

BOARD OF COUNTY COMMISSIONERS

June 22, 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, Chief Deputy Board Services White, and Deputy Clerk Carleton. The following members were absent: None

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

The Invocation was given by **Chairman Starr**, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Z-4 - Requested by: Real Estate Services: RECOMMENDED ACTION: Accept the donation of one lot as described on the attached list (see Exhibit "A") entitled Lot Donation to Charlotte County.

Change #1: Z-1 - Requested by: Utilities Department: Change of Background verbiage, as attached.

Deletion #1: Z-4 - Requested by: Real Estate Services: Accept the donation of one lot as described on the attached list (see Exhibit "A") entitled Lot Donation To Charlotte County.

Addition #2: Z-5 - Requested by: Administration: Discussion and direction of the six cent option distribution.

Additional Information: F-4 - Amount budgeted for construction is \$17,582,000 for FY 09/10 and a total of \$18,952,000 for all construction. Total project cost is \$40,519,000. Amount for this contract is \$10,135,627.15.

Additional Information: F-6 - Amount budgeted for construction is \$350,000 for FY 09/10 and \$705,000 for the total project costs. Amount for this contract is \$196,081.88.

Addition #3: Z-6 - Requested by: County Attorney's Office: Set a public hearing for July 13, 2010 at 10:00 AM to consider adopting a vacant property registry program.

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Tricia Duffy

Bob Alexander Day - Commissioner Skidmore

COMMISSIONER LOFTUS MOVED TO APPROVE BOB ALEXANDER DAY PROCLAMATION, JUNE 27, 2010, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

The Proclamation was accepted by Bob Alexander.

Amateur Radio Week

COMMISSIONER LOFTUS MOVED TO APPROVE AMATEUR RADIO WEEK PROCLAMATION, THE WEEK OF JUNE 21, 2010 THROUGH JUNE 27, 2010, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

The Proclamation was accepted by Kenneth Johnson.

Parks and Recreation Month

COMMISSIONER LOFTUS MOVED TO APPROVE PARKS AND RECREATION MONTH PROCLAMATION, THE MONTH OF JULY, 2010, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

The Proclamation was accepted by an unidentified Parks and Recreation representative.

Michael Schulze Day

COMMISSIONER LOFTUS MOVED TO APPROVE MICHAEL SCHULZE DAY PROCLAMATION, JUNE 22, 2010, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

The Proclamation was accepted by Chief DiDio on behalf of Mr. Schulze.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Gail Buck spoke in support of Agenda Item C-2 and explained why.

Claire G. Phalen spoke in favor of Agenda Item F-6 and requested Board support of the bid.

II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee is seeking 8 members to serve on the committee. One representative from each of the following categories: Advocate for Low-Income People; For-Profit Provider; Home Building Industry; Planning & Zoning Board Member; Citizen who resides in the County; Charlotte County employer; Charlotte County essential service personnel and one banking/mortgage rep. Terms are effective immediately and are for 3 years. Submit resume to the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948, or call 941-743-1300, or e-mail BCC@charlottefl.com or fax 941-743-1310.

Children's Services Council is seeking two (2) volunteers, who must be residents of Charlotte County and have maintained residency for 24 months. The Commissioners will nominate six names to the Governor and two will be selected by the Governor for appointment. Submit resume to the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL

33948 or call (941) 743-1300; fax: (941)743-1310 or e-mail to BCC@charlottefl.com.

Historical Advisory Committee is seeking an at-large member to serve on the committee. An at-large member should represent disciplines of architecture, history, urban planning, archaeology or related disciplines such as American Studies or American Civilization. This term will expire in September 2010. Submit resume to the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948, or call 941-743-1300, or e-mail BCC@charlottefl.com or fax 941-743-1310.

Manatee Advisory Committee is seeking 4 members to serve on this newly formed committee. 2 members will represent the development community and 2 members will represent local environmental advocacy groups. 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. Submit resume to the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948, or call 941-743-1300, or e-mail BCC@charlottefl.com or fax 941-743-1310.

Citizens' Advisory Committee (CAC) is seeking a Charlotte County resident to voluntarily serve as a representative of the MPO Citizens' Advisory Committee (CAC) for the following position: Elderly Interests Representative. The CAC reviews transportation plans and projects that the MPO Board will consider. Your letter or email of interest stating the positions for which you are qualified to represent should be sent to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com

Murdock Village CRA Advisory Committee is seeking one volunteer who shall be a licensed real estate broker, as defined in Chapter 475, Florida Statutes (Part I). The term is to finish an unexpired three year term, effective immediately and expiring September 20, 2012. Submit resume to the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax: (941)743-1310 or e-mail to BCC@charlottefl.com.

