

COUNTY OF CHARLOTTE

Board of County Commissioners

18500 Murdock Circle
Port Charlotte, FL 33948
www.CharlotteCountyFL.com



County Commissioners

Tricia Duffy, District 5, Chairman
Richard Loftus, District 4, Vice-Chairman
Bob Starr, District 1
Adam Cummings, District 2
Robert Skidmore, District 3

County Administrator

Roger Baltz

County Attorney

Janette S. Knowlton

Clerk of the Circuit Court

Barbara T. Scott

Regular Meeting
4/14/2009 5:30:00PM

18500 Murdock Circle, Administration Center, Room #119

The Charlotte County Commission meeting room is accessible to the physically disabled. However, if you need assistance or require auxiliary aids and services please contact our office at 941-743-1392. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Desk.

5:30 P.M. Call to Order and Roll Call

Invocation

Commissioner Tricia Duffy


Pledge of Allegiance

Changes to the Agenda: See last page

Special Recognition

- | | | |
|-----------|-------|-----------------------------------|
| | I. | Citizen Input - Agenda Items Only |
| | II. | Committee Vacancies |
| | III. | Reports Received and Filed |
| | IV. | Consent Agenda |
| | V. | Regular Agenda |
| 5:30 P.M. | VI. | Public Hearing |
| | VII. | Presentation |
| | VIII. | Public Workshop |
| 5:30 P.M. | IX. | Board Workshop |
| | X. | Citizen Input - Any Subject |

Proclamations - Commissioner Richard Loftus

 Arts and Humanities Artist of the Month - Brenda Cordis

 Autism Awareness Month

 Library Appreciation Month

Employee Recognition

Award Presentations



I. CITIZEN INPUT - AGENDA ITEMS ONLY

Anyone wishing to address the Board during this portion of the meeting must state one's name for the record and what agenda subject is to be discussed. Discussion is limited to matters identified on this agenda and each citizen will be allowed no more than three minutes to express an opinion.



II. COMMITTEE VACANCIES

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

Ackerman Waterway Unit Advisory Committee is seeking one volunteer as a regular member. Must be a property owner and live within the unit.

Alligator Creek Waterway Advisory Committee is seeking one regular member to serve a three year term. Must own property and live within the unit.

Burnt Store Village Street and Drainage Unit Advisory Board is seeking two regular members; one for a three year term effective immediately. The second to replace a vacated term, term effective immediately and shall expire March 11, 2011. Must own property and live within the unit.

Construction Industry Licensing Board is seeking one volunteer to represent the "electrical contractor" category. Volunteer must be a resident of Charlotte County for at least two years and be a licensed electrical contractor. Term expires March 2012.

Englewood East Street & Drainage Advisory Committee is seeking two regular members to serve three year terms, effective immediately. Must own property and live within the unit.

Environmentally Sensitive Lands Oversight Committee is seeking two volunteers who are residents and electors of the County to represent the "environmental expertise" category. One term is for three years and the other one is until January 10, 2010.

Manasota / Sandpiper Key Advisory Committee is seeking one volunteer who must be a full time resident of the Key to represent the South Manasota Key Association and one volunteer who must be a business owner on the Charlotte County portion of the Key to represent commercial interests on the Key.

MPO Transportation Disadvantaged Local Coordinating Board (LCB) is seeking one Charlotte County resident to serve as a representative of: Elderly Representative. 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: 941-883-3535 Email: office@ccmpo.com

MPO Citizens' Advisory Committee (CAC) is seeking one Charlotte County resident to serve as a representative of: Handicapped Interest Representative. 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: 941-883-3535 Email: office@ccmpo.com

Parks & Recreation Advisory Board is seeking one volunteer. Volunteer must be a resident of Charlotte County and reside within District 4. Length of term is until April, 2011.

Placida Street & Drainage Unit Advisory Committee is seeking one regular member and one alternate to serve a three year term and a two year term respectively, effective immediately. Must own property and live within the unit.

