

BOARD OF COUNTY COMMISSIONERS

April 13, 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, Minutes Supervisor Manley. The following members were absent: None

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

Invocation was given by Reverend George Cooks, First Macedonia Missionary Baptist Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Mr. Baltz advised that he received a request to delete agenda item Z-1 from today's agenda and delay it for a couple weeks in order to gather additional information.

Deletion #1: Z-1 - Building and Construction Services - Discussion and direction from the Board of County Commissioners with respect to a proposed increase in fees relating to building permits.

Addition #1: Requested by: Purchasing - Z-2: a) Approve award of Bid No. 10-180 Specialty Mowing to John Eisele, Inc. of Rotonda West, in the amount of \$144,492 for the term from date of award up to and including September 30, 2011, with option to renew at the same prices, terms and conditions; and b) Authorize County Administrator to approve renewals for two additional one-year terms. This is an annual contract for specialty mowing and landscape maintenance.

Addition #2: Requested by: Commission Office - Z-3: Approve cancellation of the April 29, 2010 Budget Workshop.

Addition #3: Requested by: Commission Office - Z-4: Discussion and possible direction regarding the Peace River Manasota Regional Water Supply Authority budget.

Addition #4: Requested by: Commission Office - Z-5 - Administrative Professionals' Day Proclamation, April 21, 2010.

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

MOTION CARRIED 5:0.

Proclamations - Commissioners Adam Cummings and Tricia Duffy

Autism Awareness Month Proclamation for the month of April 2010

COMMISSIONER LOFTUS MOVED TO APPROVE AUTISM AWARENESS MONTH PROCLAMATION FOR THE MONTH OF APRIL 2010, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

The Proclamation was accepted by Maureen Morris, Outreach Chairman, Autism Speaks (Charlotte County) and other members of the Outreach program.

Arts and Humanities Council Artist of the Month, Jill Park, Proclamation for the month of April, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH, JILL PARK, PROCLAMATION FOR THE MONTH OF APRIL, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Jill Park.

Children's Week Proclamation for the week of April 11, 2010 through April 17, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE CHILDREN'S WEEK PROCLAMATION FOR THE WEEK OF APRIL 11, 2010 THROUGH APRIL 17, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Anne Bouhebent, Executive Director, Early Learning Coalition of Florida's Heartland, Inc. and Ed Osborne, Chairman, Board of Directors.

Fair Housing Month Proclamation for the month of April, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE FAIR HOUSING MONTH PROCLAMATION FOR THE MONTH OF APRIL, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Bob Hebert, Charlotte County Housing and Community Initiatives Manager.

Johnson Engineering Day Proclamation the 13th day of April, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE JOHNSON ENGINEERING DAY PROCLAMATION THE 13TH DAY OF APRIL, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Chris Beers, Steve Morrison, and Jaime Boswell.

V. Regular Agenda

Z. Regular Agenda

(5) Requested by: Commission Office - Z-5 - Administrative Professionals' Day Proclamation, April 21, 2010.

COMMISSIONER LOFTUS MOVED TO APPROVE ADMINISTRATIVE PROFESSIONALS' DAY PROCLAMATION, APRIL 21, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by Bonnie Stoner, Ceres Staniszewski, Joanne Vondermuell, and Joann Dillon.

Employee Recognition - County Administrator Roger Baltz

Five Years: Patrick Nolan, Utilities; Todd Taylor, Budget & Administrative Services; Randall Vowell, Public Works/Maintenance & Operations; John Rohling, Facilities; **Ten Years:** Althea Connor, Human Services; James DelSoliol, Public Works/Maintenance & Operations; **Fifteen Years:** Wanda Pavone, Fire/EMS; **Twenty Years:** Thomas Garrity, Fire/EMS; Michael Ewing, Fleet/Equipment Tech III; **Thirty Years:** Deborah Arnold, Human Resources

Presentations

Discussion of policies at JM Berlin Skate Park. Mrs. Berlin will present issue to Board.

Commissioner Skidmore introduced Mrs. Jean Berlin, business owner and children's advocate from Englewood, and commented on the skate park at Oyster Creek and concerns that have arisen at the skate park.

Ms. Berlin addressed the Commission with concerns at the skate park, commented there is no one at the park to supervise, mentioned trash being thrown about, that no helmets are being worn, commented that she contributed to the construction of the park and is dismayed at its condition, mentioned the importance of having a pass to get into the park, expressed concerns with bikes being used in the park, and recommended the County build a bike park.

Commissioner Skidmore requested that the Commissioners open dialogue to establish some type of structure at the skate park, perhaps with an ad hoc committee and mentioned that he would rather not gate the park.

Commissioner Cummings commented on the need for supervision at a facility such as the skate park, mentioned public safety issues, and commented on the need to base the budget on community needs.

