

BOARD OF COUNTY COMMISSIONERS

March 23, 2010

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 Duffy, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, 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 Minister David Rushlow, Church of Christ Peace River, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: H-3 - Request for \$5,500,000 not \$5,500.00 in Recovery Zone Bonds forward for Sports Park Hospitality LLC to build an 80 room hotel next to the Charlotte Sports Park. Applicant will have 90 days after BOCC approval to demonstrate credit approval for this project. If this is not met then the allocation will be released and made available to other applicants.

Deletion #1: R-3 - Recommended Action: Approve and authorize the Board of County Commissioners Chairman to executive an Agreement to purchase wetland credits from the Boran Ranch Mitigation Bank.

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

MOTION CARRIED 4:0.

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

Proclamations - Commissioner Richard Loftus

Arts and Music in our Schools Month Proclamation, the month of March, 2010

(Commissioner Cummings was present for the remainder of the meeting.)

COMMISSIONER SKIDMORE MOVED TO APPROVE ARTS AND MUSIC IN OUR SCHOOLS MONTH PROCLAMATION, THE MONTH OF MARCH, 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The proclamation was accepted by Stephen Brown, Ellen Harvey, Judy Malbuisson, and Andrea Messina.

Dean Jemson Day Proclamation, April 4, 2010

COMMISSIONER DUFFY MOVED TO APPROVE DEAN JEMSON DAY PROCLAMATION, APRIL 4, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Dean Jemson and Angie Patteson.

Florida Scenic Highway Day Proclamation, March 26, 2010

COMMISSIONER CUMMINGS MOVED TO APPROVE FLORIDA SCENIC HIGHWAY DAY PROCLAMATION, MARCH 26, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Elaine Sullivan and Claudia Rich.

Florida's Water Conservation Month Proclamation, the month of April, 2010.

COMMISSIONER SKIDMORE MOVED TO APPROVE FLORIDA'S WATER CONSERVATION MONTH PROCLAMATION, THE MONTH OF APRIL, 2010, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 5:0.

The Proclamation was accepted by Terri Kesner.

Google Recruitment Week Proclamation, March 22, 2010 through March 28, 2010

COMMISSIONER DUFFY MOVED TO APPROVE GOOGLE RECRUITMENT WEEK PROCLAMATION, MARCH 22, 2010 THROUGH MARCH 28, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Don Root.

Parliamentary Law Month Proclamation, the month of April, 2010

COMMISSIONER DUFFY MOVED TO APPROVE PARLIAMENTARY LAW MONTH PROCLAMATION, THE MONTH OF APRIL, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Karen Price and Eugene Coy.

Employee Recognition - None

Presentations

(1) Administration: Presentation on TABOR by Florida Association of Counties to the BOCC.

Craig Mosteller, Florida Association of Counties Representative, gave a summary and update on TABOR (Taxpayer Bill of Rights) with a PowerPoint presentation per packet material furnished.

Commissioner Cummings asked whether revenues include all fees, about the base year for growth and inflation, commented on caps already in place, and pointed out that TABOR would prohibit people from doing improvements in the community. Chairman Starr commented on assaults by forces outside of the County's jurisdiction at the state and federal level, expressed concerns regarding control over local and county jurisdictions, and spoke in opposition.

Commissioner Cummings asked about the difference between Proposition 13 in California and TABOR, expressed his concerns, and commented on the importance of addressing needs before they become a crisis.

COMMISSIONER SKIDMORE MOVED TO DO A RESOLUTION AND A LETTER IN OPPOSITION OF TABOR, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Skidmore indicated that TABOR was in Committee today. Ms. Mosteller stated that TABOR is in the First Senate hearing today, is expected to pass but does not have a House companion, and that the primary concern is for 2011-2012.

MOTION CARRIED 5:0.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Frank Clancy spoke in regard to Agenda Item F-1 and questioned the necessity of purchasing ten floor trailers.

Dave Flaar, Paul Valliere, and John Grother spoke in opposition of Agenda Item H-3.

Bill Dryburgh and Suzanne Graham spoke in opposition to Z-3.

Geri Waksler spoke in support of Agenda Item H-2.

II. COMMITTEE VACANCIES

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

Charlotte Ranchettes Street & Drainage Unit Advisory Board - is seeking two volunteers. Volunteers must be residents of Charlotte County and reside within the unit. Length of terms: three years.

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.

South Gulf Cove Street and Drainage MSBU - is seeking one volunteer to serve a two year term as the alternate member.

Tourist Development Council - is seeking one member to serve. Applicant must be an owner/operator of a Charlotte County lodging facility or recreational vehicle park subject to the tourist development tax levied, or an owner of a County tourist attraction. Term is for four years.

III. REPORTS RECEIVED AND FILED

Charlotte Harbor CRA 2009 Annual Report.

