

BOARD OF COUNTY COMMISSIONERS

December 8, 2009

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

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

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

Invocation was given by Reverend Tim Goff, Port Charlotte Seventh Day Adventist Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Requested by: Administration: Presentation: Mr. Ron Muschong of the Center for Independent Living will present a plaque to the Risk Management Department.

Addition #2: Requested by: Commission Office: Z-6: Discussion and possible direction to staff to provide notice of intent to terminate the Emergency Debris Removal Contract #09-115 previously approved by the Board on May 12, 2009 and awarded to DRC Incorporated, TFR Enterprises and Omni Pinnacle LLC and issue a new RFP for such services.

Addition #3: Requested by: Commission Office: Proclamation: Salvation Army Rings the Bell for Charity through December 24, 2009.

Change #1: Requested by: Public Works: 10:00 A.M. Board Workshop: Slides #5 and #15 replacements.

Change #2: Requested by: Purchasing: F-7: Remove Asset # 10351, Microscope, Growth Management, from the equipment deletion listing. The item was located.

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Robert Skidmore

Cynthia B. Hassall, Arts and Humanities Council Artist of the Month Proclamation, for the month of December 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE CYNTHIA B. HASSALL AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH, DECEMBER 2009, PROCLAMATION, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The Proclamation was accepted by Cynthia Hassall.

El Jobean Community Christmas Parade and Festivities Day Proclamation, December 12, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE EL JOBEAN COMMUNITY CHRISTMAS PARADE AND FESTIVITIES DAY, DECEMBER 12, 2009, PROCLAMATION, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The Proclamation was accepted by two unidentified citizens.

For the Love of Kids Day Proclamation, December 17, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE FOR THE LOVE OF KIDS DAY, DECEMBER 17, 2009, PROCLAMATION, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 5:0.

The Proclamation was accepted by Randy Spence.

Salvation Army Rings the Bell for Charity Proclamation, through December 24, 2009.

COMMISSIONER LOFTUS MOVED TO APPROVE SALVATION ARMY RINGS THE BELL FOR CHARITY, THROUGH DECEMBER 24, 2009, PROCLAMATION, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

No one was present to accept the Proclamation.

Mr. Baltz read Change #2 of the Agenda into the record.

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGE #2 TO THE AGENDA, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

Employee Recognition - Commissioner Robert Skidmore & County Administrator Roger Baltz

Five Years: Ellen Marie Betz, Human Services; William St. Onge, II, Utilities; Ceres Staniszewski, Attorney's Office; **Ten Years:** Raymond Sandrock, Jr., Administration; **Fifteen Years:** John Berlen, I.I.; **Twenty Years:** Luis Rodriguez, Human Services; **Twenty-Five Years:** Joan Hawkins, Parks & Recreation; Edward Marinelli, Building Construction Services.

Presentations - Requested by: Administration: Mr. Ron Muschong of the Center for Independent Living will present a plaque to the Risk Management Department.

Ron Muschong and Grover Mudd presented a plaque to Bob Prior, Walt Black, and Sean Horton of Risk Management in appreciation of the Americans with Disabilities Act. Sean Horton's plaque was accepted by Mr. Baltz.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Sharon Thomas and Pete McLewin spoke in opposition to Agenda Item Q-1.

Gerald Terpstra spoke in opposition to regulations regarding the employment of people working as pool cleaners.

Elizabeth Budrow spoke in favor of Public Hearing Agenda Item 3.

II. COMMITTEE VACANCIES

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

One member to serve as the Residential Home Building Representative, One Member to serve as the Building Industry Representative, one member to serve for the non-for-profit provider, and one person to serve as a Real Estate Professional,

for the Affordable Housing Advisory Committee. (added on the record by the Chairman)

Construction Industry Licensing Board is seeking one volunteer to represent licensed general contractor category. Must be a resident of Charlotte County for two years and hold a valid license. Length of term is four years.

Deep Creek Street & Drainage Unit Advisory Committee is seeking one volunteer to be the alternate. Must be residents of the unit. Term effective immediately.

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

Environmentally Sensitive Lands Oversight Committee is seeking volunteers to represent the following categories: one with environmental expertise, two for business/land development and one for community representative. Length of term is 3 years.