Commissioner Skidmore mentioned moving forward with a stimulus application for the Re-hiring Act that Mr. Stolzfus is about to recommend in order to improve the issue at the skate park.

Commissioner Loftus corrected **Commissioner Cummings'** comments on issue of landscaping on U.S. 41.

Chairman Starr asked if there was any action needed from the Board in relation to the skate park. **Commissioner Loftus** indicated Parks and Rec has an advisory committee and that they should review it and make a recommendation. **Commissioner Skidmore** recommended giving direction to Mr. Baltz to resolve the problem as quickly as possible. **Commissioner Duffy** agreed that the Board should ask the Committee for their input because it is one of their functions and clarified that the Advisory Committee's next meeting was in three weeks. **Chairman Starr** stated that the Board direction would be to have the Parks and Rec Advisory Committee review it and make a recommendation for staff. **Commissioner Skidmore** suggested that Mr. Dryburgh and Ms. Berlin attend the meeting of the Advisory Committee. **Commissioner Duffy** stated that she suggested that the matter go before the Parks and Rec Committee so it does not have to come back to the BOCC.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Steven Mitnik, Charlotte County Health Dept. Director, commented on agenda item C-3.

Howard Shaw spoke to agenda items C-3 and C-5.

Herman Valasco, Environmental Health Administrator, Charlotte County Health Dept., spoke to agenda item C-3.

Jim Godde commented on difficulties he has encountered trying to build on his property.

II. COMMITTEE VACANCIES

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

Deep Creek Street & Drainage Unit Advisory Committee is seeking one volunteer to finish an unexpired term. This term expires January 31, 2011.

Englewood East Street & Drainage Advisory Committee - is seeking two volunteers, one volunteer to serve a regular three year term and one volunteer to serve a two year term as the alternate.

Grove City Street & Drainage Advisory Committee is seeking two volunteers; one person to serve a three year term as a regular member and one person to serve a two year term as the alternate member. Terms effective immediately.

Charlotte County is seeking nine members to serve on a newly formed Manatee Advisory Committee. Three members shall represent the development community; three members shall represent local environmental advocacy groups and three members shall represent the local fishing and boating community. Committee will engage in public outreach and make recommendations to the Board of County Commissioners to assist in the development of a Manatee Protection Plan.

Pirate Harbor Street & Drainage Unit Advisory Board is seeking one volunteer. Volunteer must be a resident of Charlotte County and reside within the unit. Length of term is until November 11, 2011.

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

South Bridge Waterway Municipal Service Benefit Unit is seeking three volunteers. Two regular members and one alternate member.

Tropical Gulf Acres Street and Drainage Unit Advisory Board is seeking one volunteer. Must be a resident of Charlotte County and reside within the unit. Length of term is three years.

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.

III. REPORTS RECEIVED AND FILED

Charlotte County Utilities 2009 Annual Report, prepared by PB Americas, Inc. and Boyd Environmental Engineering

IV. CONSENT AGENDA

COMMISSIONER SKIDMORE MOVED TO APPROVE CONSENT AGENDA EXCEPT FOR AGENDA ITEMS F-3, E-1, C-3, D-1, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

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

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

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

Memorandum #2 - Total Disbursements for the Period March 16, 2010 through April 2, 2010 in the amount \$17,927,515.83

Memorandum #3 - Quarterly Report Unclaimed Excess Money

Memorandum #4 - Excess Funds on Tax Deed Applications

B. Minutes Division

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

March 9, 2010, 9:00 a.m. Regular Meeting

March 9, 2010, 2:00 p.m. Executive Session

March 9, 2010, 2:30 p.m. Executive Session

March 12, 2010, 9:00 a.m. Joint Meeting with the City of Punta Gorda

March 16, 2010, 9:00 a.m. Land Use Meeting

March 16, 2010, 1:00 p.m. Executive Session

March 22, 2010, 9:00 p.m. Pre Agenda

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the appointment of Cecy Cowger Glenn as the not for profit representative on the Affordable Housing Advisory Committee for a three year term. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Reappoint Douglas Buuck and Mike Szuba to the Charlotte Ranchettes Street and Drainage Unit Advisory Board. Length of terms: 3 years. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve a resolution adopting revised Department of Health Fee Schedules. BUDGETED ACTION: None

Commissioner Cummings explained his reasons for pulling the item, saying it would be better to make this decision after further studies are made by the Health Dept., after budget reviews, and stated he would not support the item at this time.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2010-019, SECONDED BY COMMISSIONER DUFFY.

There was Board Discussion.

Motion by **Commissioner Skidmore** to call the question: 5/0 approved.

