

**BOARD OF COUNTY COMMISSIONERS**

**September 8, 2009**

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

Members present were: Chairman Duffy, Commissioner Cummings, Commissioner Starr, Commissioner Loftus, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, Deputy Clerk Lansing. The following members were absent: None The meeting was called to order at **9:00 AM**.

The Invocation was given by **Chairman Duffy** followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Disabled Veterans Foundation presented the County with a donation in the amount of \$3,375.00.

Deletion #1: Agenda Item F-4 was pulled from the Consent Agenda.

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

**MOTION CARRIED 5:0.**

Presentations

John Luke Varagas of Disabled Veterans Foundation presented the County with a donation in the amount of \$3,375.00.

Proclamations - **Commissioner Richard Loftus**

Arts and Humanities Council Artist of the Month - Fran Petrow

**COMMISSIONER CUMMINGS MOVED TO PROCLAIM FRAN PETROW AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF SEPTEMBER, 2009, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 5:0.**

The Proclamation was accepted by Fran Petrow.

Constitution Week

**COMMISSIONER CUMMINGS MOVED TO PROCLAIM SEPTEMBER 17, 2009 THROUGH SEPTEMBER 23, 2009 AS CONSTITUTION WEEK, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 5:0.**

The Proclamation was accepted by the Regent of the Daughters of the American Revolution.

Jeffrey Philbin Day

**COMMISSIONER CUMMINGS MOVED TO PROCLAIM SEPTEMBER 8, 2009 AS JEFFREY PHILBIN DAY, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 5:0.**

An unidentified citizen accepted the proclamation.

International Coastal Cleanup Day

**COMMISSIONER CUMMINGS MOVED TO PROCLAIM SEPTEMBER 19, 2009 AS INTERNATIONAL COASTAL CLEANUP DAY, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 5:0.**

The Proclamation was accepted by Glenda Anderson of Keep Charlotte Beautiful.

Employee Recognition - County Administrator Roger Baltz

5 Years: Roland Bergeron, Jr. - Environmental & Extension Services; Beth Carey - Environmental & Extension Services; Joseph Dimina, Jr. - Building Construction Services; Julia Galofre - Building Construction Services; Patrick Garcia - Utilities; Gerard (Jerry) Mallet - Emergency Management; Oscar Martinez - Utilities; Patrick Murphy - Public Works; Mark Smith - Public Works; Mary (Kathy) Wells - Information Technology; Not Attending: Marilyn (Lynn) Presto - Facilities Construction & Maintenance. 10 Years: Maryann Franks - Growth Management; Wesley Millard - Public Works. 15 Years: Sharon Martin - Parks, Recreation & Cultural Resources; Monty Rodriguez - Parks,

Recreation & Cultural Resources. 25 Years: Allen Rud - Public Works.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee - is seeking two volunteers to serve. One residential home building representative and one representative from the home building industry. Must be residents of Charlotte County. Terms are for two years.

Gulf Cove Street & Drainage Advisory Committee is seeking one volunteer to serve a three year term. Must own property and reside within the unit.

MPO Transportation Disadvantaged Local Coordinating Board (LCB) is seeking one Charlotte County resident to serve as a representative of the local medical community which may include, but not be limited to kidney dialysis centers, long term care facilities, assisted living facilities, hospitals, local health department or other home and community based service. Your letter or email of interest stating the position for which you are qualified to represent should be sent to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com

Pirate Harbor Waterway Advisory Committee is seeking a volunteer. Volunteer must be a resident of Charlotte County and reside within the unit. Length of term: until December 9, 2009.

III. REPORTS RECEIVED AND FILED - None

IV. CONSENT AGENDA

**COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT FOR ITEMS F-3 AND F-9, 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 -- No Items.

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Reappoint Clarke Keller to the Environmentally Sensitive Lands Oversight Committee representing the environmental expertise category. Length of term: until January 23, 2010. BUDGETED ACTION: None

D. Administration

(1) RECOMMENDED ACTION: Advice and consent to the appointment Gordon Burger as Budget & Administrative Services Director. BUDGETED ACTION: None required, position is budgeted within the General Fund.

