

BOARD OF COUNTY COMMISSIONERS

November 24, 2009

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

Members present were: Chairman Duffy, Commissioner Cummings, Commissioner Loftus, Commissioner Starr, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, Deputy Clerk Lansing, and Minutes Secretary Carleton. The following members were absent: None

The meeting was called to order at **9:00 A.M.**

Invocation was given by Pastor Lois Virgo, First Church of Christian Scientist, followed by the Pledge of Allegiance.

Chairman Duffy advised the first order of business is the election of a new Chairman and Vice Chairman of the Board of County Commissioners and relinquished the gavel to County Attorney Knowlton. Attorney Knowlton asked for discussion and opened the floor to nominations for Chairman of the Board of County Commissioners.

CHAIRMAN DUFFY MOVED TO NOMINATE COMMISSIONER LOFTUS AS CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, SECONDED BY COMMISSIONER LOFTUS.

Attorney Knowlton confirmed the nomination, asked for discussion, and called for any additional nominations.

COMMISSIONER CUMMINGS MOVED TO NOMINATE COMMISSIONER STARR FOR CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, SECONDED BY COMMISSIONER SKIDMORE.

Attorney Knowlton asked for if there was any discussion or additional nominations. **Chairman Duffy** stated there could be other nominations depending on the vote and commented she would have another nomination. Attorney Knowlton explained the normal process and suggested all nominations be put on the table.

MOTION FAILED 2:3.

Chairman Duffy asked if she could now nominate **Commissioner Skidmore** for Chairman. Attorney Knowlton explained there was still a Motion on the floor for **Commissioner Starr** as Chairman.

MOTION CARRIED 4:1. CHAIRMAN DUFFY OPPOSING.

Attorney Knowlton opened the floor for nominations for Vice Chairman of the Board of County Commissioners.

COMMISSIONER CUMMINGS MOVED TO NOMINATE COMMISSIONER SKIDMORE AS VICE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, SECONDED BY COMMISSIONER STARR.

Attorney Knowlton asked for any additional nominations for Vice Chairman. There were none. Attorney Knowlton requested a motion to close the nominations for Vice-Chairman.

COMMISSIONER STARR MOVED TO CLOSE THE NOMINATIONS FOR VICE CHAIRMAN, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 5:0.

MOTION CARRIED 5:0.

Attorney Knowlton relinquished the gavel to **Chairman Starr**. **Chairman Starr** presented **Commissioner Duffy** with an award acknowledging her service as Chairman of the Board of County Commissioners. **Commissioner Duffy** thanked the Commission for the opportunity to serve and announced she looks forward to continuing as part of the team working on behalf of the County.

Employee Recognition - None

Changes to the Agenda:

Deletion #1: F-3 - Requested by Administration: (3) RECOMMENDED ACTION: Approve Eighteenth Amendment to Contract No. 99-169, Combined Parks & Recreation Projects, Group 1 Parks, with Johnson Engineering, Inc., Pt. Charlotte, Fl, for a not-to-exceed amount of \$139,530 for North Charlotte Regional Park, Phase 3. This amendment provides for the Phase 3 design and construction documents, and construction support services. **BUDGETED ACTION:** None. This project is funded through Sales Tax and budgeted in North Charlotte Regional Park CIP.

Change #1: D-1: Recommended by: Administration: This change is to update exhibits 3 and 4 to reflect total position reductions of 22.0 (previously listed as 21.8) and associated changes to dollar amount reductions. This reflects adjustments to the Public Works personnel reduction.

Change #2: Z-3: Requested by: Attorney's Office: Attached is a blacklined copy with changes to the first paragraph on page 3, changes to the language on page 4 Re: the application fee being non-refundable, and also on page 4, changes to the sentence "All Bonds Must Be Issued by January 1, 2011. And attached a clean copy of the application packet with the above changes.

Addition #1: Requested by Commission Office: Z-2: Consider the acquisition of property in West County.

Addition #2: Requested by Commission Office: Z-3: Discussion and direction regarding Recovery Zone Bond Application Package.

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Adam Cummings

Charlotte County Chamber of Commerce Christmas Parade Day

COMMISSIONER LOFTUS MOVED TO APPROVE CHARLOTTE COUNTY CHAMBER OF COMMERCE CHRISTMAS PARADE DAY, DECEMBER 5, 2009, PROCLAMATION, SECONDED BY COMMISSIONER STARR.