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

(4) *RECOMMENDED ACTION:* Approve the reappointment of Captain Ralph Allen to the Tourist Development Council for a four-year term. Captain Allen's term has expired and was advertised. *BUDGETED ACTION:* None.

(5) *RECOMMENDED ACTION:* Set a public hearing for April 27, 2010, at 10:00 a.m., or as soon thereafter as may be heard, to adopt an Ordinance prohibiting acts of Aggressive or Obstructive Panhandling; providing for restrictions on public loitering. *BUDGETED ACTION:* None

D. Administration

(1) *RECOMMENDED ACTION:* Set a Public Hearing for April 27, 2010 at 10:00 a.m. or as soon thereafter as may be heard, to consider the application of Ambitrans Medical Transport, Inc. for a certificate of public convenience and necessity to provide non-emergency advanced life support and basic life support ambulance service throughout Charlotte County. *BUDGETED ACTION:* None

Chairman Starr explained his reason for pulling the item and stated he would like to see a proposal by the Fire Dept. to see what they could do to provide this service with existing personnel and apparatus.

There was Board discussion.

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

Chairman Starr stated that his intent is not to not approve the Public Hearing but to see if there is interest for a presentation by staff at that public hearing and commented that there may be a way to bring revenue to the County. **COMMISSIONER CUMMINGS WITHDREW HIS MOTION.**

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

Commissioner Skidmore stated his understanding is that the Fire Chief does not support doing this, commented that it is more expensive for Fire/EMS, and spoke in opposition. **Commissioner Loftus** agreed that it is more costly for the County.

Commissioner Duffy stated that the item would increase the size of government, not reduce it, and it would not be cost effective.

Commissioner Cummings commented that there is no down side to looking at the issue if the direction is changed to staff, no cost to withdrawing that direction if not competing with private sector to staff, and the only incentive is if revenue is gained by the County.

Chairman Starr opined it would be worthwhile to update and look at the plan.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

RECESS: 11:00 AM - 11:15 AM

(2) **RECOMMENDED ACTION:** Approve a Resolution to support the Local Jobs for America Act. **BUDGETED ACTION:** None

Resolution 2010-020

E. County Attorney

(1) **RECOMMENDED ACTION:** Approve a Resolution opposing Amendment 4. **BUDGETED ACTION:** None

Commissioner Duffy explained her reasons for pulling the item, explained what would happen if Amendment 4 passes, and asked that citizens be certain of the facts as there is a lot of misinformation going around.

COMMISSIONER DUFFY MOVED TO APPROVE RESOLUTION 2010-021, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

(2) *RECOMMENDED ACTION:* Approve a Resolution opposing the proposed state constitutional amendment "TABOR" which limits growth in state and local government revenues by the combined rate of inflation and population. *BUDGETED ACTION:* None

Resolution 2010-022

(3) *RECOMMENDED ACTION:* Approve a Resolution in support of legislation for PACE (Property Assessed Clean Energy) programs and initiatives. PACE programs are programs that can be created by local and state governments through energy financing districts to allow property owners to voluntarily pay for energy retrofits to their properties over a set number of years. The benefits of PACE programs and initiatives include the elimination of upfront cost barriers for energy retrofits, providing long term repayment periods, and structuring payments as annual tax surcharges or special assessments. *BUDGETED ACTION:* None

Resolution 2010-023

(4) *RECOMMENDED ACTION:* Approve a full and final settlement in the amount of \$89,500 in the lawsuit captioned: William E. Clement v. Charlotte County, Case No. 07-926-CA. *BUDGETED ACTION:* None

Agreement 2010-009

(5) *RECOMMENDED ACTION:* Approve a full and final settlement in the amount of \$30,000 in the lawsuit captioned Patrick Turley as Father and Natural Guardian of Minor Aidan Turley v. Charlotte County, a political subdivision of the State of Florida v. Teri Turley as Mother and Natural Guardian of Minor Aidan Turley; Case No. 06-1870-CA. *BUDGETED ACTION:* None

Agreement 2010-010

F. Budget and Administrative Services

(1) *RECOMMENDED ACTION:* Approve the attached interlocal agreement with the City of Punta Gorda for the City's use of

digital in-car audio video equipment purchased by the County with funds from the Edward Byrne Memorial Justice Assistance Grant Program. Edward Byrne Memorial Justice Assistance Grant Program (JAG) funds were used by the County to purchase items for the City of Punta Gorda Police Department as agreed upon in the grant proposal. The equipment included the aforementioned digital in-car audio video equipment which will be used by the City Police Dept. in their patrol cars. BUDGETED ACTION: None. There is no financial impact since this was equipment was already purchased with grant funding and no further purchases are involved.

