

**BOARD OF COUNTY COMMISSIONERS**

**October 27, 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, Finance Director Larrivee, Deputy Clerk Lansing, and Minutes Secretary Carleton. The following members were absent: None

The meeting was called to Order at **9:00 AM**

The Invocation was given by Pastor Aida Fuentes of Centro Christiano El Calvario Church followed by the Pledge of Allegiance.

Changes to the Agenda: None

Proclamations - **Chairman Tricia Duffy**

*Ann Dever Remembrance Day*

**COMMISSIONER SKIDMORE MOVED TO APPROVE ANN DEVER REMEMBRANCE DAY, OCTOBER 27, 2009, PROCLAMATION, SECONDED BY COMMISSIONER CUMMINGS**

**MOTION CARRIED 5:0.**

**The Commissioners** each expressed kind remembrances, spoke on Ms. Dever's many contributions, and requested Coral Creek Park be renamed in her honor. Mr. Dever accepted the proclamation on behalf of his late wife.

*Growing Renewable Efficient Energy Now - GREEN Charlotte Week*

**COMMISSIONER LOFTUS MOVED TO APPROVE GROWING RENEWABLE EFFICIENT ENERGY NOW - GREEN CHARLOTTE WEEK, THE WEEK OF NOVEMBER 1 THRU NOVEMBER 7, 2009, PROCLAMATION, SECONDED BY COMMISSIONER CUMMINGS**

**MOTION CARRIED 5:0.**

Don Root accepted the proclamation.

*National Family Literacy Day*

**COMMISSIONER LOFTUS MOVED TO APPROVE NATIONAL FAMILY LITERACY DAY, NOVEMBER 1, 2009, PROCLAMATION, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 5:0.**

*A Charlotte Bay Chapter of the National Society of Daughters of the American Revolution representative accepted the proclamation. Diana Delkowitz donated a check for \$150.00 to Angie Patterson on behalf of the library.*

*Veterans' Appreciation Month*

**COMMISSIONER LOFTUS MOVED TO APPROVE VETERANS' APPRECIATION MONTH, THE MONTH OF NOVEMBER, 2009, PROCLAMATION, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 5:0.**

*Randy Spence and others accepted the proclamation on behalf of all veterans.*

*Employee Recognition - None*

*Presentations - None*

**I. CITIZEN INPUT - AGENDA ITEMS ONLY**

*Tommy Brock represented Beaches & Shores Advisory Committee, explained they have changed their original recommendation to close two access points (Z-4), and gave a short visual presentation.*

**II. COMMITTEE VACANCIES**

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

*Northwest Port Charlotte Street and Drainage Advisory Committee is seeking one member to serve on the committee for a three year term.*

III. REPORTS RECEIVED AND FILED

Charlotte Harbor CRA Advisory Committee meeting Minutes for September 24, 2009.

IV. CONSENT AGENDA

**COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA, EXCEPT AGENDA ITEMS F-1, F-2, F-4, F-6, F-7, 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 required.

Memorandum #1 - Status of Contingency Reserves - FY 08/09  
Memorandum #1A - Status of Contingency Reserves - FY 09/10  
Memorandum #2 - Total Disbursements for the Period October 6, 2009 through October 19, 2009 in the amount of \$17,233,260.69

B. Minutes Division

(1)RECOMMENDED ACTION: 5/8/09 1:30 PM Budget Workshop  
5/12/09 9:00 AM BCC Regular Meeting  
5/18/09 1:30 PM Budget Workshop  
5/19/09 9:00 AM BCC Regular/Land Use Meeting  
5/20/09 1:30 PM Budget Workshop  
BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office - No Items.

