advisory Committee. **Commissioner Loftus** opined code interpretation must be consistent. **Commissioner Skidmore** provided his understanding and asked Mr. Ruggieri to bring uniformity to the codes. Mr. Ruggieri explained the by-laws were never adopted by the Board and confirmed he will now put them through a legal review.

RECESS 11:40 AM - 2:04 PM

IX. BOARD WORKSHOP AGENDA - 2:00 P.M.

Conduct a Board Workshop to discuss the Charlotte County Economic Development Plan.

Don Root gave a brief presentation on Economic Development and paralleled visual slides. Todd Rebol commented on pre-permitting. There was lengthy interactive Board discussion.

Mr. Baltz mentioned conversations with the School Superintendant and Sheriff regarding the crossing guard issue, gave a detailed update, and suggested the County may need to continue funding until a solution is found.

ADJOURNED: 3:48 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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