Agreement 2010-011

(2) RECOMMENDED ACTION: a) Approve a Resolution authorizing the creation of a special revenue fund for the Charlotte Harbor Event and Conference Center per the Governmental Accounting Standards Board Statement (GASB) pronouncement 54; and b) Approve Budget Amendment #10-A45 in the amount of \$946,000 and approve Budget Transfer #10-018 in the amount of \$526,000. BUDGETED ACTION: Approve Budget Amendment #10-A45 in the amount of \$946,000; approve Budget Transfer #10-018 in the amount of \$526,000.

Resolution 2010-024

Fiscal Services - No Items

Information Technology - No Items

Purchasing

(3) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract 08-188, Ultra Low Flow Toilet Rebate Program, amending article 3.1 of the agreement increasing the contract not-to-exceed amount from \$100,100 to \$214,120 with the original unit prices remaining the same; and b) Authorize Chairman to sign the Amendment. BUDGETED ACTION: Amount Budgeted \$114,020.

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM F-3, SECONDED BY CHAIRMAN STARR.

Commissioner Skidmore commented on his reasons for recommending denial and stated he would rather pay down County debt with the money.

Commissioner Loftus asked Terri Kesner if there was a savings on the water. Ms. Kesner commented on reduction of water savings with the program, on cost savings in 2008, and indicated water conservation was cheaper than looking for new alternative water resources.

Commissioner Skidmore requested clarification of Ms. Kesner's comments on savings to 84 homes. Ms. Kesner clarified, stated that the Grant was approved in the fall by the Board, indicated no savings were identified through cancelling the program due to prior Board approvals. **Commissioner Skidmore** spoke in opposition to the Program.

Commissioner Loftus pointed out that the program is saving ratepayers money. **Chairman Starr** commented on the consultants confirming that the toilets have been installed, on the money lost if the program is not approved, and questioned why it is on the agenda if already approved. Ms. Kesner explained what has been approved to this point.

Kim Corbett explained the contract and gave additional clarification. **Chairman Starr** agreed with **Commissioner Skidmore** that the money should be applied to the debt. **Commissioner Duffy** asked about the number of people on the waiting list. Ms. Kesner explained. There was additional Board discussion. **Commissioner Cummings** commented on the savings that would continue over the life of the toilet and the need for inspectors to see the contracted work has been done and done properly; and commented on the need to amend items of the project that had previously been approved as it goes along.

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

(4) **RECOMMENDED ACTION:** Approve the award of Bid #10-162, Rotonda River Water Structures, to Custom Built Marine Construction, Inc., of Stuart, Florida, for a total cost of \$320,861.63 to secure services for the installation of water control structures, to include steel sheet pilings with concrete

weir caps and bank and channel protection aprons. BUDGETED ACTION: None. Budgeted in CIP project c410808 Rotonda West Weir Replacement.

(5) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of April, 2010. BUDGETED ACTION: None

Real Estate Services

(6) RECOMMENDED ACTION: Accept the donation of four (4) lots as described on the attached sheets (see Exhibit "A", Pages 1 and 2) entitled Lot Donation to Charlotte County. BUDGETED ACTION: none - Recording fees will be paid out of BCC Controlled - General Fund.

G. Building & Construction Services - No Items.

H. Economic Development

(1) RECOMMENDED ACTION: Approve removal of County Administrator, Roger Baltz from the Economic Development Working Group. BUDGETED ACTION: None

J. Environmental Services - No Items.

K. Facilities Construction and Maintenance - No Items.

L. Growth Management

(1) RECOMMENDED ACTION: Approve a bond reduction for C2FS-Coral Creek, LLC, from \$2,659,601.98 to \$659,968.65, for Landings at Coral Creek Subdivision, Petition FP-05-12-13. BUDGETED ACTION: None

Agreement 2006-059

M. Human Resources - No Items.

N. Human Services - No Items.

P. Parks, Recreation and Cultural Resources - No Items.

Q. Public Safety

(1) *RECOMMENDED ACTION*: Set a public hearing for April 27, 2010 at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance to provide for inclusion of appointment of registered nurse emergency room directors on the Medical Advisory Committee; deleting references to the emergency medical director contract; revising the functions of the committee including but not limited to deleting the authority to hear appeals of disciplinary actions against emergency medical personnel and designating the frequency and location of meetings; providing for inclusion in the Charlotte County Code; providing for severability; and providing an effective date.
BUDGETED ACTION: None

R. Public Works - No Items.

S. Tourism Development - No Items.

T. Utilities

(1) *RECOMMENDED ACTION*: Approve Chairman to sign the Florida Department of Environmental Protection (FDEP) Consent Order approving a settlement for a violation of FAC Rule 62-555.520, failure to obtain the correct permit. *BUDGETED ACTION*: None. The \$1900 penalty will be paid from other current charges and obligations. The Penalty funding comes from Operating and Maintenance Fund.