MOTION CARRIED 5:0.

The Proclamation was accepted by Julie Mathis.

Pearl Harbor Remembrance Day

COMMISSIONER LOFTUS MOVED TO APPROVE PEARL HARBOR REMEMBRANCE DAY, DECEMBER 7, 2009, PROCLAMATION, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by an El Jobean community member.

Shop Charlotte Month

COMMISSIONER LOFTUS MOVED TO APPROVE SHOP CHARLOTTE MONTH, NOVEMBER 27, 2009 THROUGH DECEMBER 24, 2009, PROCLAMATION, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Julie Mathis.

Phillip F. Wilson Day

The Proclamation was given to Mr. Wilson prior to the meeting.

COMMISSIONER SKIDMORE MOVED TO APPROVE PHILLIP F. WILSON DAY, NOVEMBER 19, 2009, PROCLAMATION, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Animal Appreciation Day

COMMISSIONER LOFTUS MOVED TO APPROVE ANIMAL APPRECIATION DAY, DECEMBER 5, 2009, PROCLAMATION, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

No one was present to accept the Proclamation.

Presentations

Jennifer Nelson from the Florida Department of Environmental Protection will present an introduction to the Department of Environmental Protection's Total Maximum Daily Load (TMDL) program, which is that state's program for meeting the requirements of the Clean Water Act. Ms. Nelson will also provide a status of the current impaired waters within Charlotte County, and briefly describe the process for cleaning up these impaired water-bodies.

Jennifer Nelson gave a PowerPoint presentation on Water Quality and discussed the Total Maximum Daily Low Program.

Ms. Nelson fielded Board questions regarding funding opportunities available to offset the cost of MU's, BMAP credit

for city/county requirements for water quality buffers, state funding possibilities, impact withdrawals, water quality vs. water quantity, and management agencies. **Commissioner Skidmore** suggested Ms. Nelson discuss the topic with Terri Kesner at CCU. **Commissioner Cummings** requested Ms. Nelson provide additional information to the Board.

(**Commissioner Skidmore** was not present for this portion of the meeting.)

I. CITIZEN INPUT - AGENDA ITEMS ONLY

There was brief Board discussion about when public input on agenda item Z-1 would occur.

An unidentified citizen spoke in relation to agenda item D-1.

Tom Hughes and the HR Manager from First Financial spoke in regard to Agenda Item Z-1 and presented pictures to the Board.

Candice Webb, Jim Joseph, Evelyn Leffler, Joan Fischer, Cheryl Wynn, Frank Leon, Harold Statts, Amity Chandler, Randy Spence, Grace Amodio, and an unidentified business owner spoke in regard to agenda item Z-1.

II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee is seeking four members to serve. One member to serve as the Residential Home Building representative, one member to serve as the home building industry representative, one member to serve as the not-for-profit provider representative, and one real estate professional. These terms will expire in June 2010.

Alligator Creek Municipal Service Benefit Unit Committee is seeking one volunteer. Must be residents residing within the boundaries of the unit. Length of term: 3 years.

Edgewater North Waterway District Advisory Committee is seeking two volunteers to serve as regular members. Must be residents of the unit.

Grove City Street & Drainage Unit Advisory Committee is seeking three volunteers to serve as regular members and one volunteer to serve as the alternate member. All terms effective immediately.

Lemon Bay Street & Drainage Advisory Committee is seeking two volunteers to serve as regular members and one volunteer to serve as the alternate member. All terms effective immediately. 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.

MPO Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) is seeking two individuals to voluntarily serve on the LCB Board. The purpose of the LCB is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordination of service to be provided to the transportation disadvantaged. The positions are: 1) A person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged in the county; 2) a person with a disability representing individuals who are disabled in the county. 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. The MPO Board will elect the above positions at their Monday, December 14, 2009, Regular Meeting.

MPO Citizens' Advisory Committee (CAC) - A Charlotte County resident is being sought to voluntarily serve as a representative of the MPO Citizens' Advisory Committee (CAC) for the following positions: South County Representative, Elderly Interests Representative, At-Large Representative, Mid County Representative and West County Representative. The CAC reviews transportation plans and projects that the MPO Board will consider. Your letter or email of interest stating the positions

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.