D. Administration - No Items.

E. County Attorney - No Items.

F. Budget and Administrative Services

(1)RECOMMENDED ACTION: Approve \$2,545.00 from the Local Boater

Improvement fund to reimburse the City of Punta Gorda for a boat trailer purchased for their volunteer patrol boat, and approve attached budget transfer #10-001 to cover the reimbursement. BUDGETED ACTION: Approve an expenditure of \$2,545.00 from the Local Boater Improvement Fund for a boat trailer for the City of Punta Gorda and approve attached budget transfer 10-001 to cover the expenditure. This expenditure is funded by Boater fees.

**Commissioner Starr** expressed his concerns related to the issue.

**COMMISSIONER STARR MOVED TO APPROVE AGENDA ITEM F-1, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

*Fiscal Services*

(2) RECOMMENDED ACTION: Approve and authorize the Commission Chair to sign FY2009/2010 County/State Department of Health Contract for the operation of the Charlotte County Health Department. BUDGETED ACTION: No action needed. Funding is provided through the County Health Unit millage rate of 0.0907 which provides the \$1,277,000 budgeted in the Charlotte County Health Department Fund as the County share of this agreement.

**Commissioner Starr** discussed the budgets and commented on the need to again request reductions next year. **Commissioner Cummings** discussed efficiencies.

**COMMISSIONER STARR MOVED TO APPROVE AGREEMENT 2009-041, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

*Information Technology*

(3) RECOMMENDED ACTION: Approve the Charlotte County Sports Park - Verizon Wireless Agreement between Verizon Wireless Personal Communications LP d/b/a Verizon Wireless and Charlotte County. This agreement will allow Verizon Wireless cellular users to access the Verizon Network inside the Rays' Clubhouse, which currently has no accessibility. BUDGETED ACTION: None

**Agreement 2009-042**

*Purchasing*

(4) *RECOMMENDED ACTION*: a) Approve start of negotiations with It's Time Kayak & Canoe of Port Charlotte, FL for Request for Proposal #09-327 Recreation Equipment Rental Concession Services; and b) Authorize the Chairman to sign the Contract after completion of negotiations. This is for a firm to manage and operate recreation equipment rental services at Charlotte County Park Facilities. *BUDGETED ACTION*: No action needed. Estimated Revenue: \$2,000 in FY10.

**Commissioner Skidmore** discussed the item and mentioned revenue opportunities.

**COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM F-4, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 5:0.**

**RECESS: 10:13 AM - 10:23 AM**

(5) *RECOMMENDED ACTION*: a) Approve Award of Bid #09-266, Ford OEM Repair Parts - Annual Contract, at the percentage mark-up bid, to Sarasota Ford of Sarasota, Fl. The Term of contract is to be from date of award through and including September 30, 2010; and 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. This is an annual contract for the supply and deliver of Ford OEM Repair Parts to be utilized in the repair and/or maintenance of County owned Ford vehicles. *BUDGETED ACTION*: None. Funds are provided in Fleet Mgmt Fund and will be billed out to the appropriate department as necessary.

(6) *RECOMMENDED ACTION*: a) Approve Amendment #8 to Contract #06-190, Project Management - Dredge Projects, with Coastal Engineering Consultants of Naples, Fl, in the amount of \$111,920; and b) Authorize the Chair to sign the Amendment to the Contract. This amendment expands the scope of responsibility of the existing contract for Alligator Creek and will prevent a project already permitted by FDEP and the U.S Army Corps of Engineers from falling behind schedule. *BUDGETED ACTION*: None. Funds are supplied from the Alligator Creek Waterway MSBU.

**Commissioner Starr** stated his opposition to spending \$112,000 to accelerate the project; **Commissioner Cummings** inquired about the

estimated completion dates; Bob Halfhill advised on the timeline. Board discussion continued.