Agreement 2010-012

U. Other Agencies - No Items.

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

(1) *Public Works - Conduct a Public Hearing to consider approving an Ordinance creating an Advisory Board for the Boca Grande Street and Drainage MSBU Committee.*

Tara Musselman presented the item.

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

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2010-017, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

(2) Public Works - Conduct a Public Hearing to consider approving an ordinance creating the South Gulf Cove Beautification MSBU.

Tara Musselman explained the purpose of the agenda item and the requested ordinance.

Marvin Dunleavy and Richard Vollmer spoke in opposition of the agenda item.

Sandy Slater spoke in support of the agenda item, referenced the petition signed by members of the South Gulf Cove Property Owners Association, and requested a show of hands for those attending the meeting in support of the agenda item.

Karen Ireland and Kendall Leach spoke in support of the agenda item.

John McGuire, President of the Conservancy Community Trust (CCT), spoke in support of the agenda item on behalf of the CCT.

Karen Price, past President of the Homeowners Association, commented on the process and spoke in support of the agenda item.

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

MOTION CARRIED 5:0.

Commissioner Loftus clarified that there are no co-mingling of funds.

**COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2010-018,
SECONDED BY COMMISSIONER DUFFY.**

Commissioner Skidmore asked for clarification on the survey, to which Ms. Musselman responded and encouraged more community outreach. Commissioner Loftus thanked all who have worked hard in South Gulf Cove.

RECESS: 11:45 AM - 11:55 AM

MOTION CARRIED 5:0.

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

Professional Tarpon Tournament Series Presentation to the Board of County Commissioners.

Commissioner Skidmore indicated he and Becky Bovell had been working on the tournament and commented on the benefits of the Professional Tarpon Tournament Series (PTTS) group.

Becky Bovell, Tourism Director, gave additional detail related to the item and introduced Gary Ingman and Joe Mercurio, Vice-President and General Manager of the Tarpon Anglers Club. Mr. Mercurio gave a slide presentation that paralleled the packet material.

Commissioner Skidmore commented on the benefits of the organization. Tommy White commented that it is a great spectator sport.

V. REGULAR AGENDA

Z. Regular Agenda (continued)

(2) Purchasing - a) Approve award of Bid No. 10-180 Specialty Mowing to John Eisele, Inc. of Rotonda West, in the amount of \$144,492 for the term from date of award up to and including September 30, 2011, with option to renew at the same prices, terms and conditions; and b) Authorize County Administrator to approve renewals for two additional one-year terms. This is an annual contract for specialty mowing and landscaped maintenance.

Kim Corbett explained the purpose of the agenda item.

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

MOTION CARRIED 5:0.

(3) Commission Office: Approve cancellation of the April 29, 2010 Budget Workshop.

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

MOTION CARRIED 5:0.

(4) Commission Office - Discussion and possible direction regarding the Peace River Manasota Regional Water Supply Authority budget.

Mr. Baltz stated the Water Authority builds its budget in the same way as the County, commented on a memo from Ms. Kesner regarding issues the Water Authority is dealing with, mentioned line item of payments totaling \$12M made to the Water Authority annually, and advised that the amount may go up to \$13M.

Chairman Starr commented on cost concerns raised by CCU staff, mentioned the Board needs to look closely at expenses as to wants vs. needs, and commented that he would like to see the Water Authority forestall everything that is not necessary.

Commissioner Loftus discussed attending the last Water Authority Board meeting, commented on the need to complete an analysis of the old water treatment plant, specifying needs versus wants, mentioned that the Authority needs to hold the line, and commented on the reduction of chemicals where possible.

Commissioner Cummings added comments regarding possible work that needs to be done at the Water Authority, questioned why there is an issue at the facility all of a sudden, advised that the Board needs to review carefully in how it moves forward, and commented on the need for an equity-based system at the Authority.

Commissioner Loftus indicated that he had asked Mr. Lehman to be at the next meeting when discussing the Master Water Contract and commented on his inspections of the plan and work that has been needed.

Commissioner Skidmore commented on concerns of the Authority looking at raises, on the need to protect interests, commented on being cognizant to all items, agreed on the need to go to an equity-rate system, and commented on concerns of going to a common rate.

Mr. Baltz added clarifying comments on common rates versus equity-based rates and indicated there are many models that have not been seen.

Commissioner Skidmore agreed the Board needs to be more aggressive than it has been in the past.

Chairman Starr asked for guidance from Ms. Kesner relating to the expenses charged by the Water Authority and expressed the need to see a plan of action to solve the problem. Ms. Kesner addressed **Chairman Starr's** concerns, commented that the Water Authority budget has been presented to staff and is being reviewed carefully, indicated that questions have been presented to the Water Authority in order that information can be brought back to the Board for a decision, and stated that she expects the review to be completed in June.