Pirate Harbor Street & Drainage Advisory Committee is seeking six volunteers. Volunteers must reside within the Unit. One

member to serve a one-year term; two members to serve two-year terms; and, two members to serve three-year terms. Will be selected by lot at the first meeting by members. The alternate member will serve a two-year term and be selected by the BCC. Submit resume to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call (941) 575-3600; fax: (941)637-3600 or e-mail to colleen.barbour@charlottefl.com.

Pirate Harbor Waterway Advisory Committee is seeking two volunteers for two-year terms. One regular member to fill an existing term which expires November 2011. One alternate member to serve a two-year term. Volunteers must be residents of Charlotte County and reside within the Unit. Submit resume to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call (941) 575-3600; fax: (941)637-3600 or e-mail to colleen.barbour@charlottefl.com.

South Gulf Cove Community Plan Advisory Committee is seeking four (4) volunteers. Must reside in or own property within the boundaries of the South Gulf Cove Community planning area. Terms are for two years, effective on July 24, 2010. Submit resume to the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax: (941)743-1310 or e-mail to BCC@charlottefl.com.

South Burnt Store Street & Drainage Advisory Committee is seeking one regular member to complete a two year term that expires March 10, 2012. Volunteers must reside within the district. Submit resume to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call (941) 575-3600; fax: (941)637-3600 or e-mail to colleen.barbour@charlottefl.com

Tourist Development Council is seeking one member to serve. Applicant must be involved in the tourism industry and have demonstrated strong interest in tourist development and is an owner or operator of lodging facilities or recreational vehicle parks. Term will expire in May 2012. Submit resume to the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948, or call 941-743-1300, or e-mail BCC@charlottefl.com or fax 941-743-1310.

III. REPORTS RECEIVED AND FILED

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS F-1, C-2, C-3, AND F-2, 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 May 29, 2010 through June 14, 2010 in the amount of \$7,011,581.38

(2) RECOMMENDED ACTION: Approve Sixth (6th) Supplement to Standby Bond Purchase Agreement for the Utility Series 2003A and 2003B Variable Rate Bond Issue with Bank of America, N.A. for a fee of 80 basis points guaranteed for a three (3) year term. **BUDGETED ACTION:** No budget action is required in that the cost is currently budgeted in debt service (interest cost) of the 2003A and 2003B bonds. Bonds mature through 2021 final maturity date (12 years remaining.)

Resolution 2010-046

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

5/11/10 9:00 AM BCC Regular Meeting

5/13/10 1:30 PM BCC Budget Workshop

5/18/10 9:00 AM BCC Land Use Meeting

MEMO: ERROR IN POSTING MINUTES. MINUTES SHOWN WERE ALREADY APPROVED AT THE BCC MEETING OF JUNE 8, 2010.

Board of County Commissioners

C. Commission Office

(1) **RECOMMENDED ACTION:** Approve the reappointment of Julie Mathis to the Charlotte County Tourist Development Council for a four year term. **BUDGETED ACTION:** None required

(2) **RECOMMENDED ACTION:** Approve a Resolution adopting Department of Health Fee Schedule for new Dental Clinic. **BUDGETED ACTION:** Funds are in hand to initiate the program, and the program is projected to be financially self-sustaining from fees charged to the clients using the services.

Commissioner Starr explained why he pulled the item. There was Board discussion.

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

MOTION FAILED 2:3.

(3) **RECOMMENDED ACTION:** Set a public hearing for July 13, 2010, at 10:00 a.m., or as soon thereafter as may be heard, to adopt an ordinance prohibiting camping on lands without the express permission of the owner. **BUDGETED ACTION:** None

Chairman Starr stated the item required a language update. County Attorney Knowlton explained the correction would be made and the ordinance would be brought back for consideration.

COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM C-3, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

D. Administration

Administration - No Items

Public Information Office - No Items

E. County Attorney - No Items.

F. Budget and Administrative Services

(1) RECOMMENDED ACTION: a) Approve the attached Resolution adopting the Marine Advisory Committee (MAC) recommendations for West Coast Inland Navigation District (WCIND) expenditures for the 2010-2011 fiscal year as set forth in attachment "A" in the amount of \$392,475; and b) Accept the MAC recommendations for the Boater Improvement Fund fee expenditures as in attachment "A" of \$208,681 for a total of \$601,156 expenditures from the Boater Improvement Fund and c) Authorize the Chairman to sign all necessary documents. BUDGETED ACTION: Approve the revenues and expenditures for the WCIND and BIF fee funds as set forth in the attached resolution and attachment "A". If approved revenues and expenditures will be budgeted in the Boaters' Improvement Fund for FY10/11. These expenditures are funded by WCIND/BIF taxes and fees and will be in the FY 10/11 adopted budget.

Commissioner Skidmore explained why he pulled the item.

COMMISSIONER SKIDMORE MOVED TO DENY RESOLUTION 2010-047,
SECONDED BY COMMISSIONER LOFTUS

There was Board discussion.

MOTION FAILED 1:4.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2010-047,
SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 4:1. COMMISSIONER SKIDMORE OPPOSING.

Budget and Administrative Services

(2) RECOMMENDED ACTION: a) Authorize submission of an application to the Edward Byrne Memorial Justice Assistance Grant Program to apply for the Charlotte County allocation of \$57,024 as set forth in attachment 1; and b) Authorize the Chair to execute the necessary grant documents. BUDGETED ACTION: None

Chairman Starr explained why he pulled the item. There was Board discussion. A Sheriff's Department representative responded to Board inquiries and clarified how the grant would be used.

COMMISSIONER LOFTUS MOVED TO APPROVE GRANT 2010-022, SECONDED BY COMMISSIONER DUFFY

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

(3) RECOMMENDED ACTION: a) Approve letter of commitment agreeing to pay Florida Healthy Kids Corp. an estimated \$3,937 local match for children not qualifying for federal funding; b) Authorize Chairman to sign the letter of commitment; c) Authorize Chairman to sign contract upon review and approval by the County Attorney. BUDGETED ACTION: None - Funds will be budgeted in the Charlotte County Health Department Fund for FY 2010.

Amendment to Grant 2008-016

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(4) RECOMMENDED ACTION: Award Bid #10-179, Burnt Store Road Widening - Phase I, to the lowest, responsive, responsible bidder, Bonness, Inc. of Port Charlotte, FL for the total amount of \$10,135,637.15. This is for the widening of Burnt Store Road from approximately 1,400 feet south of Notre Dame Boulevard to North Jones Loop Road. BUDGETED ACTION: None. Budgeted in CIP project c419901 Burnt Store Rd Safety and Widening Phase 1. Funding is supplied from gas taxes, road impact fees, an FDOT grant, and the 2002 sales tax extension. Amount budgeted for construction is \$17,582,000 for FY09/10 and a total of

\$18,952,000 for all construction. Total project cost is \$40,519,000. Amount for this contract is \$10,135,627.15.

(5) RECOMMENDED ACTION: a) Approve split "per package" award of Bid #10-216, Wastewater Collection System Relining-Annual, per the unit prices bid to the following firms: Package A - Williams Testing, LLC, of Sarasota, FL, Package B - Reynolds Inliners, LLC of Sanford, FL, Package C - Miller Pipeline Corporation, of Indianapolis, IN, Package D - SAK Construction, LLC, of O'Fallon, MO, Package E - Select Environmental Services, Inc., of Thonotosassa, FL, and Package G - Chaz Equipment Company, Inc., of Wellington, FL, with an initial contract term beginning from date of award through and including December 31, 2011; 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: FY 2011 Budget \$1,000,000 & FY 2012 Budget \$1,000,000

(6) RECOMMENDED ACTION: Award Bid #10-238, Alligator Creek Alignment Dredging to Marine Contracting Group, Inc. of Punta Gorda, FL, in the amount of \$196,081.88. BUDGETED ACTION: None. Budgeted in project c390502, Alligator Creek S Curve and Dredging. Amount budgeted for construction is \$350,000 for FY09/10 and \$705,000 for the total project costs. Amount for this contract is \$196,081.88.