Charlotte Harbor CRA Advisory Committee Meeting Minutes for Special Meeting on March 1, 2010.

Murdock Village CRA 2009 Annual Report.

IV. CONSENT AGENDA

COMMISSIONER CUMMINGS MOVED TO APPROVE CONSENT AGENDA EXCEPT AGENDA ITEMS H-3, P-1, AND F-1, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

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

Memorandum #1 - Status of Contingency Reserves - FY 08/09

Memorandum #1A - Status of Contingency Reserves - FY 09/10

Memorandum #2 - Total Disbursements for the Period March 2, 2010 through March 15, 2010 in the amount of \$11,752,785.97.

B. Minutes Division

(1) **RECOMMENDED ACTION:** **BUDGETED ACTION:** None required

02/16/10 9:00 AM BCC Regular/Land Use Meeting

02/22/10 9:00 AM Pre-Agenda Minutes

02/23/10 6:00 PM BCC Regular Meeting

03/08/10 9:00 AM Pre-Agenda Minutes

Board of County Commissioners

C. Commission Office

(1) *RECOMMENDED ACTION*: Approve the appointment of Ed Zysko to the Affordable Housing Advisory Committee as the Real Estate Professional Representative for a three year term. *BUDGETED ACTION*: None required.

(2) *RECOMMENDED ACTION*: Approve the following reappointments to the Construction Board of Adjustments and Appeals, Grace Amodeo as an Alternate member; Tony Inabnitt as the General Building Contractor; Roger Glover as the Mechanical Contractor; and Clarence Diersing, Jr., as the Public-at-Large member. All terms are for three years. *BUDGETED ACTION*: None required.

(3) *RECOMMENDED ACTION*: Approve the reappointment of Joe Fleming to serve an additional three year term on the Harbour Heights Waterway Maintenance District Advisory Board. His current term expired on March 13, 2010. The new term shall expire on March 13, 2013. *BUDGETED ACTION*: None required.

(4) *RECOMMENDED ACTION*: Approve the reappointment of Carlo "Tony" Ermirio and Karen Ireland for an additional three year terms on the South Gulf Cove Street & Drainage MSBU. These terms shall expire January 9, 2013. *BUDGETED ACTION*: None required.

D. Administration - No Items.

E. County Attorney

(1) *RECOMMENDED ACTION*: Adopt a Resolution permitting parishioners of the Church of God of the Good Shepherd to conduct fundraising for Haiti Relief. *BUDGETED ACTION*: None

Resolution 2010-018

F. Budget and Administrative Services - No Items.

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(1) **RECOMMENDED ACTION:** Approve Award Bid #10-151 and Transfer #10-017 for Walking Floor Trailers for the purchase of ten (10) Manac Walking Floor Trailers, to Witzco Trailers, Inc., of Sarasota, Florida, at the unit cost of \$49,498 each, for a total cost of \$499,480. The purpose of this bid is to secure a firm price for the purchase and delivery of ten (10) Manac Trailers, model 3624B20, Walking Floor Trailers, to be utilized by the Environmental Extension Services to collect and transport refuse from the West County Mini Transfer Station and the Mid County Transfer Station to the Zemel Road Landfill. **BUDGETED ACTION:** Upon approval of transfer \$560,000, is budgeted. Funding for this expenditure comes from Solid Waste Enterprise Fund - Capital Equipment.

Chairman Starr explained that he pulled the item because of concerns expressed by Mr. Clancy and commented that it was part of a cost saving measure. Kim Corbett explained the reasons for the purchase.

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

Commissioner Cummings further clarified with Ms. Corbett the reasons for the purchase. **Commissioner Duffy** commented on the transfer station and spoke in support of the expenditure. **Commissioner Loftus** gave clarification on the segregation of materials at the landfill. **Commissioner Cummings** gave a brief history on the management of the landfill.

MOTION CARRIED 5:0.

(2) **RECOMMENDED ACTION:** a) Approve award of Bid #10-127 Safety Mowing-Roadway Right-of-Way, to three firms: North County - Arbor One, Inc., of Port Charlotte; South County - Eden Landscape, Inc., of

Fort Myers; and West County - Walker Services, Inc., of Bradenton for the term April 1, 2010 up to and including September 30, 2010, with option to renew for two additional one-year terms; and b) Authorize County Administrator to approve annual renewals. This is for mowing services of roadway rights-of-way, and drainage and easement facilities located throughout the County. BUDGETED ACTION: None. Funding is supplied from gas taxes and various MSBUS.

(3) RECOMMENDED ACTION: Approve the Sole Source File #10-164, Renewal of Banner Software Maintenance, to Ventyx, Inc., of Atlanta, GA for the cost of \$111,466. Information Technology is requesting the renewal maintenance purchase for the Banner software. This software is the Enterprise Customer Information System used by the utility which handles many aspects of their daily operations. BUDGETED ACTION: None. Funds are available in the Charlotte County Utilities Computer account line.