Chairman Starr inquired if the Water Authority budget shows an increase or decrease, to which Ms. Kesner advised there was an increase. **Chairman Starr** expressed his concerns, commented on a lack of secondary source, and expressed the need to have a plan that can facilitate change.

Mr. Baltz explained the Water Authority is a collective government process, and advised the County does not have the ability to impose its will upon the Water Authority's budget, explained the process and inquiries that are made for increases, pointed out the County is one of four in the process, and that sometimes there are justifiable reasons for the increases.

Ms. Kesner explained the handout provided to the Board, indicated that \$8M might be needed for upgrades in the original

facility, and introduced members of her management team, Bernie Milosky, Bruce Bullert, and Jamie Huish to be present in order to explain in more detail.

Chairman Starr asked the cost of the study. Ms. Kesner indicated Mr. Lehman anticipates the cost to be approximately \$50,000.

Bernie Milosky gave a presentation with additional comments and explanations.

Bruce Bullert commented on recent expansions, stated that they are a separate entity of the original plant, and commented on recent upgrades.

Ms. Kesner commented on staff level discussions on the R&R (Renewal and Replacement), referenced an email from Henry Thomas of PRMG, and gave details on the original facility. **Commissioner Skidmore** asked about the term on the R&R debt. Ms. Kesner responded in detail that the debt is the capital component charge. **Commissioner Cummings** commented on his recollections of the bond terms and added additional comments.

Chairman Starr pointed out that there is a budget workshop prior to the Water Authority budget meeting, suggested formulating a plan to send a resolution to the Water Authority, and that members of the Board make concerns known to other members of the Water Authority except for **Commissioner Loftus** and **Chairman Starr**.

Commissioner Loftus clarified with Ms. Kesner that there will be a meeting of the Water Authority on Thursday. Ms. Kesner responded affirmatively and mentioned members who would be attending. **Commissioner Loftus** commented that the expansion of the plant and reservoir had come on line in the past year, mentioned the additional costs, and proposed that the Board and the utility engineers take a tour of the plant to see what repairs are needed after Mr. Lehman's presentation at the next Board meeting.

Commissioner Duffy commented that she would like to gather more information, pointed out that the budget is a draft, mentioned she would want to see a reduction in the Authority budget,

opined that the Board is reacting prematurely, and stated she is not in favor of an increase in salaries.

Commissioner Skidmore opined that it is not too early to comment on the draft, especially regarding personnel matters, commented on omitting some items early, and continuing to work on reductions.

Chairman Starr opined the logical way is to sit down at a workshop and formulate a plan and commented that he wants a decrease in their budget.

Commissioner Duffy pointed out that this is the time to review the Water Authority budget in order to get the proper information and to give Ms. Kesner feedback. **Commissioner Loftus** indicated that he always questions expenditures when he is at a Water Authority meeting.

Commissioner Cummings gave his opinions on the direction that he thinks the Water Authority needs to go in and commented on determining the highest priorities.

Mr. Baltz stated that there is no substitute for a unified strong message from Charlotte County as a group and advised the Board that the Master Water Contract cannot be unilaterally amended or changed.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Howard Shaw thanked the Board members for attending the Curmudgeon Club meetings, commented on changes for the better in the Commission, and stated he looks forward to good changes in the upcoming Budget workshops.

Douglas Tucker commended the Board's action on the toilet rebate program, commented on the need for financing to be done by Charlotte County at the Charlotte Sports Park, and encouraged the Commission to find ways to reduce expenditures and raise revenues there.

Ken Chandler commented on heavy traffic and life safety issues by Walgreens on Azalea Drive, mentioned what has been done to address his concerns, and thanked the County staff who worked with him on the issues.

AA. County Administrator:

Mr. Baltz advised that he had received correspondence from the City of Punta Gorda regarding the placement of a City entrance sign on County property near the Event Center in Punta Gorda, showed an artist rendition drawing to the Board that had been sent, and stated he would work with the City unless he hears otherwise from the Commissioners. **Commissioner Loftus** stated he was satisfied with the sign but added that there needs to be a plaque showing the Event Center is a County building. Mr. Baltz stated he would follow up on it. **Chairman Starr** spoke in favor of the sign.

Mr. Baltz commented on fees charged for events in Charlotte County, mentioned that the air show is tied to an existing ordinance, mentioned requests to waive fees, commented on options that the County can either pay the fee or look at amending the ordinance, and inquired if there is interest in revisiting the issue, being that it is recurring.