South Burnt Store Street & Drainage Advisory Committee is seeking a volunteer as the alternate. This is a two year term, effective immediately and shall expire in 2011. Must own property and live within the unit.



III. REPORTS RECEIVED AND FILED



Charlotte Harbor CRA Advisory Committee Minutes for March 26, 2009



Murdock Village Community Redevelopment Agency Advisory Committee Minutes for March 13, 2009



IV. CONSENT AGENDA

Clerk of the Circuit Court

A. Finance Division



- (1) **RECOMMENDED ACTION:** Approve Clerk's Finance Memoranda.
BUDGETED ACTION: None

B. Minutes Division



- (1) **RECOMMENDED ACTION:** Approve Minutes for:
- | | | |
|---------|-------------------|-------------------|
| 9:00 AM | January 27, 2009 | BCC Regular |
| 6:00 PM | January 29, 2009 | Town Hall Meeting |
| 6:00 PM | February 4, 2009 | Town Hall Meeting |
| 9:00 AM | February 10, 2009 | BCC Regular |
- BUDGETED ACTION:** None

Board of County Commissioners

C. Commission Office



- (1) **RECOMMENDED ACTION:** Appoint Mr. Thomas Brock as the District III representative to the Beaches and Shores Advisory Committee to complete a vacated term that expires December 31, 2009.
BUDGETED ACTION: None



- (2) **RECOMMENDED ACTION:** Appoint John G. Phillips to the Environmentally Sensitive Lands Oversight Committee representing the "environmental expertise" category. Length of term is 3 years.
BUDGETED ACTION: None



- (3) **RECOMMENDED ACTION:** Approve the appointment of Michael D. Coalwell to the Housing Finance Authority to fill an unexpired term ending November 2012.
BUDGETED ACTION: None



- (4) **RECOMMENDED ACTION:** Re-appoint Carolyn Dupree to represent the Hideaway Bay Beach Club on the Little Gasparilla Island Advisory Committee as recommended by the Board of Directors of Hideaway Bay Beach Club.
BUDGETED ACTION: None

D. Administration

No Items.

E. County Attorney



- (1) **RECOMMENDED ACTION:** Set an Executive Session to be held on Tuesday, April 21, 2009 at 2:00 p.m. or as soon thereafter as possible, pursuant to Section 286.011(8), Florida Statutes, to discuss settlement negotiations and/or strategy related to litigation expenditures in the adversary federal lawsuit captioned Rotonda Project, LLC v. Charlotte County; Federal Court Case No. 9:08-ap-00253-ALP. The subject matter of the meeting shall be confined to the pending litigation.
BUDGETED ACTION: None

F. Budget Office



- (1) **RECOMMENDED ACTION:** Adopt the 2.55% annual price index set by the Public Service Commission for the regulated private water and wastewater utilities.
BUDGETED ACTION: None



- (2) **RECOMMENDED ACTION:** Approval for the Sheriff's Office to apply for the COPS Hiring Recovery Program grant under the President Obama's American Recovery and Reinvestment Act of 2009 in the amount of \$1,900,130 for the 3-year grant period.
BUDGETED ACTION: None

G. Growth Management



- (1) **RECOMMENDED ACTION:** Set a joint City, County, & School Board Workshop for Monday, May 4, 2009, from 2 - 3:30 pm, in the Commission Chamber.
BUDGETED ACTION: None



- (2) **RECOMMENDED ACTION:** Approve a resolution adopting a Certification of Sending Zone, petition #CSZ-09-03-01, for 54 units of density for Roll's Landing Condominium Association, Inc.
BUDGETED ACTION: None



- (3) **RECOMMENDED ACTION:** Approve a resolution transferring twelve units of density to a receiving zone owned by Dugan Porter.
BUDGETED ACTION: None



- (4) **RECOMMENDED ACTION:** Change Smart Charlotte 2050 Workshop date from April 14, 2009 to April 28, 2009, at 2:00 p.m.
BUDGETED ACTION: None

H. Economic Development

No Items.