MPO Bicycle/Pedestrian Advisory Committee (BPAC) - A Charlotte County resident is being sought to voluntarily serve as a representative of the MPO Bicycle/Pedestrian Advisory Committee (BPAC) for the following positions: Mid County Representative, West County Representative and South County Representative. The purpose of the BPAC is to provide recommendation on bicycle and pedestrian pathways, including their planning and completion. Your letter or email of interest stating the positions 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.

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 to finish an unexpired three year term, effective immediately.

Northwest Port Charlotte Waterway Advisory Committee is seeking three volunteers; two volunteers to serve as regular members for three year terms and one volunteer to serve as the alternate for a two year term. Must own property and reside within the unit.

South Bridge Waterway MSBU is seeking one volunteer to serve as a regular member and one volunteer to serve as the alternate member. Must own property and live within the unit. Terms effective immediately.

Suncoast Waterway Maintenance MSBU is seeking two volunteers; one as a regular member and one as alternate member. Must own property and live within the unit. Terms effective immediately.

Town Estates Street & Drainage Unit Advisory Board is seeking two volunteers to serve as regular members and one volunteer to serve as the alternate member. Must be resident of the unit. All terms effective immediately.

III. REPORTS RECEIVED AND FILED

Charlotte Harbor CRA Advisory Committee Meeting Minutes - 10/22/09.

COMMISSIONER SKIDMORE MOVED TO APPROVE CHARLOTTE HARBOR CRA ADVISORY COMMITTEE MEETING MINUTES - 10/22/09, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Informational County Investment Report/Interest on Investments.

COMMISSIONER SKIDMORE MOVED TO APPROVE INFORMATIONAL COUNTY INVESTMENT REPORT/INTEREST ON INVESTMENTS, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner Cummings commented that is not necessary to approve reports.

MOTION CARRIED 5:0.

IV. CONSENT AGENDA

COMMISSIONER CUMMINGS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS D-1, F-1, P-2, C-1, AND E-2, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

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

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

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for:

June 9, 2009, 9:00 AM BCC Regular Meeting

June 16, 2009, 9:00 AM BCC Regular Meeting

June 23, 2009, 9:00 AM BCC Regular Meeting

June 26, 2009, 2:00 PM CIP Presentation Workshop

Board of County Commissioners

C. Commission Office

(1) **RECOMMENDED ACTION:** Approve a Resolution supporting the development and construction of a large scale solar energy facility. **BUDGETED ACTION:** None

Commissioner Duffy suggested adding a "whereas" clause to the proposed Resolution.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2009-275 AS AMENDED, SECONDED BY CHAIRMAN DUFFY.

MOTION CARRIED 5:0.

D. Administration

(1) **RECOMMENDED ACTION:** Approve landscaping/custodial consolidation and outsourcing plan of action. **BUDGETED ACTION:** None (**ADDED IN FROM CHANGE MEMO:** This change is to update exhibits 3 and 4 to reflect total position reductions of 22.0 (previously listed as 21.8) and associated changes to dollar amount reductions. This reflects final adjustments to the Public Works personnel reduction.)

Commissioner Skidmore presented agenda item D-1, paralleled his presentation with an organizational chart, and commented on position cuts in Parks and Recreation and Public Works.

Commissioner Loftus referred to comments that Mr. Baltz had made previously regarding job reductions. Mr. Baltz made reference to the change memo and commented on the substantial cost savings. **Commissioner Cummings** inquired about the contract savings from the lawn mowing contract between prior year and this year, the size of the work being done, as well as clarification on the reduction. Kim Corbett responded in detail. **Commissioner Skidmore** clarified the actual amount in savings.

John Jackson discussed the elimination of one of the supervisor positions, the possibility of transferring another supervisor, and other proposed changes in staff. Mr. Baltz commented on the amount of savings due to elimination of salaries and benefits, as well as outsourcing of services. **Commissioner Skidmore** referred to comments made at Pre-Agenda, and talked about employee benefits in the private sector vs. public sector.

Commissioner Duffy agreed with **Commissioner Skidmore's** comments, and commented on the Administration Plan and additional future changes.

