

BOARD OF COUNTY COMMISSIONERS

January 11, 2010

A Pre-Agenda meeting in preparation of the January 12, 2010 Regular Meeting was held at the Murdock Administration Complex in Room B-106, Port Charlotte, Florida.

Members present were: Chairman Starr, Commissioner Duffy, Commissioner Loftus, Commissioner Skidmore, Commissioner Cummings, County Administrator Baltz, County Attorney Knowlton, and Administrative Secretary Sandra Colon. The following members were absent: none

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

There was Board Discussion held on the following items:

Commission Office:  
Agenda Item C-4

Administration:  
Agenda Item D-2

County Attorney:  
Agenda Item E-1

Purchasing:  
Agenda Items F-3, F-4, and F-6

Utilities:  
Agenda Item T-1

Regular Agenda:

Agenda Item Z-2, Z-3, Z-4, Z-5, Z-6, Z-7 and Z-8

ADJOURNED: 9:40 AM

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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# COUNTY OF CHARLOTTE

## Board of County Commissioners

18500 Murdock Circle  
Port Charlotte, FL 33948  
[www.CharlotteCountyFL.com](http://www.CharlotteCountyFL.com)

### County Commissioners

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



### County Administrator

Roger Baltz

### County Attorney

Janette S. Knowlton

### Clerk of the Circuit Court

Barbara T. Scott

Regular Meeting  
1/12/2010 9:00:00AM

18500 Murdock Circle, Administration Center, Room #119

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

### 9:00 A.M. Call to Order and Roll Call

#### Invocation

Pastor Dana Narring  
Faith Lutheran Church

### Pledge of Allegiance

**Changes to the Agenda:** See last page

### Proclamations/Awards

- I. Citizen Input - Agenda Items Only
- II. Committee Vacancies
- III. Reports Received and Filed
- IV. Consent Agenda
- V. Regular Agenda
- 10:00 A.M. VI. Public Hearing
- VII. Presentation
- VIII. Public Workshop
- IX. Board Workshop
- X. Citizen Input - Any Subject

**Proclamations** - Commissioner Richard Loftus

Arts and Humanities Council Artist of the Month - Wilma Court

Charlotte Harbor Regatta Week

Native Tree and Shrub Preservation Week

Reannon Juergensen Day

St. Charles Borromeo Council 5399, Tootsie Roll Drive Days

**Employee Recognition** - County Administrator Roger Baltz

**5 Years**

Missy Christie	Environmental & Extension Services
Ben Jacobson	Utilities
Mary Anne Moseley	Utilities
Jane Ravella	Parks, Recreation & Cultural Resources

**10 Years**

J. Paul Payette	Real Estate Services
Dan Quick	Public Works
Beth Reed	Public Works

**20 Years**

Johnny Hunter	Environmental & Extension Services
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**25 Years**

Debra Alexander	Real Estate Services
Sylvia Kennedy	Parks, Recreation & Cultural Resources

**30 Years**

William Dukes	Public Works
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**Not Attending**

Alan Shauger	5 Years	Environmental & Extension Services
Sheri Strong	5 Years	Facilities
John Lynch	20 Years	Public Works

**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:**

**Affordable Housing Advisory Committee** is seeking four members to serve. One residential home building representative, one home building industry representative, one not-for-profit representative, and one real estate professional. Terms are for two years.

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

**Deep Creek Street & Drainage Unit Advisory Committee** is seeking one volunteer to serve a two year term as the alternate member. Must be a resident of the unit.

**Englewood East Street & Drainage Advisory Committee** is seeking four volunteers, three regular members for three year terms, and one alternate member for a two year term.

**Environmentally Sensitive Lands Oversight Committee** is seeking two volunteers to represent the business/land development category. Length of term is three years

**Grove City Street & Drainage Unit Advisory Committee** is seeking two volunteers, one to serve as a regular member and one volunteer to serve as the alternate member. Terms are effective immediately.

**Harbour Heights Street & Drainage Unit Advisory Committee** is seeking three volunteers to serve three year terms effective February 13, 2010. Must be residents of the unit.

**Lemon Bay Street & Drainage Advisory Committee** is seeking three volunteers, two 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 Community Planning Advisory Committee** is seeking four volunteers, two to serve as Members-at-Large, one to serve as the representative from the Placida Beach Club Owner's Association, and one to serve as the representative from the Little Gasparilla POA . These terms are effective immediately and shall expire January, 2012.

**Mid-Charlotte Stormwater Utility Unit** is seeking one volunteer to serve as the Suncoast Boulevard Street & Drainage Unit representative. The volunteer must be a resident of the unit.

**MPO – Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB)** is seeking one individual 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 position is for a person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged 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

**MPO – Citizens’ Advisory Committee** is seeking one individual to voluntarily serve as a South County Representative. Send a letter or e-mail of interest to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534. E-mail: 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 Street and Drainage Unit** is seeking two regular members and one alternate to serve on the committee. Terms for three and two years. Volunteers must be residents of the unit.