J. Environmental Services



- (1) **RECOMMENDED ACTION:** Approve an Interlocal Agreement with the Charlotte County Sheriff's Office to provide a law enforcement deputy to prosecute environmental crimes, specifically illegal dumping as part of the Solid Waste Division's Illegal Dumping Task Force Program.
- BUDGETED ACTION:** \$85,000 has been budgeted in Solid Waste FY08/09 - Illegal Dumping Professional Services. Funding for the cost of the actual expenditure will come from Solid Waste Fees.

K. Facilities Construction and Maintenance

No Items.

L. Purchasing



- (1) **RECOMMENDED ACTION:** Approve Phase 2 of File #08-409, Business Plan – WTC Port Charlotte, to World Trade Center Palm Beach of Palm Beach, FL for the not-to-exceed amount of \$80,000, with a revised contract amount of \$90,000.
- BUDGETED ACTION:** Funding for this item is in the Economic Incentive Development Fund. Funding of \$100,000 for this item is in the Economic Incentive Development Fund.

M. Human Resources

No Items.

N. Human Services



- (1) **RECOMMENDED ACTION:** a) Approve the Federal Transit Administration Section 5307 ARRA (Stimulus Package) grant application.
b) Authorize the County Attorney, the Metropolitan Planning Organization Director, and Transit Staff to enter their personal identification numbers to make the required electronic application.
c) Authorize the Chairman to sign all necessary documents.
d) Authorize staff to investigate the development of fixed route service along the Rt. 41 corridor including the required public input as to operating design.
- BUDGETED ACTION:** Capital funding comes through Federal Transit Administration Section 5307 grant (ARRA) and is budgeted in the General Fund Dial-A-Ride cost center budget. No budget action required at this time.



- (2) **RECOMMENDED ACTION:** a) Approve the one time Section 5311 ARRA (Stimulus Package) grant application,
b) Approve the accompanying resolution; and
c) Authorize the Chairman to sign all necessary documents.
- BUDGETED ACTION:** None

P. Information Technology

No Items.

Q. Parks, Recreation and Cultural Resources

No Items.

R. Public Safety



- (1) **RECOMMENDED ACTION:** Approve a resolution adopting the attached Community Wildfire Protection Plan (CWPP) as the wildfire mitigation plan for Charlotte County.
- BUDGETED ACTION:** None

S. Public Works



- (1) **RECOMMENDED ACTION:** Approve a Development Agreement with Charlotte Commons, LLC, which will require Charlotte Commons, LLC to assume responsibility for all FDOT permit requirements associated with roadway improvements at the Peachland Boulevard and Veterans Boulevard intersection and the Veterans Boulevard and Kings Highway intersection.
BUDGETED ACTION: None



- (2) **RECOMMENDED ACTION:** Approve an amended Interlocal Agreement with the City of Punta Gorda for the proper maintenance and operation of traffic signal control devices and/or traffic signal systems . This amended Interlocal Agreement was approved and signed by the City of Punta Gorda on March 18, 2009.
BUDGETED ACTION: None



- (3) **RECOMMENDED ACTION:** Set a public hearing for April 28, 2009, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an Ordinance amending the speed limit on Veterans Boulevard from US 41 to Kings Highway. The proposed speed limit is 45 mph from US 41 to Cochran Boulevard, 55 mph from Cochran Boulevard to Loveland Boulevard, 45 mph from Loveland Boulevard to .7 miles southeast and then 35 mph southeast to Kings Highway.
BUDGETED ACTION: The cost of approximately \$1,500 to replace the speed limit signs is available in the Transportation Trust Fund. Funding for new signs is supplied from Gas Taxes.