CHAIRMAN DUFFY MOVED TO APPROVE AGENDA ITEM D-1, SECONDED BY COMMISSIONER SKIDMORE.

Kim Corbett fielded questions from **Commissioner Cummings** regarding the costs in reductions. There was board discussion regarding reductions and lay-offs.

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

Commissioner Cummings expressed other concerns regarding reductions.

E. County Attorney

(1) **RECOMMENDED ACTION:** Set an Executive Session for November 24, 2009 at 2:00 p.m. in the Charlotte County Attorney's Office Conference Room to discuss settlement negotiations and/or strategy related to litigation expenditures in the lawsuit captioned Lamar Advertising of Fort Myers v. Charlotte County, Case No. 04-2052-CA. **BUDGETED ACTION:** None required.

(2) **RECOMMENDED ACTION:** Motion to consider entering into an Agreement with the law firm of Nabors, Giblin and Nickerson, P.A. for legal services relating to proposed litigation to collect unpaid tourist development taxes. **BUDGETED ACTION:** None

Commissioner Starr explained the litigation and spoke in opposition to entering into the agreement saying he would rather wait until the litigation is settled.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGREEMENT 2009-049 AS RECOMMENDED BY STAFF, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

F. Budget and Administrative Services - No Items

Fiscal Services

(1) RECOMMENDED ACTION: Set a public hearing on Tuesday, December 8, 2009 at 10:00 A.M. or as soon thereafter as it may be heard, to consider the adoption of a resolution of intent to use the uniform method for collecting non-ad valorem assessments for the Pirate Harbor Street & Drainage MSBU; Wastewater Service Program-Area 1 MSBU; Water Service Program-Area 1 MSBU; Little Gasparilla Island Fire Services MSBU; and South Gulf Cove Beautification & Maintenance MSBU. BUDGETED ACTION: None

Commissioner Skidmore clarified that the intent of the item is a statutory requirement and not for creation of an MSBU.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM F-1, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Information Technology - No Items

Purchasing

(2) RECOMMENDED ACTION: a) Approve award of Bid #10-006, Effluent Pumps - Annual to the lowest responsive responsible bidder, Southeast Pump of Tampa Fl, at the unit prices submitted, for the period of January 01, 2010 through and including December 31, 2010; and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one (1) year periods at the same prices, terms and conditions, by mutual consent. The purpose of this bid is to establish a source of supply for the purchase of effluent pumps utilized by Charlotte County Utilities on an "as required basis". BUDGETED ACTION: None. Items will be placed in inventory and are budgeted in various CCU - O & M expense accounts, to be charged as used.

(4) RECOMMENDED ACTION: Approve Amendment #1 to Contract #08-121, Methane Gas Collection - Landfill with GES - Port Charlotte, LLC, a subsidiary of Global Energy Systems, Inc. Due to delays in obtaining a permit from the FDEP, the contractor is seeking an extension of 7 months. This is for landfill gas collection and conversion to energy project to be located at the

Zemel Road Landfill. BUDGETED ACTION: None. No changes in anticipated revenues are expected as a result of this amendment. Budgeted in the Charlotte County Landfill Fund.

(5) RECOMMENDED ACTION: a) Approve the ranking of firms for Request for Proposal 09-379 Water & Wastewater Rate Study: 1st - Public Resources Management Group, Inc., of Maitland, Fl and 2nd - Camp Dresser & McKee of Ft. Myers, Fl; and b) Approve start of Negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations for professional services to provide financial management consulting and utility rate-making services. BUDGETED ACTION: Amount budgeted \$80,000. Funding for this expense comes from CCU O & M Funds.

(6) RECOMMENDED ACTION: a) Approve Award of Bid #09-311, Tree & Brush Power Shearing, at the unit prices bid to Clear Zone Maintenance, Inc. of Vero Beach, Florida. 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 tree and brush power shearing to be performed on an 'as needed' basis, along selected roadsides of and/or shoulders within Charlotte County. BUDGETED ACTION: None. Budgeted in various streets and drainage MSBUS. Funding is supplied from the various streets and drainage MSBUS receiving this service.