**COMMISSIONER LOFTUS MOVED TO DELAY APPROVAL OF AMENDMENT #8 TO CONTRACT #06-190, SECONDED BY COMMISSIONER SKIDMORE**

**MOTION FAILED 2:3.**

**COMMISSIONER CUMMINGS MOVED TO APPROVE AMENDMENT #8 TO CONTRACT #06-190, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 3:2. Commissioner Starr, Commissioner Skidmore OPPOSING.**

(7) **RECOMMENDED ACTION:** Approve award of Bid # 10-016, Stormwater Control Structures-Midway Boulevard, to Peter A. Basile Sons, Inc., of Punta Gorda, Fl, for a total cost of \$1,904,521.03, 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. **BUDGETED ACTION:** None. Funds are supplied from road impact fees. Budgeted in project c419005, Midway Blvd - Elckam to Kings Highway.

There was Board discussion on the height of guardrails (Olean Blvd. near Peace River Hospital); FDOT standards; cost to taxpayers and the number of signs (60,000+) throughout the County; and highway requirements. Engineer Joanne Bernon advised regarding regulations; Mr. Halfhill commented regarding the sign issue.

**COMMISSIONER LOFTUS MOVED TO APPROVE ITEM F-7, SECONDED BY COMMISSIONER CUMMINGS**

**MOTION CARRIED 5:0.**

(8) **RECOMMENDED ACTION:** a) Approve Amendment #9 to Contract #06-190, Project Management - Dredge Projects, with Coastal Engineering Consultants of Naples, FL, in the amount of \$54,960; and b) Authorize the Chair to sign the Amendment to the Contract. This project is to find a permanent solution to prevent sand migration causing the Sunrise Waterway to become narrow which greatly impacts the ability of boaters to navigate safely in and out of that area. **BUDGETED ACTION:** None. Funding for this contract is supplied from Boater Improvement funds.

Real Estate Services - No Items.

G. Building & Construction Services - No Items.

H. Economic Development - No Items.

J. Environmental Services

(1) RECOMMENDED ACTION: Approval to execute the Interlocal Agreement for the Multi-County Agricultural Agents Program providing financial support to the Multi-County Agents Program. BUDGETED ACTION: None. Funding for this expenditure comes from General Fund.

**Agreement 2009-025**

(2) RECOMMENDED ACTION: Approve and accept Florida Department of Environmental Protection's (FDEP) proposed \$2,500 settlement and execute related Charlotte County Zemel Road Landfill Consent Order. BUDGETED ACTION: None. The funding will come from Landfill-Treatment Plant Operations.

**Agreement 2009-043**

K. Facilities Construction and Maintenance - No Items.

L. Growth Management

(1) RECOMMENDED ACTION: Growth Management Department is requesting the Board approve a Resolution accepting the application forms for Group I and Group IV excavations. BUDGETED ACTION: None

M. Human Resources - No Items.

N. Human Services - No Items.

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

Q. Public Safety

(1) RECOMMENDED ACTION: a) Approve Statement of Understanding (SOU) between Charlotte County 211 and the Florida Alliance of Information and Referral Services, Inc., (FLAIRS) for the 211

Florida BRAIVE Project; and b) Approve Budget Amendment #10-A01 in the amount of \$6,500 to allocate funds for this project in the 211 Info & Referral operating budget. The \$6,500 award from FLAIRS is for the 211 Florida BRAIVE Project. BUDGETED ACTION: Approval of Budget Amendment #10-A01 in the amount of \$6,500. Funds will be allocated to the 211 Info & Referral operating budget.

**Grant 2009-053**

(2) RECOMMENDED ACTION: a) Approve 2008-09 State Homeland Security Grant Program (SHSGP) Agreement for HazMat Teams; and b) Approve Budget Amendment #10-A02 in the amount of \$120,824 to allocate the grant funds in the Fire Rescue budget. The grant amount of \$120,824 allows the Fire/EMS Department to utilize the funds for specialized training (\$21,285), equipment maintenance (\$33,600) and equipment purchases (\$65,939). BUDGETED ACTION: Approval of Budget Amendment #10-A02 in the amount of \$120,824. No County match is required. The budget amendment allocates the grant funds in the FY09/10 Fire Rescue budget.