**Placida Street & Drainage Advisory Committee** is seeking two volunteers as regular members to serve three year terms effective February 12, 2010.

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

**Rotonda West Street & Drainage Advisory Committee** is seeking two regular members and one alternate member. Terms effective February 2010.

**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.

**South Gulf Cove Street & Drainage Advisory Committee** is seeking three volunteers; two volunteers to serve three year terms as regular members and one volunteer to serve a two year term as an alternate member. Must be a resident of the unit.

**South Gulf Cove Waterway Advisory Committee** - is seeking two volunteers to serve three year terms as regular members. Must live within the unit. Terms effective immediately.

**Suncoast Waterway Maintenance MSBU** is seeking one volunteer to serve as the alternate member. Must own property and live within the unit. Term effective immediately.

**Town Estates Street and Drainage Unit Advisory Board** is seeking four 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**

Charlotte Harbor CRA Advisory Committee Meeting Minutes of December 17, 2009

Minutes of the November 19, 2009 meeting of the Charlotte Harbor CRA Advisory Committee



### **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**

**RECOMMENDED ACTION:** Approve Minutes for:  
July 22, 2009 MSBU Public Hearing  
July 28, 2009 Regular Meeting  
July 30, 2009 Curmudgeon Town Hall Meeting  
August 11, 2009 Regular Meeting  
August 18, 2009 Land Use Meeting  
August 25, 2009 Executive Session  
August 25, 2009 Regular Meeting  
**BUDGETED ACTION:** None

**Board of County Commissioners**

**C. Commission Office**

- (1) **RECOMMENDED ACTION:** Reappoint Claire Phelen to the Alligator Creek Waterway MSBU Advisory Committee. Length of term is three years.  
**BUDGETED ACTION:** None
- (2) **RECOMMENDED ACTION:** Re-appoint Lucius Anthony and Barry Snider to serve on the Edgewater North Waterway District Advisory Committee. Terms are effective immediately and expire September 2012.  
**BUDGETED ACTION:** None
- (3) **RECOMMENDED ACTION:** Reappoint Jack Bateman to the Environmentally Sensitive Lands Oversight Committee, representing the environmental expertise category and Judy Juliano representing the community representative category. Length of term is 3 years.  
**BUDGETED ACTION:** None
- (4) **RECOMMENDED ACTION:** Set a public hearing for January 26, 2010 at 10:00 a.m., or as soon thereafter as may be heard, to consider an ordinance restricting consumption or possession of open containers of alcoholic beverages on public property and public right-of-way.  
**BUDGETED ACTION:** None
- (5) **RECOMMENDED ACTION:** Appoint Robert J. Kueny as a regular member of the Suncoast Waterway Maintenance MSBU. This is a three year term effective immediately, expiring October, 2012.  
**BUDGETED ACTION:** None

**D. Administration**

- (1) **RECOMMENDED ACTION:** Approve Environmental and Extension Services (EES)

re-organization and Efficiencies plan of action.

**BUDGETED ACTION:** None

- (2) **RECOMMENDED ACTION:** Approval of Tampa Bay Rays proposal to maintain the playing fields at the Charlotte Sports Park on a year round basis.

**BUDGETED ACTION:** None. Funding is budgeted in Stadium O&M Fund.

## **E. County Attorney**

- (1) **RECOMMENDED ACTION:** Adopt resolution permitting I.A.F.F. Local 2546 to conduct a Fill-the-Boot Drive to raise funds for the Muscular Dystrophy Association (MDA) along US Highway 41.

**BUDGETED ACTION:** None

- (2) **RECOMMENDED ACTION:** Approve a contract between Charlotte County and Robert F. Koch, Esq. to provide legal representation to the Construction Industry Licensing Board.

**BUDGETED ACTION:** None

## **F. Budget and Administrative Services**

No Items.

### **Fiscal Services**

No Items.

## **F. Budget and Administrative Services (continued...)**

### **Information Technology**

No Items.

### **Purchasing**

- (1) **RECOMMENDED ACTION:** Approve Change Order #1 to Contract #09-159, Grounds Maintenance-Annual Contract, with Excavation, Etc. of Punta Gorda, FL in the amount of \$133,940.50 for a revised total contract amount of \$238,775.94.

**BUDGETED ACTION:** None. Budgeted in various accounts. Funding is provided from various sources.

- (2) **RECOMMENDED ACTION:** Approve cancellation of Contract #09-207, In-Home Elder Care Services, with Special Alzheimers Technology (SAT).