Commissioner Skidmore commented that he would like to change the ordinance, even if cutting the cost in half. Attorney Knowlton commented on one of the issues, advised the Board about not charging non-profits but charging others, pointed out the discussion has come up before and warnings have been given, suggested possibly lowering the fee, but warned about a legal issue if waiving the fee to non-profits.

Commissioner Loftus commented on previous discussions and stated that the ordinance was primarily for those car dealers coming from outside of the County.

Commissioner Duffy commented the issue is one of the unintended consequences from attempting to solve a different issue, stated she would like to revisit the ordinance, and commented there has to be a better way to take care of the non-profits.

Chairman Starr commented on the amount of revenue generated, mentioned having a differentiation between for-profits and non-profits, and commented on dealing with car dealers as needed or doing away with the ordinance altogether if not generating a profit. **Commissioner Duffy** suggested **Chairman Starr** discuss the issue with Attorney Knowlton so that he understands the complications involved.

Commissioner Cummings indicated it is unconstitutional to create barriers to trade, stated why the Board is not able to give an exception, and suggested going back to the old permit.

Attorney Knowlton said she would like to meet with **Chairman Starr** and advised the best way to exempt someone is to have the County pay the fee.

Mr. Baltz commented on receiving phone calls regarding the Metropolitan Planning Organization (MPO) related to looking at the MPO being hosted with Growth Management rather than Public Works, advised that staff is proceeding as directed, mentioned a concern that Charlotte County is absorbing the MPO into its organization, clarified that such an action is not allowed and is not happening, and commented that staff is only proceeding as directed at the goal setting workshop.

Commissioner Cummings commented on the issue discussed by Mr. Baltz regarding the MPO and suggested leaving it where it is.

Commissioner Loftus stated he was disappointed at the misinformation, commented he has no problem with the relocation, and indicated that Growth Management and MPO are both planning tools.

Commissioner Duffy stated she supports the recommendation to host the MPO with Growth Management and expressed concerns with the lobbying that has gone on related to the MPO. **Chairman Starr** also spoke in favor of the recommendation made by Mr. Baltz.

Ms. Shoemaker informed the Board about habitat grants that have just come available through the Cooperative Endangered Species Fund, announced that the County has been awarded the only award for Florida under this program, and stated that the grant will enable the County to acquire 40 acres and lengthen now 500 acres

of existing conservation lands in three now separate tracts in the amount of \$1.6 M, advised that staff will have an item on the agenda at the next meeting, and thanked Andy Stevens and the Natural Resources Department for their hard work.

Commissioner Cummings asked if the County can apply for more. Ms. Shoemaker responded staff is working at it little by little.

Mr. Baltz advised that there is a match tied to the grant. Ms. Shoemaker explained that there is a 25% match (\$400,000) and explained where the funds would come from.

Mr. Baltz commented on working with an issue regarding the Event Center, mentioned an agreement shared with the School Board for reciprocal use of facilities that automatically renews every year unless the County gives 90 days notice, requested time to work with the School Board in order to review uses at the Event Center, mentioned costs to the County for some uses, and requested Board action today to terminate the agreement and allow time to take care of the challenge.

Attorney Knowlton advised that the item needs to be added to the agenda.

COMMISSIONER LOFTUS MOVED TO ADD TO THE AGENDA THE RECOMMENDATION BY THE COUNTY ADMINISTRATOR TO TERMINATE THE FACILITY USE AGREEMENT WITH THE SCHOOL BOARD AND ALLOW THE COUNTY ADMINISTRATOR TO RENEGOTIATE THE CONTRACT, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO TERMINATE THE CONTRACT WITH THE SCHOOL BOARD AND ALLOW THE COUNTY ADMINISTRATOR TO RE-NEGOTIATE THE CONTRACT, SECONDED BY COMMISSIONER SKIDMORE.

Commissioner Duffy requested clarification on the Motion to terminate and inquired when the agreement runs out. Attorney Knowlton clarified that 90 days notice must be given to terminate. **Commissioner Duffy** commented that she wanted the Event Center to be a community building and expressed concerns that the School Board be able to use it. Mr. Baltz clarified the proposed action further and commented that the intent is not

meant to be adversarial. Attorney Knowlton explained that the motion is to terminate and negotiate a new contract. Ms. Shoemaker explained further.

MOTION CARRIED 5:0.

Mr. Baltz brought back information regarding the toilet rebate program, explained what has transpired to date with the program, and asked that Bernie Milosky explain that some citizens may have filled out applications to participate in the program.

Bernie Milosky commented on the number of citizens who have signed up for the program that would be affected by the decision of the Board.