Real Estate Services

(7) RECOMMENDED ACTION: Approve the Resolution authorizing the Chair to execute the document granting Florida Power & Light Company utility easement to be located on a portion of County-owned land lying in Section 21, Township 40 South, Range 22 East, Charlotte County, Florida (also known as Spring Lake Park). BUDGETED ACTION: No Budget Action Required.

Resolution 2009-276

G. Building & Construction Services - No Items

H. Economic Development - No Items

J. Environmental Services

(1) *RECOMMENDED ACTION*: Approve Cooperative Funding Application between the Southwest Florida Water Management District (SWFWMD) and Charlotte County Environmental and Extension Services (EES) for a project as required each year by SWFWMD to continue funding for the project approved in previous years. *BUDGETED ACTION*: None - FY 2011 grant.

GRANT 2009-061

K. Facilities Construction and Maintenance - No Items

L. Growth Management

(1) *RECOMMENDED ACTION*: Set two (2) public hearings as required by F.S 163.3225(1) to hear amendments to the Victoria Estates DRI Developer's Agreement. The first public hearing to be held on December 08, 2009 at 10:00 a.m. or soon thereafter and the second public hearing to be held on December 15, 2009 at 9:00 a.m. or soon thereafter. *BUDGETED ACTION*: None required.

M. Human Resources - No Items

N. Human Services - No Items

P. Parks, Recreation and Cultural Resources

(1) *RECOMMENDED ACTION*: Approve a Resolution amending the Adopt-A-Park Program to increase community involvement in helping to maintain and preserve Charlotte County Parks. *BUDGETED ACTION*: None. Funding for this expenditure comes from volunteers in the Adopt-A-Park program.

Resolution 2009-277

(2) *RECOMMENDED ACTION*: Set a public hearing on December 8, 2009 at 10:00 a.m. or as soon as may be heard thereafter, to modify an ordinance governing parking at County beaches and boat ramp parks; providing for the charging of fees for parking; providing for exceptions, enforcement and penalties. *BUDGETED ACTION*: None

Commissioner Skidmore discussed the item and questioned Mr. Jackson regarding parking passes.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM P-2, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Q. Public Safety

(1) *RECOMMENDED ACTION:* Approve Budget Amendment #10-A06 in the amount of \$45,000 to allocate the grant award from the State Homeland Security Grant Program (SHSGP) in the Emergency Management operating budget. *BUDGETED ACTION:* Approval of Budget Amendment #10-A06. 100% Grant funding is provided by the Florida Division of Emergency Management. No match is required by the County.

GRANT 2009-036

(2) *RECOMMENDED ACTION:* a) Approve the agreement for the FY09/10 Emergency Management Preparedness Assistance (EMPA) Base Grant in the amount of \$102,724; and b) Approve Budget Amendment #10-A07 in the amount of \$3,998 to allocate all grant funds in the Emergency Management budget. The current budget already includes \$98,726 of the grant funds that was the initial estimate of the grant, but actual award is \$102,724. *BUDGETED ACTION:* Approval of Budget Amendment #10-A07. Grant funds provided by the Florida Division of Emergency Management.

GRANT 2009-062

(3) *RECOMMENDED ACTION:* a) Approve Scope of Work Acceptance for the FY09/10 Hazard Analysis Update grant; and b) Approve Budget amendment #10-A05 in the amount of \$2,716 to allocate the grant funds in the Emergency Management operating budget. *BUDGETED ACTION:* Approval of Budget Amendment #10-A05. 100% Funding is provided by the Florida Division of Emergency Management grant. No County match is required.

GRANT 2009-063

R. Public Works - No Items

S. Tourism Development - No Items

T. Utilities

(1) *RECOMMENDED ACTION:* Approve the Chair's execution of the Cooperative Funding Agreement between the Southwest Florida

Water Management District and Charlotte County to continue the Toilet Rebate Program in FY 2009-2010. This project consists of providing financial incentives to residential customers for replacing conventional toilets with high efficiency toilets, and also includes low flow showerhead and faucet aerators. BUDGETED ACTION: None. These funds were budgeted in project C360802 - Toilet Replacement. Funding for this expenditure is 50% Grants (\$57,010) and 50% Operations and Maintenance Fees (\$57,010).