The Health Planning Council of Southwest Florida, Inc. is seeking one volunteer to represent Charlotte County. Must be a health care consumer (not a doctor or insurance representative) to serve a two year term. Effective January 2010.

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.

Little Gasparilla Island Committee is seeking one volunteer to serve as the Member-at-Large. This term is effective immediately and shall expire January 2012.

Mid-Charlotte Storm Water Utility is seeking one volunteer to serve as the Suncoast Boulevard Street & Drainage Unit representative and one volunteer to serve as the alternate member, who shall be a resident of the Greater Port Charlotte Street & Drainage Unit. All members shall be residents of their respective MSBUs and the Mid-Charlotte Storm Water Utility 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 Unit Advisory Committee is seeking three members to serve on the committee; two regular members and one alternate to serve. Terms are for three years.

South Bridge Waterway Municipal Service Benefit Unit is seeking two volunteers; one regular member and one alternate member. Must own property and live within the unit. Terms are effective immediately.

Suncoast Waterway Maintenance Municipal Service Benefit Unit is seeking two volunteers; one to serve a two year term as the alternate and the other to serve as a regular member. Must own property and live within the unit. Terms are effective immediately.

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

III. REPORTS RECEIVED AND FILED

Health Advisory Board Community Resources Report

IV. CONSENT AGENDA

Commissioner Cummings commented on L-1 requesting that someone explain how the Board will ensure that the TDU occurs.

COMMISSIONER SKIDMORE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT ITEMS F-8, L-1, F-2, F-1, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) **RECOMMENDED ACTION:** Approve Clerk's Finance Memoranda.
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 November 17, 2009 through November 30, 2009 in the amount of \$14,283,047.81.

B. Minutes Division

(1) **RECOMMENDED ACTION:** Approve Minutes for:

July 10, 2009, 10:00 a.m. Tentative Budget Presentation

July 14, 2009, 9:00 a.m. Regular Board of County Commissioners Meeting

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) **RECOMMENDED ACTION:** Approve the appointment of Mr. Fred G. Brown as a regular member on the Northwest Port Charlotte Street and Drainage Advisory Committee. Mr. Brown has been serving as the alternate member and would like to be appointed to fill the newly vacant regular member position. This vacancy has been advertised and the term will expire in December 2013. **BUDGETED ACTION:** None

(2) **RECOMMENDED ACTION:** Re-appoint Thomas Brock to the Beaches and Shores Advisory Committee representing District #3. Term shall expire December 2012. **BUDGETED ACTION:** None

(3) **RECOMMENDED ACTION:** Appoint Jon D. Lackie to the Deep Creek Non-Urban Street & Drainage Unit Advisory Committee to finish an un-expired term. This term shall expire Jan. 2012. **BUDGETED ACTION:** None

(4) **RECOMMENDED ACTION:** Approve the re-appointments of Ms. Audrey Shinske and Ms. Carolyn Spradin to the Grove City Street

& Drainage Advisory Committee for three year terms. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Re-appoint the following members to the Charlotte County Marine Advisory Committee: Gerald Meckenberg to represent the U.S.C.G.A. Flotilla 87 Englewood Douglas Donovan to represent the U.S.C.G.A. Flotilla 98 Port Charlotte Fred Mesler to represent the Charlotte Harbor Yacht Club Len Harris to represent the Burnt Store Isles Boat Club. All are three year terms that shall expire December 2012. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Appoint Steve Vieira, as the Harbour Heights Street & Drainage Unit representative and Benjamin Petrone, as the Northwest Port Charlotte Street & Drainage Unit representative, to the Mid Charlotte Stormwater Utility Unit Advisory Committee. This is a new committee; terms will be determined at the first meeting. BUDGETED ACTION: None

D. Administration - No items

E. County Attorney

(1) RECOMMENDED ACTION: Re-set a public hearing from December 8, 2009 to January 12, 2010 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

(2) RECOMMENDED ACTION: Approve a contract to secure the services of a hearing officer related to the fees and charges of the sanitation franchisee, Waste Management. This review and subsequent public hearing are required under county code. BUDGETED ACTION: None

Agreement 2009-050

(3) RECOMMENDED ACTION: Authorize commencement of legal action against Hoot Gibson Construction, Inc., Bruce Woith, and John R. Boyer to recover the costs associated with repairing damages to the Ingraham Bridge caused by Hoot Gibson Construction Company, its employee, Bruce Woith, and the owner of the borrowed vessel used to tow Hoot Gibson's barge, John R. Boyer. BUDGETED ACTION: None

F. Budget and Administrative Services

(1) **RECOMMENDED ACTION:** Set a Board Workshop on Thursday, January 7, 2010 at 2:00 p.m. to review last year's process and discuss past and recommended process for the upcoming budget cycle. **BUDGETED ACTION:** None

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

MOTION CARRIED 5:0.