Real Estate Services - No Items.

G. Building & Construction Services - No Items.

H. Economic Development

(1) RECOMMENDED ACTION: Allow the IDA to use \$26,450 of the \$500,000 economic development incentive funding that was transferred from the County to the IDA for the payment of incentives to prospects, to pay for a mitigation study for the 120 acres owned by the IDA in the ECAP. From the attached proposal the charges are Phase I - \$9400, Phase II is a 50/50 split with the airport - \$11,450, and Phase III - \$5600. BUDGETED ACTION: Allow funds which have already been transferred

to the IDA for incentives to be used for this work. This will reduce the amount of funds available for incentives by \$26,450.

Agreement 2009-034

(2) RECOMMENDED ACTION: Approve the recommendation of the Charlotte County Industrial Development Authority to move the request for \$3,814,000 in Recovery Zone Bonds forward. Applicant will have 90 days after BOCC approval to demonstrate credit approval for this

project. If this is not met then the allocation will be released and made available to other applicants. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve the recommendation of the Charlotte County Industrial Development Authority to move the request for \$5,500,000 in Recovery Zone Bonds forward for Sports Park Hospitality LLC to build an 80 room hotel next to the Charlotte Sports Park. Applicant will have 90 days after BOCC approval to demonstrate credit approval for this project. If this is not met then the allocation will be released and made available to other applicants. BUDGETED ACTION: None

Don Root responded to questions by **Commissioner Skidmore** regarding the recovery zone bonds process. **Commissioner Skidmore** clarified that the allocation has to be used by the end of the year and that it comes out of the Recovery Act.

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

Commissioner Cummings asked for clarification on the quantity of dollars being requested for bonding, what is available, the progress on the marinas, that the projects go to the bond market, that the process qualifies the projects to be tax exempt in order to get a lower rate, and expressed concern that the County not help one local business compete against another.

Commissioner Skidmore indicated that the recovery zone bonds are open to everyone, commented that there was transparency all through the process, and encouraged people to apply.

MOTION CARRIED 5:0.

J. Environmental Services

(1) RECOMMENDED ACTION: Approve submission of application for Thornton Key Preserve Brazilian Pepper-tree Removal with the FWS South Florida Coastal Program Funding Announcement. BUDGETED ACTION: If funding in the amount of \$43,400 is awarded, an amendment to the budget will be brought to the BCC with the agreement. In-kind services will be used as the match. Estimated in-kind match are through Charlotte County Natural Resource staff time and equipment and is estimated at \$20,600.

Grant 2010-010

K. Facilities Construction and Maintenance - No Items.

L. Growth Management - No Items.

M. Human Resources - No Items.

N. Human Services - No Items.

P. Parks, Recreation and Cultural Resources

(1) **RECOMMENDED ACTION:** Approve naming the large main pavilion at Englewood Beach after Samuel C. Harris. Mr. Harris created a substantial aerial photography collection of the West County spanning from 1972 to 2004. Parks & Recreation Advisory Board at its March 3, 2010, meeting discussed, voted and approved recommending to the Board of County Commissioners that the large pavilion at Englewood Beach be named for Samuel C. Harris. **BUDGETED ACTION:** None

Commissioner Skidmore introduced Ms. Diana Harris and summarized the purpose of the item. Ms. Harris spoke in regard to her late husband, Lt. Col. Sam Harris, and gave a summary of his life and work.

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

MOTION CARRIED 5:0.

Q. Public Safety - No Items.

R. Public Works

(1) **RECOMMENDED ACTION:** Approve and authorize the Chairman to sign, Amendment Number One to Easement Number 31114 from the State of Florida Board of Trustees in conjunction with Charlotte County Erosion Control Project - Phase 1. This amendment facilitates extending the up drift beach fill area (Stump Pass State Park) approximately 1,500 linear feet, southerly, as required by the Florida Department of Environmental Protection permit conditions to dredge Stump Pass Inlet and renourish adjacent beaches. **BUDGETED**

ACTION: None. The funding for this project is from FEMA and the Stump Pass Beach Renourishment MSTU/BU.

(2) RECOMMENDED ACTION: Approve and authorize the Chairman to sign Amendment 4, Florida Department of Environmental Protection (FDEP) Grant Agreement for Knight Island monitoring for erosion control. BUDGETED ACTION: None. Budgeted in CIP project c390901 Knight Island Monitoring. Funding for Charlotte County's portion is supplied from the Stump Pass Beach Renourishment MSBU/TU.

Grant 2007-041

(4) RECOMMENDED ACTION: Request the Board set a Public Hearing for April 13, 2010, at 10:00 a.m. or as soon thereafter as may be heard, to consider approving an Ordinance creating an Advisory Board for the Boca Grande Street and Drainage MSBU Committee. BUDGETED ACTION: None. Recording fees will be paid from the Boca Grande Streets and Drainage MSBU fund.