Commissioner Loftus opined Charlotte County should reimburse those involved. Mr. Milosky discussed SWFWMD difficulties and obligations. **Commissioner Skidmore** indicated that the Board understood the obligations and stated that the County would uphold the portion of the program that was in force but discontinue the remainder. **Commissioner Duffy** asked how refunds could be made. Mr. Milosky explained the involvement with the consultant and the associated costs.

Ms. Kesner explained why the issue came before the Board for amendment. Mr. Baltz provided additional detail stating that the County needs to do a better job of making sure that the contracts and changes are concurrent and to be sure of the impacts to the citizens.

Commissioner Cummings expressed concern regarding meeting the commitments made to the citizens involved and clarified whether the actual person doing the inspections is a Charlotte County resident. Ms. Kesner confirmed. **Commissioner Cummings** commented on concerns of not completing something committed to with SWFWMD.

Commissioner Loftus commented on a conversation with the Department of Energy indicating that one of the best ways to conserve energy is to conserve water.

BB. County Attorney:

Attorney Knowlton requested clarification in that at the Budget Workshop of April 8, 2010, direction was given to staff to proceed with an amendment to the impact fee ordinance to allow for a payment plan, questioned whether the discussion centered around what Punta Gorda has done with their impact fee ordinance, requested direction as to whether the Board wants staff to create it the same way as Punta Gorda, indicated she understood the Board direction is for commercial establishments only, but pointed out that Punta Gorda only has it for affordable housing and economic development. **Commissioner Skidmore** clarified it was his motion and that it was for commercial, commented on possibly using Punta Gorda as a model, but gave staff direction to create an ordinance that covers the County from a risk analysis standpoint as well, including how to lien property if there is a default, and possibly doing a carrying cost in the event an amount exceeds \$500,000, mentioned possibly using the same carrying cost rate as the State revolving fund, commented that direction is wide open for staff to create the best impact fee incentive plan, and indicated the goal is to take impact fees for commercial projects and allow the applicant to pay them over time. **Commissioner Loftus** stated he had seconded the motion and that was his understanding as well.

CC. Commissioner Comments:

Commissioner Skidmore indicated he had attended the Placida Road Widening meeting, pointed out comments made by the residents would be forthcoming, specifically, that no roundabouts are wanted, and mentioned there is contention about the need for sidewalks on both sides of the road.

Commissioner Skidmore commented on the Ray's Plumbing matter discussed last week, indicating that an adequate explanation had been furnished but that the process had been tightened as to who retains the plumber, which should result in a significant cost savings. **Commissioner Skidmore** stated he had received emails as a result of the skate park discussion, specifically, the Supervisor of Elections, Paul Stamoulis and his wife, who are familiar with the skate park, mentioned Mrs. Staumolis has offered assistance if the County goes to a volunteer-based

model, and mentioned the owner of Lemon Bay Glass and Mirror in Englewood had offered suggestions via email which have been forwarded to the Parks and Recreation Advisory Board.

Commissioner Skidmore indicated he had received a notice from Comcast regarding reducing channels and increasing rates, recommended citizens find a way to solicit competition in the market and contact providers to see if they are interested in coming here, and requested support from the Board in bringing back an ordinance barring large trucks from Burnt Store Road.

Commissioner Loftus expressed concern regarding the issue with trucks on Burnt Store Road due to construction. **Commissioner Skidmore** pointed out that exclusions need to be made. **Commissioner Duffy** and **Chairman Starr** both agreed that the issue needs looking into. **Commissioner Cummings** recalled having looked at the issue previously and was told that nothing could be done. **Commissioner Skidmore** stated he would work on the issue. (**BOARD CONSENSUS TO CHECK INTO BARRING HEAVY TRUCKS ON BURNT STORE ROAD.**)

Commissioner Duffy commented on a communication from a citizen and possible misinformation regarding the proposed sewer project. **Commissioner Loftus** encouraged looking at all areas before a decision is made. **Commissioners Skidmore** and **Cummings** commented further on costs and sewerage in the County and recollections of an earlier presentation on the issue.

Commissioner Cummings spoke in favor of the sign in Punta Gorda and mentioned that it appears to be near the land donated by the City.

Chairman Starr commented on a letter from Donald Waller, Director of First Church of Nazarene, requesting a letter recognizing Pastor John Denby, stating the BCC's pleasure and congratulations for 50 years of serving as a pastor, and commented that the church is the only church in Florida getting the award. (**BOARD CONSENSUS**)

Commissioner Duffy remembered Don Cappolla, past Commissioner, who passed away on April 12, 2010, and expressed condolences to his family. **Chairman Starr** concurred. **Commissioner Cummings**

pointed out that the density cap is Don's greatest gift to Charlotte County.

ADJOURNED: 2:30 PM

Signature on file in Commission Minutes
Chairman

ATTEST:

BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS

By: Signature on file in Commission Minutes
Deputy Clerk

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