(2) **RECOMMENDED ACTION:** Provide letter of support for Lee County's application for an Energy Efficiency Conservation Block Grant (EECBG) from the United States Department of Energy. **BUDGETED ACTION:** None

Chairman Starr spoke in opposition to Lee County's action with Babcock Ranch relating to project delays and stated that he would not support the action. **Commissioner Loftus** commented on the need to work on regional basis and added that he will support the action.

COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM F-2, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner Skidmore commented that he was in favor of moving forward with the letter of support and encouraged cooperation with Lee County. **Commissioner Duffy** agreed with **Commissioner Skidmore's** comments and added comments in regard to the large expense, delays in permitting, and that Staff is adamant against the project.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

Fiscal Services - No items

Information Technology - No items

Purchasing

(3) **RECOMMENDED ACTION:** a) Approve Award of Bid #09-312, Annual Contract for Vehicles, with a percentage discount off of the Ford Factory Invoice of 2.38%, and a percentage mark-up on dealer installed options of 0.00% to Don Gasgarth's Charlotte County Ford of Port Charlotte, FL. 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. BUDGETED ACTION: None - Vehicles will be purchased on an as needed basis and charged to the appropriate department.

(4) RECOMMENDED ACTION: a) Approve award of Bid #10-002, Electrical Contractor - Annual to the lowest, responsive, responsible bidder, Solo, Electric, Inc. of Port Charlotte, FL at the unit prices submitted for a 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 secure the services of a licensed Electrical Contractor to provide services in accordance with industry standards and Federal, State and Local rules, regulations and guidelines on an "as required basis". BUDGETED ACTION: Budgeted in various accounts.

(5) RECOMMENDED ACTION: a) Approve award of Bid #10-009, HVAC Contractor - Annual to the lowest responsive, responsible bidder, Page Mechanical Group, Inc. of Fort Myers, FL at the unit prices submitted for a 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 secure the services of a licensed HVAC Contractor to provide installation, repair and/or maintenance services in accordance with industry standards and Federal, State and Local rules, regulations and guidelines on an "as required basis". BUDGETED ACTION: Budgeted in various accounts.

(6) RECOMMENDED ACTION: Approve award of Bid #09-361 - Manasota Key Drainage Improvements to B J Enterprises, Inc. of North Fort Myers, FL, in the amount of \$980,021.60. BUDGETED ACTION: None. Is budgeted in the Manasota Key Streets and Drainage MSTU.

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

Real Estate Services

(8) RECOMMENDED ACTION: Accept the donation of 1 lot as described on the attached sheet (see Exhibit "A") entitled Lot Donation to Charlotte County. BUDGETED ACTION: None

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM F-8. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM F-8, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 4:1. COMMISSIONER SKIDMORE OPPOSING.

G. Building & Construction Services - No items

H. Economic Development - No items

J. Environmental Services - No items

K. Facilities Construction and Maintenance

(1) RECOMMENDED ACTION: Approve Facilities Project Management recommendation for application to the America Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant (EECBG) competitive grant for Energy Efficiency Improvements to the County Jail. BUDGETED ACTION: None - The grant application is estimated at \$5 million. No match is required.

Grant 2009-064

L. Growth Management

(1) RECOMMENDED ACTION: Set a public hearing on January 12, 2010, at 10:00 a.m., or as soon thereafter as it may be heard, to hear a Variance from the TDU Ordinance. BUDGETED ACTION: None

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM L-1. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM L-1, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Skidmore spoke in opposition to the item expressing concern that it is too early to set a public hearing for a TDU. Commissioner Cummings asked for clarification from the County Attorney regarding a requirement in the TDU Ordinance. Attorney Knowlton responded that the TDU has to be decided before the

rezoning. Jeff Ruggieri clarified **Commissioner Cummings'** question related to the request to have a public hearing. **Commissioner Duffy** asked if the request should go before Planning & Zoning before it comes to the Board. Mr. Ruggieri responded affirmatively.

