

BOARD OF COUNTY COMMISSIONERS

July 12, 2010

A Pre-Agenda meeting in preparation of the July 13, 2010 Regular Meeting was held at the Murdock Administration Complex in Room B-106, Port Charlotte, Florida.

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

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

There was Board Discussion held on the following items:

Budget and Administrative Services:

Purchasing:

Agenda Item F-2

Real Estate Services:

Agenda Item F-4

Economic Development:

Agenda Items J-1 and J-2

Human Services:

Agenda Item N-2

Public Works:

Agenda Item Q-1

Regular Agenda:

Commission Office:

Agenda Item Z-2

Public Works:
Agenda Item Z-4

Utilities:
Agenda Item Z-5

Board Workshop Agenda:
Economic Development:
Agenda Item 1

ADJOURNED: 9:55 AM

Signature on File in Commission Minutes
Chairman

ATTEST:

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

By: Signature on File in Commission Minutes
Deputy Clerk

SC

**COUNTY OF CHARLOTTE
Board of County Commissioners**
18500 Murdock Circle
Port Charlotte, FL 33948
www.CharlotteCountyFL.com



County Commissioners

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

County Administrator

Roger Baltz
County Attorney
Janette S. Knowlton
Clerk of the Circuit Court
Barbara T. Scott

Regular Meeting
7/13/2010 9:00 AM
18500 Murdock Circle, Administration Building, Room 119

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

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

Invocation: Pastor David Conklin, Grace Community Church

Pledge of Allegiance

Changes to the Agenda:

Proclamations/Awards

- I. Citizen Input - Agenda Items Only
- II. Committee Vacancies
- III. Reports Received and Filed
- IV. Consent Agenda
- V. Regular Agenda
- VI. Public Hearing - 10:00 A.M.
- VII. Presentation
- VIII. Public Workshop
- IX. Board Workshop - 2:00 P.M.
- X. Citizen Input - Any Subject

Proclamations - Commissioner Bob Starr

Andrea Barnes and Ben Read Week
Arts and Humanities Council Artist of the Month - Ruth Taylor
Charlotte Stone Crabs Recognition Day

Employee Recognition - Commissioner Bob Starr

5 Years

David Cifaldi	Utilities
Julia Granger	Fiscal Services
Shawn Horton	Public Works
Donald Keller	Utilities
David Santimauro	Building Construction Services
Peter Selberg	Utilities
Robert St. John	Utilities
Chad Sutter	Utilities

10 Years

Robin Amendola	Risk Management
Michael Malloy	Facilities

15 Years

Cheryl Kovitch	Utilities
Charles Kreher	Public Works

25 Years

Kimberly Corbett	Purchasing
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Not Attending

Tina Jones	5 yrs	Building Construction Services
Leroy Wilson	10 yrs	Fire Rescue Department
Michael Seneca	15 yrs	Fire Rescue Department
Timothy Rodgers	15 yrs	Building Construction Services
Martin Allen	20 yrs	Fire Rescue Department
Jay Nine	20 yrs	Fire Rescue Department

Presentations – None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

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

II. COMMITTEE VACANCIES

III. REPORTS RECEIVED AND FILED

Charlotte Harbor CRA Advisory Committee Minutes from the May 3, 2010 meeting.
Murdock Village CRA Advisory Committee meeting Minutes from June 14, 2010.

IV. CONSENT AGENDA

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

Affordable Housing Advisory Committee is seeking representatives for the following categories: Charlotte County Employer, Planning & Zoning Board member, For-Profit Provider, Home Building, Essential Services. Terms are for three years.

Children's Services Council is seeking two 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.

Manasota / Sandpiper Key Advisory Committee is seeking seven (7) volunteers. Must be a full time resident on either Manasota or Sandpiper Key. Terms of office shall be for two years (initially, four volunteers shall serve for one year and three volunteers shall serve for two years). Submit resume to the Charlotte County Commission office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax (941) 743-1310.

Manatee Advisory Committee is seeking two members to serve. Must be representative of the development community. Members will develop a Manatee Protection Plan. 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.

MPO - Citizens' Advisory Committee 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

Northwest Port Charlotte Street & Drainage Advisory Committee is seeking a volunteer for a three-year term. Volunteer must be a resident 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)637-9265 or e-mail: colleen.barbour@charlottefl.com.