(5) RECOMMENDED ACTION: Request the Board set a public hearing for April 13, 2010, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance creating the South Gulf Cove Beautification MSBU. BUDGETED ACTION: None.

S. Tourism Development - No Items.

T. Utilities - No Items.

U. Other Agencies

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

(1) Utilities - RECOMMENDED ACTION: Approve ordinance amending Charlotte County Code Section 3-8 Article III by expanding to year-round and including water conservation measures.

Joan Brown gave a presentation on the proposed ordinance. **Commissioner Cummings** asked for clarification on the new watering schedule and commented on the water restrictions. **Chairman Starr** stated that the proposed ordinance does not affect the emergency water rates that are put on Charlotte County residents.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2010-016, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

RECESS: 10:25 AM - 10:35 AM

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - RECOMMENDED ACTION: Choose by ballot, one person to serve on the Charlotte Harbor Community Redevelopment Agency Advisory Committee, to represent the category of "Member-at-Large". This seat was vacated by David Schmidt on February 19, 2010.

Mr. Baltz read the following votes by ballot into the record: Garland Wilson-3 votes; Troy M. Bettencourt-2 votes.

COMMISSIONER LOFTUS MOVED TO APPROVE GARLAND WILSON TO SERVE ON THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE, TO REPRESENT THE CATEGORY OF "MEMBER-AT-LARGE", SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

(2) Commission Office - RECOMMENDED ACTION: Choose by ballot two citizens to serve three year terms as regular members and one citizen to serve a two year term as the alternate member on the South Gulf Cove Waterway Advisory Committee.

Mr. Baltz read the following votes by ballot into the record: Richard Redican-5 votes-Member; Tom Ireland-4 votes-Member; Richard Rhodes-1 vote-Member; Lisa Einhorn-4 votes-Alternate; Richard Rhodes-1 vote-Alternate.

COMMISSIONER LOFTUS MOVED TO APPROVE THE SLATE OF RICHARD REDICAN, REGULAR MEMBER, TOM IRELAND, REGULAR MEMBER, AND LISA EINHORN,

ALTERNATE MEMBER, TO SERVE THREE YEAR TERMS ON THE SOUTH GULF COVE WATERWAY ADVISORY COMMITTEE, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

(3) Growth Management - **RECOMMENDED ACTION:** Discussion and direction regarding Amendment 4.

Jeff Ruggieri gave an update on Amendment 4 (aka Hometown Democracy) along with a PowerPoint presentation per packet material.

Commissioner Loftus asked about the cost for a special election. Attorney Knowlton stated she had spoken to the Supervisor of Elections and gave the cost range. **Commissioner Skidmore** confirmed that the cost would be paid by Charlotte County taxpayers. Mr. Ruggieri answered inquiries from **Commissioner Cummings** regarding major Comp. Plan modifications, small amendments; recalled that referendums can only deal with one item, and requested clarification if several items can be put together as a one ballot question, or if they must be separate items. Attorney Knowlton indicated that each item has to be separate on the ballot. **(BOARD CONSENSUS TO HEAR A PRESENTATION BY STATE REPRESENTATIVE MICHAEL J. GRANT ON AMENDMENT 4.)**

Representative Grant gave a summary and update in opposition of Amendment 4 along with a PowerPoint presentation and requested that the Board oppose it.

Commissioner Skidmore commented on local area Chambers of Commerce positions on Amendment 4, on points made by Representative Grant's presentation, and requested a resolution at the next Board meeting to oppose Amendment 4. **Commissioner Duffy** mentioned the first time she heard about Amendment 4 when it was called Hometown Democracy, commented on people getting signatures for the original petition, on the procedures in place for land use changes, and on educating the community. **Commissioner Cummings** expressed concern on whether Amendment 4 is a political action because of the usage of public funds. Attorney Knowlton advised that the Board is not overstepping its bounds by doing a resolution but cannot use public monies for paid advertisements. **Commissioner Cummings** spoke in opposition of the Amendment, mentioned the Babcock Ranch land deal, and the need to implement the intent of the Growth Management laws.

Commissioner Skidmore clarified that Amendment 4 is not actually an amendment yet. Attorney Knowlton indicated that it is on the ballot.

COMMISSIONER SKIDMORE MOVED TO DO A RESOLUTION IN OPPOSITION OF AMENDMENT 4, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Chairman Starr pointed out the number of signatures required to get the Amendment on the ballot, commented on items that should not be in the Constitution of Florida, including Amendment 4, and encouraged citizens to oppose it. **Commissioner Loftus** mentioned that the people getting signatures for the ballot were paid. **Commissioner Cummings** commented on the amount of control an individual voter has.