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

M. Human Resources - No Items

N. Human Services

(1) **RECOMMENDED ACTION:** For membership on the Community Action Agency Advisory Board: a) Reappoint or appoint three Elected Officials or Representatives: Phil Wickstrom; Frank Desguin; and Alleen Miller b) Reappoint or appoint four members from the Business/Private Sector: Mary (Dee) Rutko; Kim Gaut; Rhoadie Ladd; and Ruth Adams. **BUDGETED ACTION:** None

(2) **RECOMMENDED ACTION:** a) Approve the Family Services Center Affiliate program contract and fee schedule, and b) Authorize the County Administrator or his designee to sign all contracts, renewals and amendments of the FSC Affiliate program. c) Approve Budget Amendment #10-A08 in the amount of \$4,285. The purpose of this program is to allow small and regionally-based non-profit organizations to create "virtual" offices with the Family Services Center and to allow tenant agencies and affiliates to utilize back office services that will reduce their operating overhead, while creating additional revenues for the Family Services Center. **BUDGETED ACTION:** Approve Budget Amendment # 10-A08 in the amount of \$4,285 to add the additional revenue and expenses related to the Family Services Center Affiliate program.

(3) **RECOMMENDED ACTION:** Set a public hearing for Tuesday, January 12, 2010, at 10:00 a.m., to consider repealing Ordinance 93-25 creating the 19 member Charlotte County Indigent Health Care Advisory Board. **BUDGETED ACTION:** None

(4) **RECOMMENDED ACTION:** Approve the annual Section 5310 Grant and Resolution for FY 2010/11, and authorize the Chair to sign all necessary documents. **BUDGETED ACTION:** Grant will be reflected in the FY 2010/11 budget for Transit Division.

Resolution 2009-278 and Grant 2009-065

(5) *RECOMMENDED ACTION*: Approve and authorize Chair of the Board of County Commissioners to sign the annual Section 5311 Grant Application and Resolution for FY 2010/11 funding. *BUDGETED ACTION*: Grant will be reflected in the FY 2010/11 budget for Transit Division.

Resolution 2009-279 and Grant 2009-066

(6) *RECOMMENDED ACTION*: Approve the annual Section 5316 Grant and Resolution for FY 2010/11 funding, and authorize the Chair of the Board of County Commissioners to sign all necessary documents. *BUDGETED ACTION*: Grant will be reflected in FY 2010/11 budget for Transit Division.

Resolution 2009-280 and Grant 2009-067

(7) *RECOMMENDED ACTION*: Approve the annual Section 5317 Grant and Resolution for FY2010/11 funding, and authorize the Chair of the Board of the Board of County Commissioners to sign all necessary documents. *BUDGETED ACTION*: Grant will be reflected in the FY 2010/11 budget for Transit Division.

Resolution 2009-281 and Grant 2009-068

P. Parks, Recreation and Cultural Resources - No items

Q. Public Safety

(1) *RECOMMENDED ACTION*: Set a public hearing for January 12, 2010 at 10:00 a.m., or as soon thereafter as may be heard, to revise County Code Section 1-4-32 (f) by reducing the required impoundment period for which cats are held from 5 days to 3 days. *BUDGETED ACTION*: None

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) Commission Office - Commission Committee Assignments

After Board discussion, the following 2009 Commissioners' committee assignments were filed as follows:

Chairman Starr:

Monthly: PR/MRWSA (ALT.), Environmentally Sensitive Lands Oversight Comm., Metropolitan Planning Org. (MPO), Recreation & Parks Advisory Board, Arts & Humanities Council, Beaches & Shores Advisory Council, Marine Advisory Committee
As Needed: Finance Committee

Commissioner Cummings:

Monthly: Community Area Advisory Board, Metropolitan Planning Org. (MPO) (ALT.), National Estuary Program (NEP)
As Needed: Finance Committee (ALT.)