**Grant 2009-054**

R. Public Works

(1) RECOMMENDED ACTION: Approve Public Works' project priorities recommendations for application of the Florida Department of Transportation (FDOT) County Incentive Grant Program (CIGP) for Fiscal Years 2010 through 2012. BUDGETED ACTION: No action at this time. CIP and budget amendments will be brought forward upon approval of grants. Funding for the County match will be from Gas Taxes.

S. Tourism Development - No Items.

T. Utilities - No Items.

U. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - RECOMMENDED ACTION: Select by ballot, one member to serve on the Gulf Cove Street and Drainage Unit Advisory Committee for a three year term.

**Commissioner Skidmore** advised that Mr. Spaco withdrew his name from consideration. The Board voted: Richard Van Acker, 4 and Jose Subero, 1 votes.

**COMMISSIONER CUMMINGS MOVED TO APPOINT RICHARD VAN ACKER TO SERVE ON THE GULF COVE STREET AND DRAINAGE UNIT ADVISORY COMMITTEE FOR A THREE YEAR TERM, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

(2) County Administration - **RECOMMENDED ACTION:** Discussion and direction regarding legislative priorities for the upcoming legislative session.

Kelly Shoemaker provided related detail and talked about a 911 mandatory training Bill. Denise Amber Lee's in-laws urged the Board to support the Bill. **Commissioner Duffy** explained certifications, fees, and enhanced 911 training. **(Board Consensus to support the concept until Bill is finalized.)**

Oil Drilling - Board discussion ensued - **(Consensus: continued support of Joint 436 Resolution.)**

Oppose unfunding mandates - **(Consensus: Support.)**

Update language related to a regulatory agency's timeline to reply to County regarding submittal of plans, specifications or drawings; Board discussion ensued. - **(Consensus: Support.)**

Solar Technology Incentives - Board discussion ensued. Need more information regarding compensation to citizens; incentives are good, not in support of rate increase for FPL.

Sarasota legislative language regarding Public Beach Access - Attorney Knowlton clarified issue - **(Board Consensus: Support of Sarasota's initiative.)**

Draft revised notice of proposed property taxes (TRIM Notice) - "new legislation revises the form by adding info on reductions to assess value and exemptions" - **Chairman Duffy** and **Commissioner Cummings** commented; **(Consensus: need additional information regarding format of form.)**

Children's Services Council - **(Board Consensus: keep on Legislative agenda and send letter.)**

**Chairman Duffy** advised that Jeff Ruggieri needs to leave early, requested they move to Z-3 and go back to Z-2.

(3) Growth Management - RECOMMENDED ACTION: Approve Memorandum of Agreement (MOA) between Southwest Florida Water Management District (SWFWMD) and Charlotte County to coordinate permitting of certain excavation activities.

**Agreement 2009-044**

Mr. Ruggieri explained Item Z-3 in detail.

**COMMISSIONER SKIDMORE MOVED TO APPROVE ITEM Z-3 WITH CORRECTION OF SCRIVENER'S ERROR ON PAGE 2 (MISSPELLING OF MR. RUGGIERI'S NAME), SECONDED BY COMMISSIONER LOFTUS**

**Commissioner Cummings** asked for clarification of the MOA and spoke in detail regarding permitting process, Class 3 or Class 4 permit, and the Dept. of Agriculture involvement in the County's land use and zoning decisions; Mr. Rooney fielded questions and responded in detail.

**MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.**

(Z-2, Regular Agenda, continued)

Utilities - Funding request related to the sewer expansion program; fielding questions from the Board regarding Feds funding sewers in Lee County. Board discussion continued. **(Board Consensus: requested additional information.)**

Environmental: Staff recommends continuing to support funding for Community Programs, Mosquito Control, and County Extension Program through UF/IFAS.