(7) RECOMMENDED ACTION: a) Approve a multi-award by line item of Bid #10-203, Pesticides & Herbicides - Supply and Deliver to the following vendors as indicated on the attached bid tabulation and recommendation sheet: Alligare LLC of Opelika, AL; Clark Mosquito of Kissimmee, FL; Adapco, Inc. of Sanford, FL; B&G Chemical of Dallas, TX; Helena Chemical of Dade City, FL; Gil Manufacturing of Montgomery, AL; Univar of Fort Myers, FL; and Crop Production of Mulberry, FL, for the period from date of award through and including April 30, 2011. b) Authorize the County Administrator to approve renewal options for up to two (2) one-year terms, at the same prices, terms and conditions, by mutual consent. This is an annual contract to purchase insecticides and herbicides, to be utilized on an "as required" basis by Public Works-Pest Management Division. BUDGETED ACTION: None. Original purchase will be paid from General Revenues and charged to the appropriate MSBU/TU as used.

Real Estate Services

(8) *RECOMMENDED ACTION:* Approve the attached Resolution authorizing the Chairman of the Charlotte County Board of County Commissioners to execute grant of right of way easements to Flamingo Waterway Corporation. *BUDGETED ACTION:*

Resolution 2010-048

G. Building & Construction Services

(1) *RECOMMENDED ACTION:* Set a public hearing for July 27, 2010, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance to adopt the International Property Maintenance Code with changes to reflect existing Charlotte County code. *BUDGETED ACTION:* None required.

H. Community Services

Parks and Natural Resources - No Items.

Recreation - No Items.

Libraries and Historical - No Items.

J. Economic Development - No Items.

K. Facilities Construction and Maintenance - No Items.

L. Growth Management

(1) *RECOMMENDED ACTION:* Authorize the County Administrator to sign grant forms allowing acceptance of the \$25,000 Environmental Justice Small Grant for the creation of an urban wetland in Port Charlotte. *BUDGETED ACTION:* None at this time.

Grant 2010-003

M. Human Resources - No Items.

N. Human Services - No Items.

P. Public Safety

(1) *RECOMMENDED ACTION:* Approve a Resolution adopting the 2010 Comprehensive Emergency Management Plan as the Comprehensive Emergency Management Plan for Charlotte County. *BUDGETED ACTION:* None Required. There is no financial impact.

Resolution 2010-049

Q. Public Works - No Items.

R. Tourism Development - No Items.

S. Utilities

(1) *RECOMMENDED ACTION:* Approve the accumulated Utility Uncollectible Accounts through March 31, 2010. These accounts are all inactive with terminated utility service. They are technically considered Bad Debts as of March 31, 2010 for accounting purposes, not an actual forgiveness of debt; it allows for the proper matching of revenues and expenditures. *BUDGETED ACTION:* None. Balance sheet adjustment must be recorded in the Utilities O & M Fund as this bookkeeping entry. Bookkeeping entry to adjust the Balance Sheet is necessary in the Utilities O & M Fund.

T. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Utilities - *RECOMMENDED ACTION:* Discussion and direction from Board to approve or not approve the Peace River/Manasota Regional Water Supply Authority's (Authority) FY 2011 Tentative Budget. The budget will be presented at the Authority's Budget Hearing on July 29, 2010.

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

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM Z-1, SECONDED BY COMMISSIONER DUFFY

Terri Kesner presented the item in great detail. There was lengthy Board discussion. Deb Smith responded to Board inquiries.

CALL THE QUESTION: 4/1. COMMISSIONER SKIDMORE DISSENTING

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

RECESS: 10:10 AM TO 10:25 AM

(5) Administration - RECOMMENDED ACTION: Discussion and direction of the six cent option distribution.

Mr. Baltz noted the item is related to the Department of Revenue proposed change to the six cent methodology, commented on the need for direction to pursue an Interlocal Agreement with the City of Punta Gorda, mentioned the decision deadline, and asked Gordon Burger to provide a PowerPoint to outline the issue further. Mr. Burger presented the item and explained what Board feedback was required. Attorney Knowlton pointed out related legalities. Mr. Burger replied to Board inquires and introduced Dave Drury to assist with responses. Mr. Drury explained expenditures.

COMMISSIONER LOFTUS MOVED TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH THE CITY OF PUNTA GORDA AS STATED ON THE RECORD, SECONDED BY COMMISSIONER CUMMINGS

Commissioner Cummings questioned which roads the Board wanted included within this motion. There was Board discussion.

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

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

(1) Growth Management - RECOMMENDED ACTION: Conduct a public hearing to consider approval of granting access from a commercial site, to Azalea Drive, a residential street, subject

to the following conditions: a) Reduce the current 36 feet driveway width to 24 feet by inserting a median in the center, separating the two-way traffic through the Azalea Drive driveway. Median shall be a minimum of 25' in length. b) Restrict truck traffic via Azalea Driveway from project.