Commissioner Skidmore:

Monthly: SWFRPC (Regional Planning), Murdock Village Comm. Redevelopment Agency Advisory Comm., Public Safety Coord. Council, Tourist Development Council, W. Coast Inland Nav. (WCIND)
As Needed: Value Adjustment Board (VAB)

Commissioner Duffy:

Monthly: SWFRPC (Regional Planning), Children's Services Council, Metropolitan Planning Org. (MPO), Affordable Housing
Bi-Monthly: SWFL Juvenile Justice Council
As Needed: Value Adjustment Board (ALT.), Veterans Appreciation Council

Commissioner Loftus:

Monthly: PR/MRWSA (Water Supply Auth.), SWFRPC (Regional Planning) (ALT.), CHEC (Charlotte Harbor Env. Ctr.), Metropolitan Planning Org. (MPO), Charlotte Harbor CRAAC, ANRAC (Agricultural/Natural Res.)
Quarterly: Peace River Basin Management Adv.
As Needed: Finance Committee, Value Adjustment Board (VAB), SW FL Water Mgmt. Dist., Peace River Water Alliance, Building Industry Oversight Committee

There was brief Board discussion regarding the need for a legislative committee for the Veterans Appreciation Council.

RECESS 10:20 A.M. - 10:30 A.M.

VIII. PUBLIC WORKSHOP AGENDA - 10:00 A.M.

Conduct a Public Workshop to discuss the current regulations surrounding the Swimming Pool Cleaner certificate of competency and give direction on any recommended changes.

Jim Evetts gave a presentation on regulations and requirements surrounding the Swimming Pool Cleaner certificate of competency based on fact sheets and supplied a handout to the Board. Mr. Evetts and Erin Mullen-Travis fielded questions from the Board regarding licensing requirements, examinations, study materials, costs, indicated the different testing locations, and clarified Charlotte County requirements versus statewide. Mr. Evetts gave a summary of the information that is available online.

Mr. Evetts responded to **Chairman Starr's** questions regarding the amount of knowledge required, liability and workmen's comp. insurance, proof of insurance, summarized the subject matter that exams encompass and why. There was discussion regarding the definition of cleaning pools versus what information is on exams, state and county testing regulations, and C Licenses.

Mary Wright, Dean Latch, Deb Soline, and Terry Adams spoke in opposition to licensure.

Nick Soline spoke in opposition of licensure and showed a copy of the Certified Operator License to the Board.

Patricia Baldwin spoke in support of licensure that pertains to the work that is performed.

Christina Brown spoke in support of licensure that pertains to the work performed, handed out samples of tests, and showed various Code books to the Board.

Phoebe Menzer, Ralph Bellon, Colin McTigue, Phyllis Walker, Rocco DeBenedetto, and two unidentified citizens spoke in support of licensure.

Fred Terhune spoke in regard to commercial vehicle and liability insurance and gave copies of policies to Board.

An unidentified citizen spoke in support of licensure and gave handouts to the Board related to CDC.

Mitch Brooks spoke in regard to contracting and assisting people in obtaining pool cleaning licenses.

Attorney Knowlton responded to a question from the public regarding Title 30 and made the correction that it is actually Title 32, Chapter 489 and summarized its contents. Ms. Mullin-Travis and Mr. Evetts responded to board questions regarding licensure requirements for pool contractor companies and their employees, the number of pools in Charlotte County, the number of pool cages destroyed during Hurricane Charlie, the number of unlicensed pool cleaners, 3 year licensing, license requirements for commercial pools, and statewide regulations versus local regulations.

Commissioner Loftus suggested that the Board examine Sarasota County's certification and licensure regulations for pool cleaning. Mr. Evetts responded in detail. **Commissioner Cummings** agreed with **Commissioner Loftus** and commented on the need for liability for insurance and testing procedures.

Attorney Knowlton clarified that Board direction is to direct Staff to investigate alternative means of testing and to bring back the information for discussion. (**Board Consensus**)

RECESS 12:30 P.M. - 12:40 P.M.

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

(1) Parks, Recreation and Cultural Resources - Conduct a public hearing to consider: a) Approval of an amendment to Ordinance Number 2004-004 governing parking at County beaches and boat ramp parks; providing for the charging of fees for parking; providing for exceptions, enforcement and penalties; and b) Approval of fees for annual and seasonal parking passes.

(In accordance with Consent Agenda Item E-1, public hearing was re-set from December 8, 2009 to January 12, 2010 at 10:00 a.m., or as soon as may be heard thereafter.)

(2) Public Works - Conduct a public hearing as required by F.S. 163.3225(1) to hear amendments to the Victoria Estates Development of Regional Impact (DRI) Developer's Agreement.