Peace River Shores 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 jodi.struble@charlottefl.com.

South Gulf Cove Community Plan Advisory Committee is seeking four 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 in 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 jodi.struble@charlottefl.com.

Clerk of the Circuit Court

A. Finance Division

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

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for:

May 25, 2010, 9:00 a.m. Regular Meeting
June 7, 2010, 9:00 a.m. Pre-Agenda Meeting
June 8, 2010, 9:00 a.m. Regular Meeting
June 11, 2010, 9:00 a.m. Joint Meeting with the City of Punta Gorda
June 15, 2010, 9:00 a.m. Land Use Meeting
June 15, 2010, 1:00 p.m. Executive Session
June 21, 2010, 9:00 a.m. Pre-Agenda Meeting
June 22, 2010, 9:00 a.m. Regular Meeting

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the following six (6) volunteers' names to be submitted to Governor Charlie Crist to be considered for appointment to the Children's Services Council. Of the six names, two will be chosen, one to fill a vacancy and one to fill a vacancy of an unexpired term (resignation). Nap C. DuFault, Hamilton "Kip" H.Emery, III, Janet Hamilton, Peter Burnett, Sue Sifrit, Richard T. Simpson **BUDGETED ACTION:** None

(2) RECOMMENDED ACTION: Approve the appointment of Hazel Crouch as a member of the Tourist Development Council. Ms. Crouch meets the owner/operator requirement and will fill the unexpired term of DJ Cutler. This appointment is effective immediately and will expire in May 2012. **BUDGETED ACTION:** None

Board of County Commissioners

(3) RECOMMENDED ACTION: Approve the following appointments to the Manatee Advisory Committee. Representing the Fishing/Boating Community: Ed Wilson, Glenn Bond, Dorothy Zysko. Representing the Environmental Advocacy Group: Tom Hamilton, Don Farraris, Ian Vincent. Representing the development community: Rob Humpel. These terms are effective immediately and members will serve until the Manatee Protection Plan is finalized. This committee continues to seek two members from the development community. **BUDGETED ACTION:** None

D. Administration

Administration - No Items.

Public Information Office - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: Approve an agreement with the State Attorney's Office to provide for the prosecution of violations of Charlotte County Ordinances. **BUDGETED ACTION:** None at this time. Appropriate funds sufficient to pay legal costs. While there is no way to ascertain the anticipated number of cases which will be prosecuted at this time, however at this time the State Attorney does not foresee a significant case load.

(2) 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 authorizing the Board to grant ad valorem tax exemptions for new businesses and for the expansion of existing businesses pursuant to Section 196.1995, Florida Statutes. This ordinance will become effective on August 25, 2010, if approved by a majority of electors of the County on August 24, 2010. **BUDGETED ACTION:** None

(3) RECOMMENDED ACTION: Set an Executive Session for July 13, 2010 at 2:00 p.m. in the Charlotte County Attorney's Office Large Conference Room to discuss settlement options and related litigation expenditures in the lawsuit concerning the civil case captioned Charlotte County v. DMK Associates and Stately Contractors, Inc.; Civil Case No. 10-2503-CA. **BUDGETED ACTION:** None.

(4) RECOMMENDED ACTION: Authorize initiation of an action in the Circuit Court of the 20th Judicial Circuit in and for Charlotte County, Florida against Robert Sumner and the Little Shell Pembina Band of North America to seek an injunction and such other relief as may be warranted to mandate cleanup of their property and correction of building code violations. **BUDGETED ACTION:** None

F. Budget and Administrative Services

Budget and Administrative Services

(1) RECOMMENDED ACTION: Approve the attached MSBU Assessment Rates to be included in the TRIM (Truth In Millage) Notices. The rates referenced for each of the MSBUs indicate the proposed rates to be included in the TRIM Notices to be sent in August. **BUDGETED ACTION:** None, this item will be budgeted in the FY10/11 budget in the appropriate MSBU fund. None, revenues and expenditures are posted to the individual MSBU funds.