T. Real Estate Services



- (1) **RECOMMENDED ACTION:** Approve the attached Resolution accepting two (2) Drainage Easements to be located on a portion of Lot 22 and Lot 23, Chadwick Subdivision (Owners: El Galeon South Condominium Association, Inc. and El Galeon East Condominium Association, Inc.)
BUDGETED ACTION: None



- (2) **RECOMMENDED ACTION:** Approve the attached Resolution accepting a Drainage Easement to be located on a portion of Tract C and Lot 22, Block 3530, Port Charlotte Subdivision, Section Two (Owner: ALCO Florida Holdings II, L.L.C.)
BUDGETED ACTION: None



- (3) **RECOMMENDED ACTION:** Approve the seven Resolutions of Necessity authorizing the acquisition of temporary construction easements interests by any legal means for the Midway Boulevard Corridor Project Phase 1.
BUDGETED ACTION: None



- (4) **RECOMMENDED ACTION:** Approve the attached Resolution approving the release of two (2) six-foot (6') wide utility and drainage easements, a portion of a twenty-foot (20') wide maintenance easement, and a portion of a ten-foot (10') wide utility and drainage easement, all located in Tract "C" and/or Lot 22, Block 3530, Replat of Tract "G", Port Charlotte Subdivision, Section Two (ALCO Florida Holdings II, LLC, a Delaware limited liability company)
BUDGETED ACTION: None



- (5) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the Chair of the Charlotte County Board of County Commissioners to approve the agreement for exchange of the County's interest in one platted lot for the interest in one privately owned platted lot owned by Andress Family Florida Limited Partnership, located in Charlotte County, Florida.
BUDGETED ACTION: None

T. Real Estate Services (continued...)



- (6) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the Chair of the Charlotte County Board of County Commissioners to grant the Florida Power and Light Company a ten (10') foot wide permanent non-exclusive easement to extend its existing overhead line in Sections 19 & 20, Township 40 South, Range 23 East.
BUDGETED ACTION: None

V. Tourism Development

No Items.

W. Utilities

No Items.

X. Building & Construction Services



- (1) **RECOMMENDED ACTION:** Approve the attached three addendums to allow Sarasota County, Longboat Key and the City of Punta Gorda to participate in employee sharing of building department personnel facilitated through the existing Interlocal Agreement between the City of North Port, the City of Venice, and Charlotte County.
BUDGETED ACTION: None



- (2) **RECOMMENDED ACTION:** Approve Amended Developer's Agreement for Final Plat for C2-FS Coral Creek, LLC - Petition FP 05-12-13 to extend agreement to June 26, 2009.
BUDGETED ACTION: None



- (3) **RECOMMENDED ACTION:** Approve the attached amendment to the contract between Charlotte County and Accela, Inc. to the delay implementation of the optimized routing component following the upgrade to the necessary version of the software.
BUDGETED ACTION: None



- (4) **RECOMMENDED ACTION:** Approve Final Plat for Kings Gate Phase 7a, Petition FP 07-05-11. Accept Developer's Agreement for Kings Gate Phase 7a, and surety Bond #929471640 in the amount of \$35,000.00 drawn on Western Surety Company to ensure completion of the infrastructure.
BUDGETED ACTION: None



- (5) **RECOMMENDED ACTION:** Set a public hearing for April 28, 2009, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance relating to buildings and building regulations amending Chapter 3-2 contractor certificates of competency and related boards; providing for inclusion in the Charlotte County Code; providing for severability; and providing for an effective date.
BUDGETED ACTION: None



- (6) **RECOMMENDED ACTION:** Set a Public Hearing for April 28, 2009 at 10:00 a.m. or as soon thereafter as may be heard to consider approving an ordinance to implementing a Green Building Program for Charlotte County.
BUDGETED ACTION: None

Y. Other Agencies

No Items.