AGREEMENT 2009-047

(2) RECOMMENDED ACTION: Approve Chair's execution of the Cooperative Funding Agreement Between the Southwest Florida Water Management District and Charlotte County, to continue with construction of Phase 2 of the reclaimed water transmission pipeline (from Riverwood across the Myakka River to West Port and Rotonda Water Reclamation Facilities) and appurtenances. BUDGETED ACTION: None. These funds were budgeted in project C351001- Reclaimed Water Expansion Phase 2. Funding for this expenditure is 50% Grants (\$1.4 Million) and 50% Wastewater Connection Fees (\$1.4 Million).

AGREEMENT 2009-048

U. Other Agencies - No Items

V. REGULAR AGENDA

Z. Regular Agenda

RECESS 10:55-11:03

(1) Commission Office - Discussion of Open Container Ordinance and other related issues. Sheriff Cameron, citizens and business owners will also discuss issues with the Board.

Commissioner Duffy commented on making positive changes in the community and specific problem areas.

Bill Byrd discussed his concerns and requested help from the Board in solving the problem.

Eric Benson, Friendly Floors, expressed safety concerns for female employees.

Commissioner Duffy commented briefly regarding experience she had with a vagrant.

Sheriff Cameron requested support for his law enforcement officers in enforcing the open container issue and described the severity of the issue.

Commissioner Duffy questioned the Sheriff as to what his needs are. Sheriff Cameron responded in detail.

Commissioner Loftus asked Attorney Knowlton about enforcement issues. Attorney Knowlton responded, read legalities of Sarasota's ordinance into the record and mentioned a no camping ordinance. Sheriff Cameron stated that he was not referring to Sarasota's ordinance. **Commissioner Loftus** commented on the issue and spoke in support of adopting Sarasota County's Ordinance.

There was board discussion on the item.

Sheriff Cameron responded to questions from **Commissioner Skidmore** regarding reasons to stop and detain a person.

COMMISSIONER SKIDMORE MOVED TO DIRECT ATTORNEY KNOWLTON AND HER STAFF TO CRAFT AN OPEN CONTAINER ORDINANCE THAT ALLOWS FOR PERMITTED USES IN CHARLOTTE COUNTY; ALSO DRAFT A CAMPING ORDINANCE AND AGGRESSIVE PANHANDLING ORDINANCE, SECONDED BY CHAIRMAN DUFFY.

Attorney Knowlton added that the parks ordinance already provides for no sleeping in the park.

COMMISSIONER SKIDMORE AMENDED HIS MOTION TO HAVE CAMPING WHERE IT IS ALREADY PERMISSIBLE IN CHARLOTTE COUNTY AT THE CECIL WEBB AND TO ALLOW FOR PROVISIONS FOR PERMANENT CAMPING, SECONDED BY COMMISSIONER DUFFY.

Commissioner Duffy mentioned providing funding for the state attorney's office. Attorney Knowlton explained not having an agreement in place for the state attorney's office. Sheriff Cameron explained the process when there is a new ordinance in place.

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

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

(1) Budget - Consider approving an Ordinance to provide an additional Homestead Exemption for persons 65 and older.

Joan Fischer spoke in opposition to the ordinance.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO ADOPT AN ADDITIONAL HOMESTEAD EXEMPTION TO THOSE PERSONS 65 YEARS AND OLDER IN THE STATE OF FLORIDA WITH A HOUSEHOLD INCOME OF \$25,873 OR LESS, BEGINNING WITH A \$5,000 EXEMPTION, SECONDED BY CHAIRMAN DUFFY.

Commissioner Skidmore commented on an article he furnished to the Commission. There was Board discussion on the item. There was no call on the first motion as **Chairman Starr** acknowledged the motion needed to be restated because it was not in the proper form.

COMMISSIONER SKIDMORE MOVED TO APPROVE AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AUTHORIZING AND APPROVING AN ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS SIXTY-FIVE (65) AND OLDER PURSUANT TO SECTION 196.075, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

Ray Sandrock fielded questions from **Commissioner Cummings** regarding an email he sent to the Commissioners on the issue.

VII. PRESENTATION AGENDA - No Items

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items

(2) Commission Office - Consider the acquisition of property in West County.

Commissioner Skidmore presented the item, discussed proposed revenue opportunities, and paralleled slides.

There was Board discussion on the item. (**Board Consensus** to move forward with additional information without a workshop.)