(4) Economic Development - **RECOMMENDED ACTION:** Determine the County Commission's representative on the Working Group considering development in the ECAP and the use of county-owned lands to stimulate economic development. Also, the County Commission must determine whether they would like to solicit other members of private industry to be on the Working Group.

Mr. Root gave an update on Economic Development from the Joint Meeting with Punta Gorda and commented on appointing a working group. **Commissioner Skidmore** suggested appointing the group from the private sector as expeditiously as possible and mentioned possibilities. There was Board Discussion. Mr. Root stated that he is looking for five people from the private industry. **Chairman Starr** confirmed Todd Riebold, Rob Humpel, Dennis Fullencamp, Doug Tucker, and Bruce Laishley as private members.

COMMISSIONER SKIDMORE MOVED TO APPROVE TODD RIEBOLD, ROB HUMPEL, DENNIS FULLENCAMP, DOUG TUCKER, AND BRUCE LAISHLEY AS PRIVATE INDUSTRY MEMBERS OF THE ECONOMIC DEVELOPMENT WORKING GROUP, PENDING THEIR ACCEPTANCE, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Cummings asked about the rest of the recommendations. **Commissioner Skidmore** stated that he wanted to appoint the private industry members first, then the Commission member, and indicated that the City has already appointed Councilmember Wallace and City Manager Kunik. **Chairman Starr** stated that Mr. Baltz would also be included.

MOTION CARRIED 5:0.

Chairman Starr put his name in for nomination for the Commission Member.

COMMISSIONER SKIDMORE MOVED TO APPROVE CHAIRMAN STARR AS COMMISSION MEMBER FOR ECAP WORKING GROUP, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Attorney Knowlton pointed out that Mr. Root did not get to finish his presentation at the Joint Meeting and that if the Working Group is going to review all proposals and bring them back to the Board, then it does not have to be under Sunshine Law, but if there is only one Commissioner, and the Group is going to be vetting proposals and not moving forward with certain items, then it should be a Sunshine Group because they would be performing a decision-making function.

Mr. Root advised that it would be better to handle decisions under the Sunshine Law. (**BOARD CONSENSUS TO HANDLE DECISIONS UNDER SUNSHINE LAW.**) It was decided to have the first meeting in seven days.

VII. PRESENTATION AGENDA - 10:00 A.M.

(1) Public Works - **RECOMMENDED ACTION:** Presentation of proposed changes to the assessment methodologies for Charlotte County's Municipal Services Benefit and Taxing Units.

Ray Sandrock gave a brief update on MSBU Funding Options. Bob Halfhill gave an update on Assessment Methodology. Cari Branco discussed MSBU and MSTU Advantages and Disadvantages and Funding Options with a PowerPoint presentation per packet material. **Commissioner Loftus** asked about the annual increase for Greater Port Charlotte. **Commissioner Cummings** asked whether the annual increase is a net increase over what is currently paid on the MSBU's. Mr. Sandrock commented on examples showing increases, decreases, and remaining neutral. Mr. Baltz commented on staff having identified options to produce \$31 million for the purpose of MSBU's, pointed out what the maps were intended to convey, and indicated that there will be changes that impact the citizens. **Commissioner Skidmore** asked Mr. Sandrock about MSTU's in Western Charlotte County, about compensation for those who have kept their roads up to date, what the next steps

were, and how the number of MSBU's will be reduced. Mr. Sandrock responded in detail.

Commissioner Loftus expressed concern about not being able to read the numbers on the handout. Mr. Sandrock fielded questions from **Commissioner Cummings** regarding commercial properties not being incorporated into the MSBU's, whether or not legally the benefit test can be met for one countywide MSBU, shifting to an MSTU, subsidies from out of town landowners, dealing with emergency vehicles in the Ranchettes, having a broader based MSBU, protecting ecological assets, diversifying the economy, and creating unique characteristics in different neighborhoods.

Commissioner Loftus expressed concerns regarding the proposed increases. **Chairman Starr** commented that the MSBU's are broken, expressed concerns about the Ranchettes, and commented on the infrastructure and subsidies.

Commissioner Loftus disagreed that the system is broken, commented on raising the assessment, asked about amount of roads being repaved, and expressed concern regarding doubling and tripling the assessments.

Deputy County Attorney Dan Gallagher explained that the County does not charge businesses on U.S. 41 due to it being a State maintained road. **Commissioner Loftus** clarified that businesses can be charged under an MSTU. **Commissioner Skidmore** agreed with **Chairman Starr** that the MSBU system is broken, and opined that there needs to be a discussion to fix the problem. **Commissioner Cummings** commented that people are not going to pay less money, that the County needs to collect more money to catch up on maintenance, and commented on why Port Charlotte and Englewood have not incorporated. There was extensive Board discussion.