Chairman Starr polled the Board for ex parte disclosures. The oath was administered by Deputy Clerk Carleton.

Jeff Ruggieri presented the item in great detail, responded to Board inquiries, and noted staff recommendation is to approve with two conditions.

Ken Chandler spoke in regard to Azalea Drive and Azalea Avenue and presented petitions from the neighbors.

For the record, **Chairman Starr, Commissioner Skidmore, and Commissioner Loftus** stated they did indeed have ex parte disclosures and would provide documentation.

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

MOTION CARRIED 5:0.

Brent Evans of Creighton Commercial Development gave a timeline summary of events and responded to Board inquiries. Board discussion continued and included comments by Jeff Ruggieri and Dan Quick.

COMMISSIONER LOFTUS MOVED TO APPROVE STAFF RECOMMENDATIONS WITH TWO CONDITIONS AND TO COMPLY WITH DAN QUICK'S PROPOSAL, SECONDED BY COMMISSIONER CUMMINGS

Commissioner Cummings asked for clarification related to the motion. **Commissioner Skidmore and Commissioner Duffy** explained their opposition.

MOTION CARRIED 3:2. COMMISSIONER DUFFY, COMMISSIONER SKIDMORE OPPOSING.

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

(1) Budget and Administrative Services - RECOMMENDED ACTION: Provide an update to the BCC regarding the Retrofit Road show, PACE, and the outcomes of the Climate communities Climate Summit.

Jason Stolzfus gave a detailed presentation which outlined the Climate Communities Summit and provided an update of the Property Assessed Clean Energy (PACE) program and the Retrofit Roadshow. The Commissioner's commended Mr. Stolzfus and staff for their positive input. Mr. Stolzfus responded to Board inquiries. There was Board discussion related to the Ferguson Group, their responsibilities, and the future use of lobbying funds.

(2) Human Services - RECOMMENDED ACTION: Jay Goodwill from the University of South Florida Center for Urban Transportation Research (CUTR), under contract with the Florida Department of Transportation, will provide the Board of County Commissioners with information, observations and conclusions on fares of Dial-a-Ride, the Charlotte County public paratransit service.

Bob Hebert handed out a replacement page for page 5 of the packet material and introduced Jay Goodwill from University of South Florida Center for Urban Transportation Research. Mr. Goodwill gave an informational presentation on the item, provided answers to two questions previously raised, discussed Dial-A-Ride's proposed fare structure, and responded to Board inquiries. Fred McKenna and Ray Sandrock provided additional data and responded to Board questions.

VIII. PUBLIC WORKSHOP AGENDA - No Items

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

Conduct Board workshop to consider options for the assessment of impact fees.

Jeff Ruggieri gave a detailed presentation related to impact fees and responded to Board inquiries.

COMMISSIONER SKIDMORE MOVED TO SUSPEND IMPACT FEES ON RESIDENTIAL AND COMMERCIAL DEVELOPMENT IN CHARLOTTE COUNTY UNTIL DECEMBER 31, 2010, SECONDED BY CHAIRMAN STARR

There was extensive Board discussion and related comments. Mr. Sandrock provided additional information and responded to inquiries. Marty Burton advised the legalities related to lowering impact fees. Tommy White provided additional related information, mentioned bondholders, utility capacity, and explained the rate process. Mr. Baltz confirmed that the Economic Development stakeholders group will come before the Board on July 13 with their recommendations. Attorney Knowlton noted a payment schedule hearing was postponed in light of today's meeting and offered decision options to the Commissioners. Board discussion continued.

MOTION FAILED 2:3.

Commissioner Skidmore requested the item come back on the next available agenda. Attorney Knowlton confirmed the schedule. **Commissioner Duffy** mentioned other available incentives. Dan Gallagher asked for clarification related to other options that may be considered at the July 13 meeting.

(2) Public Works - RECOMMENDED ACTION: Staff is seeking direction and discussion with respect to completing the Winchester Boulevard South Roadway project.

Mr. Baltz stated the focus of this item today is on Winchester Boulevard not Placida.

Mr. Quick gave a lengthy presentation that provided a status update related to the Winchester Boulevard South Roadway Project and answered Board questions. Mr. Sandrock discussed the funding sources and responded to related inquiries. Mr. Baltz explained why the item was brought forward. **Commissioner Loftus** expressed his support of the project and excused himself to attend another meeting.