Dan Quick gave a presentation based on packet material and explained the purpose of the amendment.

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

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE AMENDMENT #1 TO AGREEMENT 2008-010, SECONDED BY COMMISSIONER DUFFY.

Geri Waksler, counsel for the applicant, advised the Board to hold off on making a resolution until after the second public hearing. **Commissioner Loftus** withdrew the motion and **Commissioner Duffy** withdrew her second.

(3) Budget - Conduct a public hearing 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.

Dan Gallagher gave presentation regarding packet material.

Kendall Leach spoke in support of the South Gulf Cove MSBU.

Michael Anderson spoke in opposition to the Little Gasparilla Island Fire Services MSBU.

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

MOTION CARRIED 5:0.

Commissioner Loftus clarified whether there needs to be a second reading. Mr. Gallagher responded that one was not needed.

COMMISSIONER LOFTUS MOVED TO APPROVE RESOLUTION 2009-282, SECONDED BY COMMISSIONER CUMMINGS.

Dan Gallagher fielded several questions from the Board regarding the Little Gasparilla Fire Services MSBU pertaining to the 501(c)(3) corporation, non-ad valorem assessments, and other funding possibilities.

MOTION CARRIED 5:0.

VII. PRESENTATION AGENDA - No items

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

Conduct a Board Workshop to provide input on preliminary design features for the Edgewater widening project.

Dave Hammer and another representative from Southwest Engineering & Design, made presentation to present findings and request Board input regarding Edgewater Design, Ph.II project, paralleling with slides per packet material. Rick Doll spoke briefly regarding solar and LED lighting. Mr. Baltz inquired regarding access for boaters during bridge construction. The Board made the following recommendations:

Bike & Pedestrian Alternatives: Alternative 2 (5/0)

Bridge Railing Alternatives: Alternative 1 (5/0)

Bridge Elevation Alternatives: Alternative 1 (5/0)

Intersection Control Alternatives (Midway Blvd.): Alternative 2 (4/1, **Skidmore**)

Intersection Control Alternatives (Lakeview Blvd.): Alternative 2 (4/1, **Skidmore**)

Intersection Control Alternatives (West Tarpon Blvd.): Alternative 2 (5/0)

Intersection Control Alternatives (Port Charlotte Blvd.): Alternative 2 (5/0)

Lighting Fixture Alternatives: Alternative 1 (3/2, **Skidmore, Starr**)

Miscellaneous Items: **Board Consensus** to shut down the bridges in order to replace them within a shorter time of construction.

Reuse/Irrigation Main Installation: **Board Consensus in favor**

Todd Rebol made a utilities presentation regarding reuse/irrigation water main, paralleled slides per packet material, and gave benefits of putting in a reuse main. Mr. Rebol fielded questions from the Board regarding type of water main, costs, the white line, the acquisition of grant money, the location of the water main and the presence of vegetation. Bruce Pohler was also present to answer board questions.

(2) Commission Office - Choose by ballot, one person to represent Deep Creek Street and Drainage MSBU on the Mid-Charlotte Storm water Utility Unit. The Mid-Charlotte Storm water Utility Unit is a new committee; terms will be determined at the first meeting.

COMMISSIONER CUMMINGS MOVED TO APPOINT MR. GEORGE KEARNS TO REPRESENT DEEP CREEK STREET AND DRAINAGE MSBU ON THE MID-

CHARLOTTE STORMWATER UTILITY UNIT, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

(3) Commission Office - Choose by ballot, two people from the Greater Port Charlotte Street and Drainage Unit, one person to serve as the representative and one person to serve as the alternate on the Mid-Charlotte Storm water Utility Advisory Committee. All terms shall be determined at the first meeting.

COMMISSIONER SKIDMORE MOVED TO APPOINT BOB LOGAN TO SERVE AS THE REPRESENTATIVE ON THE MID-CHARLOTTE STORMWATER UTILITY ADVISORY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPOINT DOUGLAS TUCKER TO SERVE AS THE ALTERNATE ON THE MID-CHARLOTTE STORMWATER UTILITY ADVISORY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

(4) Purchasing - Discussion and direction on Amendment 18 to Contract #99-169, Combined Parks & Recreation Projects, Group 1 Parks, with Johnson Engineering, Inc. of Port 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.