V. REGULAR AGENDA

Z. Regular Agenda



- (1) Parks, Recreation and Cultural Resources Approve a Resolution providing authorization for artisans and handcrafters to camp at Bayshore Live Oak Park for the 13th Annual Florida Frontier Days Festival, May 7-9, 2009.



- (2) Environmental and Extension Services Seeking Board direction regarding a Scrub-jay Habitat Conservation Plan application posted March 16, 2009 on the Federal Register.



VI. PUBLIC HEARING AGENDA

5:30.PM.



- (1) Budget Conduct a public hearing to consider approving an ordinance amending the territory of the Deep Creek Street & Drainage MSBU by adding additional properties to the MSBU, amending the membership provisions of the advisory board for the MSBU and providing for the removal of advisory board members by the Board of County Commissioners.



- (2) Budget Conduct a public hearing to consider approving an ordinance to include additional territory into the Punta Gorda Non-Urban Street & Drainage MSBU.



- (3) Growth Management Conduct a public hearing to consider approving an Ordinance amending Chapter 3-3.5 Impact Fees of the Charlotte County Code. Accept methodology and approve update to Charlotte County impact fees.



- (4) Growth Management Conduct the Second Public Hearing to approve a Developer's Agreement between Punta Gorda of Charlotte County, LLC, a Florida limited liability company, and Charlotte County as authorized under the "Florida Local Government Development Agreement Act," Sections 163.3220 - 163.3243, Florida Statutes.



- (5) Economic Development Conduct a public hearing to consider approving an ordinance affirming the authority and composition of the Industrial Development Authority ("IDA") and providing for the removal of related provisions from the Code of Laws and Ordinances ("Code").



VII. PRESENTATION AGENDA

No Items.



VIII. PUBLIC WORKSHOP AGENDA

Public input permitted.

No Items



IX. BOARD WORKSHOP AGENDA

5:30.PM. 

No public input.

Staff will present key issues from the draft Parks, Recreation and Cultural Resources Element for the County for the Board to hear and consider. Staff seeks direction from the Board about these issues to continue drafting this Element of the Smart Charlotte 2050 Comprehensive Plan.



X. CITIZEN INPUT - ANY SUBJECT

Note: Anyone wishing to address the Board during this portion of the meeting must state his/her name for the record and may address his/her comments to items that were or were not discussed during the meeting. Each citizen will be allowed no more than three minutes to express his/her opinion.

AA. County Administrator:

BB. County Attorney:

CC. Commissioner Comments:

Tricia Duffy, District 5, Chairman
Richard Loftus, District 4, Vice-Chairman
Bob Starr, District 1
Adam Cummings, District 2
Robert Skidmore, District 3

Schedule of Future Closures/Hearings/Workshops

Wednesday, April 15, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building , Room #119

Friday, April 17, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building , Room #119

Tuesday, April 21, 2009, 9:00 a.m. - Board of County Commissioners, Regular Board Meeting, Administration Building , Room #119

Wednesday, April 22, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building , Room #119

Friday, April 24, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building, Room #119

Monday, April 27, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building, Room #119

Tuesday, April 28, 2009, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, Room #119

Wednesday, April 29, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building, Room #119

Tuesday, May 5, 2009, 10:00 a.m. – **MSBU Workshop**, Administration Building, Room #119

Tuesday, May 5, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building, Room #119

Friday, May 8, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building, Room #119

Tuesday, May 12, 2009, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, Room #119

Friday, May 15, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building, Room #119

Monday, May 18, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building, Room #119

Tuesday, May 19, 2009, 9:00 a.m. - Board of County Commissioners, Regular Board Meeting, Administration Building, Room #119

Wednesday, May 20, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building, Room #119

Monday, May 25, 2009 – All County Buildings closed for Memorial Day

Tuesday, May 26, 2009, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, Room #119

Wednesday, May 27, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building, Room #119

Friday, May 29, 2009, 1:30 p.m. – **Budget Workshop**, Administration Building, Room #119