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(2) RECOMMENDED ACTION:

a) Approve Change Order #1 to Contract #10-180 Specialty Mowing with John Eisele, Inc., adding 25 cycles of mowing & trimming on Toledo Blade Boulevard at the unit rate of \$135 per cycle for the period of July, 2010 through and including September 30, 2011; and b) Modify original Board approval of contract amount of \$144,492 to \$231,405 to reflect the original contract term of 18-months, subsequent renewals are for a 12 month period. **BUDGETED ACTION:** None. Funding is supplied from gas taxes.

Real Estate Services

(3) RECOMMENDED ACTION: Approve the attached Resolution authorizing the Chairman of the Charlotte County Board of County Commissioners to approve the agreement for exchange of the County's interest in one tract of land for the interest in one privately owned parcel of land and a forty (40') foot wide Permanent Utility Easement owned by Placida Holdings LLC., located in the vicinity of Robin Road and Gasparilla Road in Charlotte County, Florida. **BUDGETED ACTION:** None

(4) RECOMMENDED ACTION: Accept the donation of one lot as described on the attached list (see Exhibit "A") entitled Lot Donation to Charlotte County. **BUDGETED ACTION:** None

G. Building & Construction Services - No Items.

H. Community Services

Parks and Natural Resources

(1) RECOMMENDED ACTION: Approve acceptance of grant award for Thornton Key Preserve Brazilian Pepper-tree Removal with the FWS South Florida Coastal Program Funding Announcement. If approved, authorize the Parks & Natural Resources Division Manager to sign the agreement and approve Amendment number 10-A49 in the amount of \$40,000. **BUDGETED ACTION:** Approve Budget Amendment 10-A49 in the amount of \$40,000. The total project cost is estimated at approximately \$60,000, with in-kind goods and services from Natural Resources estimated at \$20,000 and \$40,000 from the grant.

Recreation - No Items.

Libraries and Historical - No Items.

J. Economic Development

(1) RECOMMENDED ACTION: Approve a resolution approving the issuance of a bond by the Industrial Development Authority for the YMCA refinancing an existing bond issuance. **BUDGETED ACTION:** None needed.

(2) RECOMMENDED ACTION: Allow County property, currently leased to the YMCA, to become subject to a mortgage in order to refinance existing bond obligations of the YMCA. **BUDGETED ACTION:** None needed.

K. Facilities Construction and Maintenance - No Items.

L. Growth Management

(1) RECOMMENDED ACTION: Approve and authorize Chairman to sign 3rd Amendment to the Developers Agreement #2006-059 for FP-05-12-13. C2FS-Coral Creek, LLC has requested to amend the Developers Agreement (#2006-059) originally approved by all parties, to extend said original Developer's Agreement for an additional one (1) year to June 26, 2011. **BUDGETED ACTION:** None

(2) 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 amending Chapter 3-3.5 -Impact Fees, of the Charlotte County Code. This Ordinance includes an installment payment plan for non-residential impact fees. **BUDGETED ACTION:** None

M. Human Resources - No Items.

N. Human Services

(1) RECOMMENDED ACTION: a) Approve and Chairman sign the annual Federal Transit Administration (FTA) Section 5307 grant application and assurances, and authorize staff to make necessary electronic application; and b) Approve budget amendment 10-A48 in the amount of \$123,896. **BUDGETED ACTION:** This item is budgeted; however current budget anticipated an FTA 5307 allocation of only \$1,445,884. The higher awarded amount of \$1,569,780 requires the budget amendment as provided in backup information. Funding comes from the FTA Section 5307 grant, and is budgeted in the General Fund Dial-a-Ride cost center budget.

(2) RECOMMENDED ACTION: Discussion and direction of project documents for Charlotte Crossing, consisting of 82 senior housing units, and authorization for the Chairman to execute any and all documents pertaining to this project, including Developer Agreement and Subordination Agreement. **BUDGETED ACTION:** All funds are from the Hurricane Housing Recovery Grant. No County funds are part of this transaction. Loan Payments will be made to the County to the County Affordable Housing Trust Fund locally to enable additional affordable housing projects in the future.

P. Public Safety

(1) RECOMMENDED ACTION: Approve a grant agreement between Charlotte County and Florida Division of Emergency Management for the Emergency Management Performance Grant (EMPG) in the amount of \$72,220. **BUDGETED ACTION:** None at this time. The Emergency Management budget will be amended once the grant agreement is executed by the Florida Division of Emergency Management. There is no financial impact. The required non-federal match is already included in the current budget.