Kelly Shoemaker presented the Board with three (3) options for this project: to approve the amendment today, put the project on hold until December 31, 2010, or take the sales tax dollars and use it for a different project. **Commissioner Cummings** opined to approve the project today. **Commissioner Loftus** asked Ms. Shoemaker for clarification regarding the 2002 sales tax.

COMMISSIONER LOFTUS MOVED TO APPROVE AMENDMENT #18 TO BID 99-169, SECONDED BY COMMISSIONER CUMMINGS.

There was Board discussion on whether to move forward with the project.

Ms. Shoemaker responded to questions from **Commissioner Duffy** regarding reduction in price. There was further board discussion.

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

(5) Administration - Discussion and direction of proposed federal legislative agenda.

Kelly Shoemaker gave a PowerPoint presentation highlighting the recommended continuing projects for FY2011 per packet material and responded to board questions regarding the Family Services Center. Ms. Shoemaker commented on the TIGER Grant for the transfer facility and rail improvement and responded to Board questions regarding Piper Road and the Logistics Center. Ms. Shoemaker continued with the presentation commenting on Piper Road and Tom Adams Bridge. There was **Board Consensus** to make Piper Road a priority.

Ms. Shoemaker asked for Board direction regarding meeting with the EPA while in Washington to do further research on the sewer expansion issue, and to include it on the list for possible funding appropriations. (**Board consensus**)

Ms. Shoemaker then asked for Board direction regarding meeting with the USDA and Fish & Wildlife while in Washington on invasive species eradication funding and to include it on the list. (**Board Consensus**)

Ms. Shoemaker discussed the following policy priorities: Online Travel Tax, Chinese Drywall, 3 Percent Tax Withholding, Florida as Transportation Donor State, 211 Call Center Operations, Renewable portfolio standards, and Monitor of FEMA outstanding reimbursements.

Commissioner Cummings commented in regard to Florida as Transportation Donor State and suggested talking to Mark Gumula. There was further board discussion regarding this subject.

Commissioner Duffy mentioned the health care reform initiative and expressed her concerns.

(6) Commission Office - Discussion and possible direction to staff to provide notice of intent to terminate the Emergency Debris Removal Contract #09-115 previously approved by the Board on May 12, 2009 and awarded to DRC Incorporated, TFR Enterprises and Omni Pinnacle LLC and issue a new RFP for such services.

COMMISSIONER SKIDMORE MOVED TO GIVE OUR 120 DAY REQUIRED CONTRACTUAL TERMINATION AND PUT THE CONTRACT BACK OUT FOR BID, SECONDED BY COMMISSIONER LOFTUS.

There was Board discussion in regard to concerns with the contractor.

COMMISSIONER SKIDMORE MOVED TO CALL THE QUESTION, NO SECOND REQUIRED.

MOTION CARRIED 5:0.

MOTION CARRIED 3:2. CHAIRMAN STARR, COMMISSIONER CUMMINGS OPPOSING.

X. CITIZEN INPUT - ANY SUBJECT

Larry Smith spoke in regard to the Edgewater widening project and voiced concerns about bridge elevation.

AA. County Administrator:

Mr. Baltz mentioned the water pipeline project denial and the citizen process and stated that the meetings are occurring.

BB. County Attorney: NONE

CC. Commissioner Comments:

Commissioner Loftus handed out copies of a Collier County ordinance pertaining to a property tax stimulus program and suggested discussion on it at a later time. Mr. Baltz suggested early spring for this discussion and said that he would add it to the file. **Commissioner Duffy** handed out copies of a Hendry County ordinance on the same subject and suggested taking action on it in January or February as opposed to early Spring and discussed asking the state legislature to pass legislation authorizing communities to recover costs incurred in prosecuting a violation for code enforcement, requested a change to legislature to allow super-priority status for code compliance liens, and suggested having banks of foreclosed properties register with the City. **Commissioner Duffy** also added that she has no objection to stop for lunch during long meetings. **Commissioner Cummings** commented on economic stimulus related to cutting an outright check, stated that he had contacted the contractor for the landscaping to find out what the benefits

Book 67, Page 1029
December 8, 2009

were, per **Commissioner Skidmore's** request, and commented on the importance of an employee appreciation night at Christmas time.

Adjourned at 3:25 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