(3) Commission Office - Discussion and direction regarding Recovery Zone Bond Application Package.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM Z-3, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

X. CITIZEN INPUT - ANY SUBJECT

Barb Griglack spoke in regard to code enforcement issues in neighborhood.

AA. County Administrator:

Mr. Baltz referenced a memo regarding ad valorem tax exemptions and economic incentives, and asked for Board direction. **Commissioner Loftus** expressed the need for incentives for economic development. **Board consensus** on looking for more incentives (**Commissioner Cummings** opposed).

Mr. Baltz mentioned pool cleaning requirements and looked for direction. **Commissioner Skidmore** opined the requirements need to be revisited and requested having discussion with both sides. **Commissioner Loftus** proposed having a workshop on the issue. (**Board consensus** to get more information.) **Commissioner Skidmore** proposed putting it on the regular agenda. Mr. Baltz mentioned having Government Day at the mall.

Mr. Baltz requested any items the Board would like to put on joint meeting Agenda with City of Punta Gorda on December 11, read requested agenda items by City of Punta Gorda into record, and mentioned adding Gateway Babcock to the Agenda.

BB. County Attorney:

Attorney Knowlton mentioned two franchise agreements with Comcast Cable expiring in 2012, and added that if Verizon wants to come in they can.

CC. Commissioner Comments:

Commissioner Skidmore commented on fence easements, and asked for Board direction to change the policy and add it to the agenda. **Commissioner Loftus** stated he would like to improve the process, mentioned attending meeting in Washington DC regarding energy stimulus funding, meeting with Senators Nelson and Lamou from Florida regarding job stimulus and methane conversion.

Commissioner Duffy mentioned attending renewable energy workshop, upcoming meeting with legislator regarding renewable energy, meeting with representative in Cape Coral, and doing a county renewable portfolio standard. **Commissioner Loftus** responded in detail to **Commissioner Duffy's** suggestion. **Commissioner Skidmore** provided additional information related to renewable energy, mentioned Mr. Stolfus as a resource for federal grants. **Commissioner Duffy** commented on carbon credits, renewable portfolio standards, and inquired about energy resolution passed during meeting. **Chairman Starr** responded that it be sent to Public Services Commission. **Commissioner Skidmore** commented on the subject.

Commissioner Cummings commented on pipeline project as an agenda item with Punta Gorda. Mr. Baltz mentioned a meeting with City Manager of Punta Gorda in regard to interest in a pipeline. **Chairman Starr** expressed concern on impact fees and amounts charged. **Commissioner Skidmore** responded to **Chairman Starr's** concerns and mentioned incorrect reporting from the SUN.

Chairman Starr commented on increased fees for license plates by the Legislature, spoke with Tax Collector's office, and encouraged the Board to contact legislators to fix it.

RECESS: 1:08 PM - 2:00 P.M.

BOARD OF COUNTY COMMISSIONERS - EXECUTIVE SESSION

November 24, 2009

An Executive Session was held this date at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following were in attendance: Chairman Starr, Commissioner Duffy, Commissioner Loftus, and Commissioner Skidmore. Also in attendance were County Attorney Janette S. Knowlton, and Deputy

Clerk Lansing. The Executive Session was called to order at **2:00 PM**.

Attorney Knowlton announced the opening of the public portion of the Executive Session, advised the attorney/client portion of the Executive Session would be held in the County Attorney's Conference Room, noted The Executive Session is pursuant to Section 286.011(8) Florida Statutes and the purpose is to discuss settlement negotiations and/or strategy related to litigation expenditures in the adversary federal lawsuit captioned **Lamar Advertising of Fort Myers v. Charlotte County; Federal Court Case No. 04-2052-CA**. The following will be in attendance: Chairman Starr, Commissioner Cummings, Commissioner Loftus, Commissioner Skidmore, Commissioner Duffy, herself, Assistant County Attorney Rooney, and County Administrator Baltz.

RECESS: 2:03 PM - 2:45 PM

The Executive Session was reconvened and closed in Room 119 with Chairman Starr, Commissioner Cummings, Commissioner Skidmore, Commissioner Loftus, County Attorney Knowlton, Assistant County Attorney Rooney, and Deputy Clerk Lansing present.

ADJOURNED: 2:50 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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