**BUDGETED ACTION:** None. Funding for contract is budgeted in the Special Grants Fund.

- (3) **RECOMMENDED ACTION:** a) Approve award of Bid #10-038, Demolition - Commercial/Residential Structures Including Mobile Homes to Southwest Builders, Inc. of Cape Coral, FL for the period from date of award through and including September 30, 2010, at the unit prices specified on the attached tabulation; and  
b) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year periods, at the same prices, terms and conditions, by mutual consent.

**BUDGETED ACTION:** None. The Public Safety Fund has budgeted \$145,000 in the Code Enforcement Division budget for FY10.

- (4) **RECOMMENDED ACTION:** Award Bid #10-050, Paving Program FY 09/10, to the lowest responsive, responsible bidder Ajax Paving Industries of Florida, LLC of Nokomis, FL, for a total project cost of \$3,458,856.30. The purpose of this bid is to secure the services of an experienced, licensed contractor to furnish all materials, labor, equipment, and associated site work required to successfully complete road paving operations on various roads located throughout Charlotte County. **BUDGETED ACTION:** None. Paving is budgeted in projects c410306 Road and Bridge Paving Program, c410528 Boca Grande Paving program, and c410311 GPC Road Paving Program. Funds are supplied from Gas Taxes (\$676,350.45), Boca Grande Streets and Drainage MSBU (\$211,849.20), and Greater Port Charlotte Streets and Drainage MSBU (\$2,570,656.65).
- (5) **RECOMMENDED ACTION:** a) Award Bid #10-059, Ready Mix Concrete – Supply & Deliver, to Tarmac Concrete of Venice, FL, at the unit costs submitted; and b) Authorize the County Administrator to approve renewal options for up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent. **BUDGETED ACTION:** None. Items will be placed into inventory and charged to the appropriate MSBU/TU or Gas Taxes when used.
- (6) **RECOMMENDED ACTION:** Award File #10-110, VOIP Network Equipment for the new Health Department at \$83,696.80 and the Jail Expansion at \$173,317.00. These purchases are available as a "piggyback" from the Florida State Contract # 250-000-09-1, which this portion was awarded to CDW Government, Inc., of Vernon Hills, IL. **BUDGETED ACTION:** None. Funds available in Capital Projects and Health Dept Fund.
- (7) **RECOMMENDED ACTION:** Approve Amendment #1 (revised) to Contract #08-121, Methane Gas Collection - Landfill with GES - Port Charlotte, LLC, a subsidiary of MAS Energy LFG 1, LLC. 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 change in anticipated revenues are expected as a result of this amendment. Budgeted in the Charlotte County Landfill Fund.

## F. Budget and Administrative Services (continued...)

### Real Estate Services

- (8) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the release of portions of two ten-foot (10') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Sixty, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portions of said easements. (Owners: Nazeem Ali and Bibi Nareema Ali) **BUDGETED ACTION:** None

## G. Building & Construction Services

No Items.

## H. Economic Development

No Items.

## J. Environmental Services

- (1) **RECOMMENDED ACTION:** Approve submission of application for Florida Scrub-jay Habitat

Restoration/Management on Non-Federal Public Lands 2010 Funding Opportunity with The Nature Conservancy.

**BUDGETED ACTION:** None

- (2) **RECOMMENDED ACTION:** Set a Board Workshop for January 26, 2010 , at 2:00 p.m. or as soon thereafter as may be heard for a presentation updating the Board of County Commissioners on the status of the Countywide Scrub-jay Habitat Conservation Plan [HCP].

**BUDGETED ACTION:** None

## **K. Facilities Construction and Maintenance**

No Items.

## **L. Growth Management**

No Items.

## **M. Human Resources**

No Items.

## **N. Human Services**

- (1) **RECOMMENDED ACTION:** Board approval for the Chairman to sign two agreements for previously approved housing fund distributions:

a) Charlotte County Housing Corporation agreement for Florida Homebuyers Opportunity Program Funds (FHOP).

b) Charlotte County Habitat for Humanity agreement for Impact Fee Reduction Incentive Program Funds (SHIP added funds).

**BUDGETED ACTION:** None

## **P. Parks, Recreation and Cultural Resources**

- (1) **RECOMMENDED ACTION:** Approve an amendment to the Parks, Recreation & Cultural Resources fee resolution for seasonal parking passes.

**BUDGETED ACTION:** Funding for this expenditure comes from beach and boat ramp parking fees.

## **P. Parks, Recreation and Cultural Resources (Continued...)**

- (2) **RECOMMENDED ACTION:** a) Approve a grant agreement with the Florida Department of Environmental Protection Recreation Trails Program for the Oyster Creek Waterfront Trail; and b) Authorize the Chair to sign the agreement.

**BUDGETED ACTION:** None. Funding for this expenditure comes from Park Impact Fees (\$100,000 match) and the Florida Department of Environmental Protection (\$100,000).