Environmental: County Extension program, 75% recycling goal and total maximum daily loads ("TMDL") for the Charlotte Harbor basin-Board as an impaired water body, the State has costs concerns associated with both of these programs. **(Board Consensus: Support these two programs, but opposed to any unfunded mandates.)**

Parks, Recreation and Cultural Resources: Restore funding for Museum Grants in Aid Program in particular, historical center. **(Board Consensus: Support)**

Human Services - Oppose any increases in the County's share for existing mandates; including reimbursement to the Agency for Health Care Administration (AHCA) for Medicaid hospital and nursing home billings. - **(Board Consensus: In opposition to any increase in local spending.)**

Human Services - Housing: Support removal of the cap on the Sadowski (Affordable Housing) Trust Fund, BCC Resolution 09-242; Restore full funding to the State Housing Initiative Partnership (SHIP) Program; Re-address return of Program Income to the State from non-entitlement localities administering the federal Neighborhood Stabilization Program. Bob Hebert explained we have been awarded the Grant but we have not received the signed contract from Tallahassee. **(Board Consensus: Support)**

Human Services - Senior Services: Preservation of the State's General Revenue programs for seniors including Community Care for the Elderly, Alzheimer's Disease Initiative, and Home Care for the Elderly (Administered through the Department of Elder Affairs). **(Board Consensus: Support the State to continue funding.)**

Additional items: (1) True competitive bidding (T.D'Aprile Bill). Board discussion ensued. Attorney Knowlton clarified the item. Board Consensus: Support. (2) The Southwest Florida Legislative Consortium (consisting of Sarasota, Lee, Charlotte, Collier and Hendry Counties Staff) November 2010 trip to Tallahassee. Board discussion ensued. **(Board Consensus: Support.)**

**Chairman Duffy** commented on Dog attacks in the County; Attorney Knowlton explained the related law; **Commissioner Cummings** opposed to breed specific; owners and victims must have their day in court; need to look at Code Enforcement; Attorney Knowlton confirmed they are looking into revising the codes.

(4) County Administration - **RECOMMENDED ACTION:** Seeking direction from the Board of County Commissioners regarding Englewood Beach access points regarding a recommendation of the Beaches & Shores Advisory Committee to close two access points.

**COMMISSIONER SKIDMORE MOVED TO DELAY APPROVAL OF ITEM Z-4 UNTIL STAFF AND THE ENGLEWOOD BEACH ADVISORY BOARD CAN PROVIDE ADDITIONAL INFORMATION, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

VI. PUBLIC HEARING AGENDA - No Items.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items.

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Citizen spoke related to Englewood East sewer ownership, etc.

AA. County Administrator: None

BB. County Attorney:

Attorney Knowlton informed that the appeal on the Beirut matter has been dropped. **Commissioner Skidmore** commented on the subject.

CC. Commissioner Comments:

**Commissioner Skidmore** commented on Coast2Coast RX discount card and requested a quarterly update of revenue; Mr. Baltz will comply.

**Commissioner Loftus** discussed tax incentives/exemptions for tangible property; Mr. Baltz will contact Hendry County and provide additional information.

**Commissioner Cummings** commented on the tax exemption issue; mentioned citizen Pennypacker's earlier comments; Water Authority Joint Meeting; **Commissioner Loftus** stated his support of the Board; **Chairman Duffy** commented.

**Commissioner Starr** commented on Englewood Water District issue; a letter related to changing a policy - Proclamations being too long. Board Consensus: Leave policy as is.

**Chairman Duffy** commented on a citizen's memo regarding a misunderstanding and explained the issue in detail.

Attorney Knowlton commented on the County Attorney's office involvement in doing the proclamations. **Commissioner Starr**

agreed someone else other than the County Attorney's office can handle the responsibility.

**Chairman Duffy** pointed out the web page rules of procedure have not been updated since 2000, and requested the Board review and make suggestions for its update.

ADJOURNED: 12:43 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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