COMMISSIONER SKIDMORE MOVED TO GIVE STAFF DIRECTION TO MOVE FORWARD IN OBTAINING SWFWMD PERMIT FEE ALONG WITH THE CHANGE ORDER REFERENCED BY MR. QUICK FOR WINCHESTER BOULEVARD SOUTH ROADWAY PROJECT AND TO ADDITIONALLY GO ALL THE WAY OUT TO BID THE PROJECT AND SEE WHAT COST ESTIMATES ARE, SECONDED BY COMMISSIONER LOFTUS

There was Board discussion. Mr. Ruggieri and Mr. Sandrock responded to Board inquiries.

CALL THE QUESTION: 5/0

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

RECESS: 1:05 PM to 1:15 PM

(Commissioner Loftus was absent for the remainder of the meeting.)

(3) County Attorney - **RECOMMENDED ACTION:** Discussion and direction regarding tax abatement programs based on BCC's discussion at the joint meeting with the City of Punta Gorda, and consider approving a Resolution calling for a referendum on whether the County may grant economic development ad valorem tax exemptions to new and existing businesses pursuant to Sec. 196.1995, Florida Statutes. Attached are copies of Sarasota, Collier, Martin and Hendry County ordinances.

Attorney Knowlton explained the item in detail, remarked that the matter had been discussed at the last joint meeting with the City of Punta Gorda, noted information found in Board information packets, provided related legalities and timeline, and gave her recommendations. **Commissioner Skidmore** asked for clarification related to setting the tax abatement ballot language. Attorney Knowlton responded.

COMMISSIONER SKIDMORE MOVED TO MOVE FORWARD WITH TAX ABATEMENT, GIVE COUNTY ATTORNEY KNOWLTON DIRECTION AND AUTHORITY TO WRITE THE BALLOT LANGUAGE AND RECONVENE THE BODY TO WORK ON THE ORDINANCE, SECONDED BY COMMISSIONER DUFFY

Commissioner Duffy agreed with **Commissioner Skidmore's** recommendation. Board discussion continued. Attorney Gallagher provided additional information related to referendum and resolution.

MOTION CARRIED 4:0.

Mr. Baltz clarified the timing of the ordinance is August, 2010. Attorney Gallagher confirmed the Board approved the resolution.

Commissioner Cummings commented he would have preferred it be put on the general ballot in November.

(6) County Attorney - RECOMMENDED ACTION: Set a public hearing for July 13, 2010 at 10:00 AM to consider adopting a vacant property registry program.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM Z-6, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 4:0.

X. CITIZEN INPUT - ANY SUBJECT

AA. County Administrator:

Mr. Baltz mentioned the next two meetings will be held on July 6 (Smart Charlotte) and July 8, 2010 (Tentative Budget).

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Skidmore commended the Charlotte Stonecrabs, announced the July 4th fireworks will be held in Englewood and Punta Gorda, mentioned a new pain clinic in West County that has become a public nuisance, proposed the creation of an ordinance to prohibit any additional pain management clinics, and suggested the ordinance take priority over others.

Commissioner Duffy requested approval to add an item to the agenda for discussion.

COMMISSIONER DUFFY MOVED TO APPROVE AN ADDITIONAL ITEM TO BE HEARD ON TODAY'S AGENDA, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 4:0.

Commissioner Duffy brought up excessive water rates as implemented by SWFWMD's drought policy, noted drought conditions no longer exist, suggested they eliminate emergency rates, and requested legal direction. Attorney Burton explained the

emergency rates were put in place by Board action; therefore, they can be removed by Board action without a public hearing. Charlotte County Utilities Business Service Manager Joan Brown noted new rates should be implemented on the first of the month.

COMMISSIONER DUFFY MOVED TO ELIMINATE EMERGENCY WATER RATES EFFECTIVE JUNE 30, 2010, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 3:1. COMMISSIONER CUMMINGS OPPOSING.

Commissioner Duffy commented on a bumpy agenda, suggested part of the problem could be the NOVUS program, and voiced her concerns. **Commissioner Duffy** mentioned an excellent presentation given by Captain Timothy as related to the oil spill, said the County is prepared in case of contact, and talked about the impact on tourism. **Commissioner Skidmore** commented on tourism and debt services and suggested we write to BP for funds. **Commissioner Duffy** mentioned one related pledge possibility. Mr. White explained the pledge requirement.

ADJOURNED: 1:50 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

j1