(2) RECOMMENDED ACTION: Approve Budget Amendment # 10-A50 in the amount of \$29,635 to allocate in the current EMS budget the FY09/10 EMS County grant provided by the Florida Department of Health/Bureau of EMS. **BUDGETED ACTION:** Approval of Budget Amendment #10-A50. Funding is provided 100% by the grant - no County match is required.

Q. Public Works

(1) RECOMMENDED ACTION: Approve the attached Resolution adopting the Recommended Order ("RO") setting forth both residential and commercial solid waste collection rates for Waste Management Inc., of Florida, in accordance with County Code Chapter 4-4. The RO was issued by Diane K. Kiesling, duly appointed Hearing Officer, after the formal public evidentiary hearing held on June 1, 2010, and recommends approval of the included Rate Stipulation. **BUDGETED ACTION:** None. Funding for the residential portion of this contract comes from the Charlotte Sanitation District fund.

R. Tourism Development - No Items.

S. Utilities - No Items.

T. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office RECOMMENDED ACTION: Approve a Resolution adopting Department of Health Fee Schedule for new Dental Clinic.

(2) Commission Office RECOMMENDED ACTION: Select by ballot one (1) person to finish an unexpired, three year term on the Murdock Village CRA Advisory Committee, shall be a licensed real estate broker, as defined in Chapter 475, Florida Statutes (Part I). This term is effective immediately and expires September 20, 2012.

(3) Public Works RECOMMENDED ACTION: Public Works staff will present details with respect to the maintenance dredging of navigable canals that are under the auspices of the Board.

(4) Public Works RECOMMENDED ACTION: Presentation of County's Recycling Program.

(5) Utilities RECOMMENDED ACTION: Discussion and decision on Change Order #1 for the Phase 1A Interconnect Pipeline Project.

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

(1) County Attorney

RECOMMENDED ACTION: Consider adopting an Ordinance prohibiting unauthorized outdoor lodging in unincorporated Charlotte County.

(2) Building and Construction Services

RECOMMENDED ACTION: Consider approving an Ordinance creating the Charlotte County Vacant and Abandoned Properties Registration program.

(3) Building and Construction Services

RECOMMENDED ACTION: Consider approving an Ordinance adopting the 2009 International Property Maintenance Code as an update to the current 1997 Standard Housing Code and Unsafe Building Abatement Code.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - Public input permitted. 10:00 A.M. - No Items

IX. BOARD WORKSHOP AGENDA - No public input. 2:00 P.M.

(1) Economic Development

RECOMMENDED ACTION: Discuss and approve the recommendations of the Economic Development Working Group.

X. CITIZEN INPUT - ANY SUBJECT

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

AA. County Administrator:

BB. County Attorney:

CC. Commissioner Comments:

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

Schedule of Future Closures/Hearings/Workshops

Tuesday July 13, 2010, at 10:00 a.m., Public Hearings prohibiting camping on land without permission of owner, International Property Maintenance Code Ordinance, Adopting a vacant property registry program.

Thursday, July 15, 2010, 4:00 p.m. - Charter Review Commission Board Meeting, Administration Building, Room #106-B, Port Charlotte

Tuesday, July 20, 2010, 9:00 a.m. - Board of County Commissioners Land Use Meeting, Administration Building, Room #119, Port Charlotte

Wednesday, July 21, 2010, 5:01 p.m. - MSBU Public Hearing, Administration Building, Room #119, Port Charlotte

Thursday, July 22, 2010, 5:01 p.m. - MSBU Public Hearing, Lemon Bay High School, Englewood

Friday, July 23, 2010, 10:00 a.m. - CIP Presentation, Administration Building, Room #119, Port Charlotte

Tuesday, July 27, 2010, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, Room #119, Port Charlotte

Tuesday, August 10, 2010, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, Room #119, Port Charlotte

Tuesday, August 17, 2010, 9:00 a.m. - Board of County Commissioners Land Use Meeting, Administration Building, Room #119, Port Charlotte

Tuesday, August 24, 2010, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, Room #119, Port Charlotte