E. County Attorney

(1) RECOMMENDED ACTION: a) Approve the proposed settlement and accept the sum of \$75,000 from Dufresne-Henry, Inc. k/n/a Stantec Consulting, Inc. and defendants Lewis and Sterling in full and final settlement of all claims. b) Authorize the County Attorney to execute a full release and stipulation for dismissal. BUDGETED ACTION: When received, funds will be deposited in the appropriate accounts to cover any costs associated with this item.

F. Budget and Administrative Services

(1) RECOMMENDED ACTION: a) Approve a Resolution adopting a Debt Policy for Charlotte County and b) Approve a Resolution adopting a Financial Reserve Policy for Charlotte County. BUDGETED ACTION: None

Fiscal Services

(2) RECOMMENDED ACTION: Approve Budget Transfer #09-023 in the amount of \$150,000 to close out Sheriff's 08/09 Budget. BUDGETED ACTION: These monies are budgeted in the Sheriff's budget. This transfer has a net effect of zero and does not change the total original FY08/09 Sheriff's Budget.

Information Technology - No Items.

Purchasing

(3) RECOMMENDED ACTION: Approve a one (1) year extension to Contract #05-308, Federal Lobbyist, with The Ferguson Group, LLC for the period from October 1, 2009 through and including September 30, 2010, for an amount not-to-exceed \$125,000 to continue Federal Lobbyist services for Charlotte County. BUDGETED ACTION: None, this item is budgeted in the BCC Control-General Government.

**Commissioner Starr** opined that due to the economy spending \$125,000 for Federal Lobbyist services for Charlotte County is not needed.

**COMMISSIONER STARR MOVED TO DENY AGENDA ITEM F-3, SECONDED BY COMMISSIONER SKIDMORE**

Kelly Shoemaker fielded questions from **Commissioner Cummings** related to Federal and FEMA money recouped by the Ferguson Group. **Commissioners Cummings, Loftus, Starr, and Chairman Duffy** commented further on the issue.

**MOTION FAILED 2:3.**

**COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM F-3, SECONDED BY COMMISSIONER CUMMINGS**

**MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.**

(5) RECOMMENDED ACTION: Award Request for Proposal #09-275 Property & Casualty Insurance Coverage to Florida League of Cities located in Orlando, FL for the term October 1, 2009 up to and including September 30, 2010 with option to renew for additional one-year terms, by mutual consent. This is an annual contract for a firm to provide a comprehensive program of self-

insurance to cover its workers' compensation, property, and liability exposures. BUDGETED ACTION: None, this item is budgeted in the Self Insurance Fund.

(6) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #09-292, Tourism, Marketing & Public Relations Implementation: 1st Smith Advertising located in Fayetteville, NC; 2nd Patterson-Bach Communications located in Maitland, FL and 3rd Paradise Advertising & Marketing located in St. Petersburg, FL b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for a marketing agency to provide strategic planning, conduct market research and develop/ execute an advertising, promotions and public relations program. BUDGETED ACTION: No budget action needed. Funding for this expenditure comes from the Tourist Development Trust Fund.

(7) RECOMMENDED ACTION: a) Approve award of Bid # 09-301, Removal of Abandoned Vessels-Annual, to Pinnacle Building Corporation - Marine Division of Englewood, FL, at the unit cost of \$139 per linear foot (Best and Final Offer) for all vessels discovered for an initial contract term from October 1, 2009, through and including September 30, 2010 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: No budget action needed. Budgeted in the Boater Improvement Fund for FY09/10.

(8) RECOMMENDED ACTION: a) Approve File #09-372, Microsoft 3-Year Volume License Renewal, for the price of \$104,486.36 for 1st year, with a term of July 1, 2009, through and including, June 30, 2012. The above service is available from the Florida State Contract #252-001-09-1, which this portion was awarded to Software House International. b) Authorize the County Administrator to approve the annual renewal payments for second and third year. BUDGETED ACTION: None. This item is budgeted in the IT budget within the General Fund.