Mr. Halfhill commented on the outreach program, the meetings that have been held, and the changes being discussed; stated that the outreach program would be continued; that the process could result in a referendum; and outlined the changes proposed.

Commissioner Cummings suggested keeping the existing MSBU's, establishing a baseline policy, placing an emphasis on life cycle costs in an effort to stabilize the rate for basic level of service, and maintaining a work plan with citizen complaints coming second.

Commissioner Loftus commented on the need to establish a base service.

VIII. PUBLIC WORKSHOP AGENDA - No Items

X. CITIZEN INPUT - ANY SUBJECT

Charlotte Ventola suggested putting an explanation out for the public on the reasons to say no to Amendment 4 and emphasized the cost for a referendum.

Mike Browne spoke in support of MSBU's and MSTU's.

Douglas Tucker spoke in regard to Amendment 4 and Charlotte Sports Park.

AA. County Administrator:

Mr. Baltz commented on a memo he gave to the Board outlining mid-year adjustments, stated that staff had identified organization consolidations, reviewed the org chart related to supervisory changes, and calculated cost reductions on recommendations. **Commissioner Skidmore** commented on the positive effects made by the changes. Mr. Baltz stated he would be implementing the changes and mentioned the ongoing effort toward efficiencies.

BB. County Attorney:

Attorney Knowlton mentioned she had received a lawsuit challenging the County Right-of-Way, stated that the Court ruled in favor of the County, commented on the strong order made and read it to the Board, recognized the efforts of the Code Enforcement Board, commented on an email from a proposer on an RFP regarding Human Services case management, asked the Board to disqualify the proposer, and stated the Board does not need to take action.

CC. Commissioner Comments:

Commissioner Skidmore commented on having attending the Boys' and Girls' Club dinner, expressed concern about adults riding bikes in the bowls of the J.M. Berlin Skate Park and advised that signs will be posted against it; commented on the importance of actively

monitoring legislative issues; mentioned having attended a luncheon at Friends of the Library; commented on the Program's importance; encouraged monitoring the State's issues regarding funding for libraries; and praised Barry DeMello from Public Works. **Commissioner Skidmore** also suggested giving land to Murdock Village by putting out an RFP to hospitals to solicit ideas for usage of the land in order to make Murdock Village a viable asset for the County; spoke in opposition to paying for parking at the Beach; commented on parking citations; indicated better signage is needed; expressed concern regarding FDOT's trail design impacting Coral Creek Golf Club in West County; encouraged the Board to take a stand against FDOT; stated he would forward the email to the Commissioners; and asked that it be added to the next agenda.

Commissioner Loftus agreed with **Commissioner Skidmore** regarding signage in the Beach parking area, commented on the issues regarding Coral Creek Golf Course, and on the Code Enforcement meetings as brought forward by Attorney Knowlton. **Commissioner Cummings** requested more information on the Coral Creek issue because the trail was established before the golf course was built, mentioned there had been a land swap, and commented on the signage improvement at the Beach parking area.

Commissioner Duffy spoke in opposition to parking fees at the Beach Complex, commented on the large amount of emails received regarding homeless issues at Bayshore Park, mentioned a visit to a homeless camp, expressed concerns regarding problems associated with the homeless, opined that it is the Board's responsibility to fix the problem and protect the health and safety of citizens, and stated that Attorney Knowlton is working on solutions.

Chairman Starr agreed with **Commissioner Duffy's** comments regarding the homeless situation, talked about visits to homeless camps, commented on the Sheriff having to get property owners' permission, voiced appreciation of emails received, stated he would be touring more sites, expressed concerns regarding the problem, commented on the naming of the airport by the Airport Authority, and opined that it should be named Charlotte County Municipal Airport. **Commissioner Skidmore** mentioned having been on the Airport Authority and discussing the naming issue, commented that it is the Airport Authority's right to change it, that the County has no control, and encouraged people to speak out at Airport Authority meetings. **Commissioner Duffy** commented on the vagrant situation related to the

Census. **Chairman Starr** agreed with **Commissioner Skidmore** regarding the Airport Authority but pointed out that the Board does give guidance and opined that the airport should be named for Charlotte County. **Commissioner Skidmore** suggested sending a letter requesting the use of the Charlotte County name. **Commissioner Loftus** stated that he believes in working together with different entities but pointed out that the taxpayers did pay for the airport.

RECESS: 12:55 PM to 2:00 PM (will reconvene at 2:00 PM for Joint Workshop between BCC and Charlotte Harbor CRA.)

IX. BOARD WORKSHOP AGENDA - 2:00 P.M.

(1) Economic Development - **RECOMMENDED ACTION:** Conduct a Joint Workshop between the Board of County Commissioners and Ex-Officio as the governing board of the Charlotte Harbor Community Redevelopment Agency and the Charlotte Harbor Advisory Committee to discuss the Charlotte Harbor CRA 2010 Work Plan.