- (3) **RECOMMENDED ACTION:** Set a public hearing for January 26, 2010 at 10:00 a.m., or as soon thereafter as may be heard, to consider an ordinance amending Chapter 1-11, Parks and Recreation, restricting the use of alcohol in county parks and recreational facilities.

**BUDGETED ACTION:** None

## **Q. Public Safety**

- (1) **RECOMMENDED ACTION:** Approve cancellation of public hearing scheduled for January 12, 2010 at 10:00 a.m. reducing the holding period for cats.  
**BUDGETED ACTION:** None
- (2) **RECOMMENDED ACTION:** a) Approve the EMS County Grant application for grant funds in the amount of \$29,635 to be used to improve and expand the County's pre-hospital Emergency Medical Services (EMS) system; and  
b) Approve a Resolution stating the County will not use the grant funds to supplant existing county EMS budget allocations.  
**BUDGETED ACTION:** None. The FY09/10 EMS budget will be amended when approval of the grant applications is received.

## **R. Public Works**

- (1) **RECOMMENDED ACTION:** Approve a resolution releasing a one-year road maintenance bond in conjunction with the River Club Subdivision.  
**BUDGETED ACTION:** None
- (2) **RECOMMENDED ACTION:** Approve and authorize the Chairman to sign Amendment #1, Traffic Signal Maintenance and Compensation Agreement between Charlotte County and the Florida Department of Transportation (FDOT).  
**BUDGETED ACTION:** None

## **S. Tourism Development**

No Items.

## **T. Utilities**

- (1) **RECOMMENDED ACTION:** Approve the 2010-2011 Charlotte County 20-year projected water demands for submittal to the Peace River/Manasota Regional Water Supply Authority (Authority) and request that Exhibit C in the Master Water Supply Contract be replaced with this year's projections including the seven (7) year period ending 2017.  
**BUDGETED ACTION:** None

## **U. Other Agencies**

No Items.



## **V. REGULAR AGENDA**

### **Z. Regular Agenda**

- (1) Commission Office  
Please choose by ballot one (1) person to be the Charlotte County Representative to the Health Planning Council of Southwest Florida, Inc. This is a two year term, effective immediately and expiring Jan. 2012.

- (2) County Administration Discussion and direction regarding SMG's proposed changes for fees for the Charlotte Harbor Event & Conference Center.
- (3) County Attorney Board consideration and approval of Mediated Settlement Agreement with Peace River Authority on County approval for the Phase 1A Pipeline Project.
- (4) County Administration Discussion of potential new stimulus monies
- (5) County Attorney Select by ballot a new third non-voting alternate member for the Charlotte Review Commission.
- (6) Economic Development Discussion and direction regarding the execution of the Economic Development Transportation Fund (EDTF) Agreement of State Project ID 08-00325 (Charlotte County Project #2008014-Diesel Mist). The original application was presented to the Board at its meeting on January 27, 2009 and an addendum was approved which authorized the Chair to execute on February 24, 2009.
- (7) Building and Construction Services Further discussion and direction regarding information on the requirements for a Swimming Pool and Spa Cleaner Certificate of Competency and potential alternatives.
- (8) County Attorney Approve and ratify (or withdraw) of Objection to North Fort Myers Utility's PSC Application to extend its Water and Wastewater service into Charlotte County.



## **VI. PUBLIC HEARING AGENDA**

### **10:00 A.M.**

- (1) Parks, Recreation and Cultural Resources Conduct a public hearing to consider 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.
- (2) Human Services Conduct a public hearing to consider approving an ordinance which will abolish the Indigent Health Care Advisory Board and repeal Ordinance No. 93-25 as amended by 2000-040 in its entirety.

## **VI. PUBLIC HEARING AGENDA**

### **10:00 A.M.**

- (3) Growth Management Conduct a Public Hearing to consider approving a

resolution for San Casa Holdings, LLC requesting a Variance to the Transfer of Density Units ordinance. The request is to delay the time at which they need to transfer density until submittal of the Final Site Plan Review for the subject site.

**(4) Public Safety**

Conduct a public hearing 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.



## **VII. PRESENTATION AGENDA**

**No Items.**



## **VIII. PUBLIC WORKSHOP AGENDA**

Public input permitted.

**No Items**



## **IX. BOARD WORKSHOP AGENDA**

No public input.

**No Items.**



## **X. CITIZEN INPUT - ANY SUBJECT**

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:**

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

## **Schedule of Future Closures/Hearings/Workshops**

**Monday, January 18, 2010, All County Buildings Closed for Martin Luther King Holiday**

Tuesday, January 19, 2010, 9:00 a.m. - Board of County Commissioners **Land Use Meeting**, Administration Building, Room #119

Thursday, January 21, 2010, 4:00 p.m. – **Charter Review Public Hearing**, Administration Building, Room #119

Tuesday, January 26, 2010, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, Room #119