(9) RECOMMENDED ACTION: a) Approve ranking of Firms for Request for Proposal #09-307 Municipal Solid Waste Sanitation District Rate Analysis: 1st R.W. Beck an SAIC Company of Orlando, FL; 2nd HDR Engineering, Inc. of Orlando, FL; and 3rd MidAtlantic Solid Waste Consultants of Orlando, FL; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. BUDGETED ACTION: No budget action needed. Funding for this expenditure comes from

Sanitation District Funds - Professional Services. Amount budgeted \$50,000.

**Commissioner Starr** disapproved hiring consultants if staff can handle the needs of this item.

**COMMISSIONER STARR MOVED TO DENY AGENDA ITEM F-9, SECONDED BY COMMISSIONER SKIDMORE**

**Commissioner Cummings** commented on the rate analysis. Mr. Thompson fielded questions from the Board regarding the company involved with changes to the build out date, reduction in staff, the once-a-week garbage plan, the reasons for hiring the company in question, the need for spending the money, audit functions and reduction in rates. Mr. White responded to questions from **Commissioner Skidmore** regarding functions of the Clerk's Office relating to opinions on rate contracts.

**MOTION FAILED 2:3.**

**COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM F-9, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.**

(10) **RECOMMENDED ACTION:** Approve deletion of the property inventory items on the attached list for the month of September, 2009. **BUDGETED ACTION:** None

Real Estate Services

(11) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the Chair of the Charlotte County Board of County Commissioners to execute a grant of easement to Embarq Corporation to allow Embarq Corporation to continue to provide service to the existing single-family residences located adjacent to the Tippecanoe II Mitigation area. **BUDGETED ACTION:** None

**Resolution 2009-250**

(12) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the Chair of the Charlotte County Board of County Commissioners to execute a grant of easement to Florida Power and Light Company to allow Florida Power and Light Company to

continue to provide service to the existing single-family residences located adjacent to the Tippecanoe II Mitigation area. BUDGETED ACTION: None

**Resolution 2009-251**

(13) RECOMMENDED ACTION: Approve the attached Resolution authorizing the release of a portion of a twenty-foot (20') wide canal maintenance easement, located in the Replat of a Portion of Port Charlotte Subdivision Section Forty, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portion of said easement. (Owners: Jovica and Biljama Jovic) BUDGETED ACTION: None

**Resolution 2009-252**

(14) RECOMMENDED ACTION: Approve the attached Resolution approving the release of portions of two six-foot (6') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Sixty, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portions of said easements. (Owners: John A. and Goldie E. Lutes) BUDGETED ACTION: None

**Resolution 2009-253**

(15) RECOMMENDED ACTION: Approve the attached Resolution authorizing the release of a portion of a twenty-foot (20') wide canal maintenance easement, located in Port Charlotte Subdivision, Section Forty, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portion of said easement. (Owners: Ramon A. and Toni M. Merino) BUDGETED ACTION: None

**Resolution 2009-254**

G. Building & Construction Services - No Items.

H. Economic Development

(1) RECOMMENDED ACTION: Approve a Resolution supporting the Charlotte Harbor CRA Harbor Walk TIGER grant application. BUDGETED ACTION: None

**Resolution 2009-255 and Grant 2009-037**

(2) *RECOMMENDED ACTION:* Approve a Resolution supporting the Intermodal and Logistics Center TIGER application. *BUDGETED ACTION:* None

**Resolution 2009-256 and Grant 2009-038**

J. Environmental Services

(1) *RECOMMENDED ACTION:* Approve the attached contract with Charlotte Harbor Environmental Center (CHEC) to provide environmental programs and services to Charlotte County's Cedar Point Environmental Park. *BUDGETED ACTION:* Funding for this expenditure is budgeted in the 2010 Natural Resources Division of the Environmental Lands Fund.

**Agreement 2009-036**

K. Facilities Construction and Maintenance

(1) *RECOMMENDED ACTION:* Approve a Resolution authorizing the Chairman to sign and execute a three (3) year Lease between the Area Agency on Aging for Southwest Florida (AAA) and Charlotte County for the Rebecca Neal Owens Center. *BUDGETED ACTION:* None, there is no financial impact to the County.