I. Call to Order

II. Introductions

Chairman Starr called the meeting to order and noted the following were present: **Commissioner Duffy, Commissioner Loftus, Chairman Starr, Jim Herston, Mike Haymans, Evelyn Loeffler, Charlotte Ventola, and Grace Amodeo.**

III. Annual Report - Overview of Charlotte Harbor Community Redevelopment Projects and Status Report

Debrah Forester gave an overview of the Annual Report with a PowerPoint presentation.

(Commissioner Cummings was present for the remainder of the meeting.)

Commissioner Duffy asked for more detail on the Comprehensive Plan Amendment that the community is requesting. Ms. Forester described the amendment in detail. **Commissioner Duffy** clarified that input had been sought from the residents, pointed out details of Amendment 4, and encouraged all Charlotte County citizens to educate themselves on Amendment 4. Charlotte Ventola commented on the elimination of the 80/20 mix of Residential and Commercial. Mike Haymans commented

further on the elimination, stating that new zoning language proposals will be added to set certain thresholds.

Commissioner Cummings clarified that everything is done by PD (Plan Development). Ms. Forester responded the PD requirement is being eliminated. **Commissioner Cummings** further clarified that the PD requirements were being reduced rather than eliminated.

IV. Action Item: Approval of Rules and Procedure Amendment - Monthly Meeting change

Ms. Forester stated that the Advisory Committee is requesting to change the standing date and time to the first Monday of the month at 11:00 am., that the change must be approved by the Board of County Commissioners (BCC), and that the Attorneys' office requests an amendment to Article V, Section 2, changing the month of annual elections to December from June. **Commissioner Cummings** asked if it is normal to change the schedule by BCC action. Ms. Amodeo explained that the Committee is trying to keep the BCC informed so that they know when the meetings are held. Ms. Forester suggested making the change under Article XIV under amendments where it is stated that rules and procedures must be presented in writing. **Commissioner Cummings** stated that he does not want to tell the Committee what their schedule is going to be.

COMMISSIONER CUMMINGS MOVED TO APPROVE CHANGES TO ARTICLE V (ELECTION OF OFFICERS), SECTION 2, ARTICLE VI (MEETINGS), SECTION 1, AND ARTICLE XIV (AMENDMENTS), SECTION 1, OF THE RULES OF PROCEDURE FOR THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE, AS READ INTO THE RECORD BY MS. FORESTER, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Cummings asked if the Committees normally finalize their own rules. Attorney Derek Rooney advised that the Resolution creating the Advisory Committee states that the By-Laws will be brought back to the Board of County Commissioners but added that the Attorneys' Office will be reviewing the changes made.

MOTION CARRIED 4:0.

V. Action Item: Approval of Work Plan and Tax Increment Expenditures 2010 and 2011

Ms. Forester discussed a calculation change to be made regarding the allocation for project funds for 2010 and highlighted what is proposed for the Work Plan for the remainder of 2010 and 2011.

Commissioner Cummings commented on the neighborhood clean-up and the removal of invasive species and asked if Code Enforcement action is required. Ms. Forester responded. Mr. Haymans commented on the clean up at Bayshore Park and the areas that are overgrown with exotic species. **Chairman Starr** asked about \$50,000 for rehabilitation. Mr. Haymans responded in detail. Ms. Forester fielded questions from **Chairman Starr** regarding the Live Oak Park Special Events Coordinator expenditure for 2010, Community Policing, and public relations and marketing.

Mr. Haymans commented on what has been done to make Charlotte Harbor better and indicated that there isn't enough money to give incentives that development needs. **Commissioner Loftus** commented on Chapter 163 in regard to the reconstruction of a CRA area, mentioned that there is no financing currently, and opined that it is important to improve the area. There was Board discussion.

Mr. Haymans commented on the development of the Work Plan and stated that the Committee is proud of the proposal. **Commissioner Cummings** stated that he was satisfied with the Work Plan as presented.

COMMISSIONER DUFFY MOVED TO APPROVE THE WORK PLAN AS PRESENTED, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 4:0.

VI. Action Item: Direction to continue review and implementation of land use changes in the redevelopment area with focus on the target area

Ms. Forester advised the Board that the Advisory Committee would like to pursue an analysis and review of the current Land Use changes. Mr. Haymans commented on density issues associated with the land use changes.