**Resolution 2009-257**

L. Growth Management - No Items.

M. Human Resources - No Items.

N. Human Services

(1) *RECOMMENDED ACTION:* a) Approve Annual State Housing Initiatives Partnership (SHIP) Reports; b) Approve Annual Hurricane Housing Recovery (HHR) Report; and c) Authorize the Chair to sign all reports and the attached Regulatory Certifications. *BUDGETED ACTION:* There are no budget implications from approval of the State Housing Initiatives Partnership (SHIP) & Hurricane Housing Recovery (HHR) Annual Reports.

(2) **RECOMMENDED ACTION:** Approve resolution adding two new housing strategies to the County's Local Housing Assistance Plan: the Impact Fee Reduction Incentive Fund Strategy, and the Florida Homebuyer Opportunity Program Strategy. **BUDGETED ACTION:** None at this time. Funds for the Impact Fee Incentive Fund Strategy are budgeted in the Local Housing Assistance Trust Fund - SHIP. Budget for the FHOP will follow after Florida Housing Finance Corporation approval of submitted strategies.

**Resolution 2009-258**

(3) **RECOMMENDED ACTION:** Approve strategy cost overages per client over the past years of the Hurricane Housing Recovery (HHR) Grant Program and the State Housing Initiatives Partnership (SHIP) Program. HHR - \$2,705.00 Total - \$3,173.00 **BUDGETED ACTION:** None

P. Parks, Recreation and Cultural Resources - No Items.

Q. Public Safety - No Items.

R. Public Works

(1) **RECOMMENDED ACTION:** Approve and authorize the Chair to sign the Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD) and Charlotte County for the Coral Creek Ecosystem Restoration Project. The total cost of the project is \$143,000 with the County paying \$71,500. **BUDGETED ACTION:** No budget action needed. Funding for Charlotte County's portion of this agreement is from the Rotonda West Streets and Drainage MSBU in CIP project c410808, Rotonda West Weir Replacement.

**Agreement 2009-037**

S. Tourism Development - No Items.

T. Utilities - No Items.

U. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda - No items.

**RECESS - 10:00 AM - 10:10 AM**

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

(1) Public Works - Conduct a public hearing to consider approving an Ordinance setting the speed limit at 45 mph on Pine Street from SR 776 to the Sarasota/Charlotte County line to provide for consistent speed limits on the major roadways in the area.

Danny Quick made a presentation per packet material. **Chairman Duffy** asked the reason for the recommendation. Mr. Quick responded in detail. **Commissioner Skidmore** advised that the Sheriff supports the increase to the speed limit.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2009-038, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

(2) County Attorney - Conduct a public hearing to consider approving and re-adopting a Recovery Zone Designation Ordinance for Charlotte County. This ordinance was originally approved by the Board on August 11, 2009, but due to a filing error, it wasn't received by the Florida Secretary of State within ten days of enactment as required by state law therefore it is necessary to re-adopt this Ordinance.

Attorney Knowlton explained the reasons for the public hearing and the re-adoption of the Ordinance and added that staff is working with the IDA to develop the application process.

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

**MOTION CARRIED 5:0.**

**Commissioner Skidmore** mentioned that the County is not at risk and does not act as a bank to guarantee bonds.

**COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2009-039,  
SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

(3) Growth Management - Conduct public hearing for updates to the intergovernmental Coordination Element and the Transportation Element. Staff will present and seek public comments regarding these updates.

Jim Fendrick presented an update on the Smart Charlotte 2050 Comprehensive Plan. Steve Ellis gave a PowerPoint presentation on the Intergovernmental Coordination Element. **Commissioner Skidmore** inquired as to the Citizen Comment and Level of Service for Roads. Mr. Fendrick and Mr. Ellis responded in detail.

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

**MOTION CARRIED 5:0.**

Venkat Vattikuti gave a PowerPoint presentation on the Transportation Element and responded to questions from **Commissioner Cummings** related to the level of service on roads and the time needed to get to a destination at the posted speed. Mr. Hendricks informed the Board that the Elements are online for public review.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Audrey See of the local planning agency commented on not being included in the review of the Comprehensive Plan at the local level. **Chairman Duffy** advised that a member of staff would get in touch with her.

AA. County Administrator:

Mr. Baltz reminded the Board of the upcoming Budget Workshop and the Joint Meeting with Punta Gorda, and asked the Board if there

was a desire to see proposals that might include dual medical directors. **Commissioner Skidmore** responded affirmatively. **Commissioner Cummings** stated that he would like to know the Fire Chief's opinion first. **Chairman Duffy** opined the proposal was already re-submitted. Kim Corbett explained that the Request for Proposal (RFP) for the medical director is out and that proposals are due on the 17th. **Chairman Duffy** stated that she was not in favor of making any changes at this time. Ms. Corbett fielded questions from **Commissioner Starr** in regard to re-submitting the proposal for a co-medical director and stated he agreed with **Chairman Duffy** about not making changes. There was Board discussion. Mr. Baltz stated that the proposal would be left as is due to the differing opinions of the Board members.

Mr. Baltz commented on moving forward with ice vending machines to generate additional revenue for Parks and Recreation and informed the Board that they would be creating a budget for the Charter Review Committee. **Commissioner Skidmore** asked about the need for a meeting room for the Committee. Mr. Baltz responded affirmatively and commented on the possibility of property being deeded over to the county for the development of a botanical garden, adding that the Board would be briefed on any related activity in the coming weeks.

BB. County Attorney:

Attorney Knowlton advised that the first organizational meeting for the Charter Review Commission was set for Thursday, September 17, 2009 at 4:00 PM in Room R-106 of the Murdock Administration Complex.

CC. Commissioner Comments:

**Commissioner Loftus** requested that at the Joint Meeting with Punta Gorda there be an agenda item to discuss the overlay for 41 in the unincorporated area going into Punta Gorda.

**Commissioner Skidmore** commented on Pioneer Days Event; mentioned the funding needs for the Wounded Warrior Project; and the Board members weighing in on the budget at the Friday meeting of the West Coast Inland Navigation District (WCIND.) **Commissioner Skidmore** commented on the donation and reinvestment of the check from the Disabled Veterans, which **Commissioner Duffy** will look into, commented on County support of the Stone Crabs and fire

service activity on Little Gasparilla Island; and commended staff regarding the vending machines placement.

**Commissioner Cummings** commented on a Tallahassee newspaper article related to near-shore oil well drilling in Florida waters.

**Commissioner Loftus** responded to **Commissioner Cummings'** comments regarding dependency on foreign oil.

**Commissioner Starr** commented on the Peace River Audubon Society's request to re-open Audubon Pennington Park and Midway Park and related maintenance costs. There was Board discussion on the issue. **Commissioner Starr** commented on the Charlotte County Utilities (CCU) water rates.

**Commissioner Loftus** commented on the blended rate used in 2006 to absorb engineering costs for the central sewer. **Commissioner Cummings** responded to Board comments relating to rate increases. **Commissioner Starr** clarified **Commissioner Loftus'** comment. There was Board discussion regarding the central sewer history.

There was extensive Board discussion related to the indebtedness of CCU, creating a five year plan for the utilities, private utilities, the need to reduce utility costs and rates, the possibility of doing an independent utility analysis, privatization of utilities, and costs for an analysis.

Mr. Baltz commented on and suggested the Board have a workshop to discuss utility rates, indicated he had instructed staff to put together an equity analysis for the utility system, and mentioned the previously passed consent agenda. Mr. White agreed with Mr. Baltz, commented on bond coverage and requirements, and Board discussion followed. **Commissioner Cummings** asked Mr. White about another rate study, to which Mr. White responded in detail. Mr. White requested the amount of the check received from the Disabled Veterans be put on the record. **Chairman Duffy** advised that the amount was \$3,375. Mr. White requested clarification relating to Agenda Item F-1 not being on the electronic or paper agendas and commented on the Debt Policy not including the Clerk of Court as a member of the Finance Committee.

Book 67, Page 875  
September 8, 2009

Chairman Duffy reminded Board members of the Budget meeting on Thursday, September 10, 2009, at 5:01 PM.

ADJOURNED: 12:03 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

vc