Commissioner Loftus stated that it is necessary to look at the increase in height and density and commented on problems that the CRA has faced. **Commissioner Cummings** commented on being in line with the consensus of the community. Mr. Haymans discussed community charettes

and meetings attended before coming to the Board. (**BOARD CONSENSUS TO CONTINUE REVIEW AND IMPLEMENTATION OF LAND USE CHANGES.**)

VII. Action Item: Direction to review and propose amendments to the Charlotte Harbor Community Redevelopment Plan to reflect regulatory review and expansion of CRA Boundaries to include the historical property

Ms. Forester pointed out a boundary change that would include an historic property owned by Charlotte County from the Knight Family, mentioned that the Historical Advisory Committee sent the Board a letter supporting the inclusion into the CRA boundaries, and commented that the Committee is requesting to expand the boundaries to include two parcels. **Chairman Starr** clarified that the parcels are county-owned. **Commissioner Cummings** was in agreement with the request but cautioned not to go sideways with Department of Community Affairs. Mr. Haymans opined that DCA may not be aware that the density doesn't exist due to the overlay issue. (**BOARD CONSENSUS FOR BOUNDARY CHANGE.**)

VIII. Committee Comments

Ms. Ventola mentioned concerns with increasing density on water and pointed out the lack of funding. Nate Cooley commented on the progress made with the zoning changes and on putting money back into the community to build a central core of homes. Mr. Herston indicated that several homeowners and business owners attend the meetings and that the Committee is at the Board's pleasure.

IX. Board Comments

The Commissioners expressed their appreciation for all the hard work that the Advisory Committee has done.

X. Summation of Workshop

Jeff Ruggieri commented on density and intensity, stated that they had gotten the report back on the 20/50 Plan from DCA, and discussed comments received related to density. Mr. Herston summarized the meeting. Ms. Forester stated that Consensus had been reached on all action items.

(2) Utilities - **RECOMMENDED ACTION:** An Update to the Wastewater Expansion Program presented in June 2009, focusing primarily on "Area 1". Board to evaluate options presented and direct staff on bringing centralized Wastewater and Water services to this area.

Terri Kesner gave an update to the Wastewater Expansion Program to "Area 1" per direction of the Board in June with a PowerPoint presentation printout furnished to the Board.

Mr. Baltz clarified with Ms. Kesner that the Hybrid option was the least expensive option and that the cost is over \$400 million for "Area 1". **Commissioner Loftus** expressed concern related to the gravity system. Bruce Bullert addressed concerns regarding the Hybrid system. Mr. Baltz asked for clarification on what INI stands for. Mr. Bullert responded Infiltration and Inflow and fielded questions from **Commissioner Loftus** regarding infiltration, the Gravity system, the Hybrid system, Edgewater, forced main facilities, and the Vacuum system.

Ms. Kesner continued with the PowerPoint presentation. **Commissioner Loftus** asked if notices would be sent out for the outreach meetings, referred to a meeting six months ago with Ms. Kesner regarding doing an environmental assessment and asked if the assessment had been completed. Ms. Kesner responded that her department addressed groundwater. **Commissioner Loftus** clarified that the study was done in November of 2009, stressed importance of getting information out to stakeholders, and asked if the Health Department had done another assessment. Scott Schermerhorn responded. **Commissioner Loftus** asked about the cost of the roads. Ms. Kesner responded that the cost is included.

John Iglehart and Jennifer Nelson of the Fort Myers Department of Environmental Protection were present to answer questions. Mr. Iglehart gave a synopsis of the permit project in regard to storm water and sewer. Ms. Nelson explained the TMDL (Total Maximum Daily Load) Program. Mr. Iglehart pointed out that it will take time to realize water quality benefits.

Commissioner Duffy asked for clarification related to the sewerred areas on the "Area 1" location map and the location and placement of the pipes. Mr. Bullert addressed **Commissioner Duffy's** inquiries in detail.

Commissioner Duffy asked about impaired waterways in Rotonda, the location of a lift station on a Hybrid Gravity system depicted in the presentation, the total estimated cost per ERU, and number of years. Ms. Kesner responded in detail. **Chairman Starr** addressed **Commissioner Duffy's** question regarding ATU (Aerobic Treatment Unit) requirements saying that a letter had gone to Department of Community Affairs (DCA) to get permission to unrequire them.

Ms. Kesner pointed out that 4,000 existing properties will need water service to be compatible with the Comprehensive Plan. **Commissioner Loftus** asked about the East Port Sewer Plant, the amount of money spent, reducing INI (Infiltration and Inflow),

and clarified that the upgrade will take care of "Area 1". **Commissioner Cummings** clarified the cost per unit and what the all inclusive includes. Ms. Kesner responded that every possible scenario has been included and will be turnkey. **Commissioner Cummings** inquired whether random sample surveys will be conducted and about the costs involved. Ms. Kesner responded that the rate study expires in 2011 and commented on the rates. **Commissioner Loftus** commented on the total price in 1975.

Commissioner Duffy commented on having requested funding for the project during the trip to Washington. There was Board discussion. Mr. Baltz commented on Slide 25 from the presentation in regard to scheduled meetings for stakeholders and anticipated questions that will be generated from the public as a result.

ADJOURNED: 4:00 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**

sfc