

BOARD OF COUNTY COMMISSIONERS

July 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, Finance Director Larrivee, and Deputy Clerk Lansing. The following members were absent: None

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

The Invocation was given by Pastor David Conklin, Grace Community Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change # 1 - (C-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;~~ Change to: Representing the Environmental Advocacy Group: Tom Hamilton and Don Farraris; and representing the Development Community Rob Humpel and Ian Vincent. Requested by: Commissioner Office

Change #2 - (N-2) RECOMMENDED ACTION: ~~Discussion and direction~~ Approve 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.

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

MOTION CARRIED 4:1. COMMISSIONER SKIDMORE OPPOSING.

Proclamations - Commissioner Bob Starr

Andrea Barnes and Ben Read Week Proclamation, the week of July 19, 2010 through July 23, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE ANDREA BARNES AND BEN READ WEEK PROCLAMATION, THE WEEK OF JULY 19, 2010 THROUGH JULY 23, 2010, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 5:0.

Andrea Barnes and Ben Read accepted the proclamations.

Arts and Humanities Council Artist of the Month - Ruth Taylor Proclamation, the month of July, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH - RUTH TAYLOR PROCLAMATION, THE MONTH OF JULY, 2010, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Ms. Taylor thanked the council and accepted the proclamation.

Charlotte Stone Crabs Recognition Day Proclamation, July 13, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE CHARLOTTE STONE CRABS RECOGNITION DAY PROCLAMATION, JULY 13, 2010, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Stoney skipped up to accept the proclamation and Joe Hart said the Stone Crabs are proud to be part of the community.

Employee Recognition - Commissioner Bob Starr

Five 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; Tina Jones, Building Construction Services; Ten Years: Robin Amendola, Risk Management; Michael Malloy, Facilities; Leroy Wilson, Fire Rescue Department; Fifteen Years: Cheryl Kovitch, Utilities; Charles Kreher, Public Works; Michael Seneca, Fire Rescue Department; Timothy Rodgers, Building Construction

Services; Twenty Years: Martin Allen, Fire Rescue Department; Jay Nine, Fire Rescue Department; Twenty-Five Years: Kimberly Corbett, Purchasing

Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Michael Haymans spoke against approval of the outdoor lodging ordinance in Charlotte County.

Louis Macri spoke about Agenda item F4 and noted the tax consequences related to accepting lot donations.

Cynthia Kussow spoke in favor of the outdoor lodging ordinance and urged the Board to empower the police.

Gail Buck gave statistics related to the dental health clinic and urged the Board to approve the item.

Suzanne Graham spoke in favor of item E-2 and asked for extension on tax abatement.

Arthur Arndt talked about Item E-4 related to code violations and spoke on behalf of Robert Sumner.

Tom Panno spoke on behalf of Robert Sumner, mentioned the violations, and provided related history.

Roco Blinebury spoke on behalf of homeless rights and commented that now is the time to help the churches help the homeless.

Michael Hirsh spoke against adoption of the outdoor lodging ordinance and challenged the Chairman to find a better way to help the homeless.

Robert Whyte spoke on behalf of the homeless and asked the Board for help.

Sharon Hardy talked about volunteering for the homeless and urged the Board to meet with the homeless.

Thomas "Wolf" McCarthy announced his homeless street outreach efforts, said the homeless are not criminals, remarked that some built our homes, mentioned there is no work, and suggested a night shelter could save the County money.

Angela Hogan encouraged the Board to find permanent solutions to homelessness.

Christopher Colangelo spoke on behalf of homeless rights, handed out related paperwork, and announced homes not handcuffs will help the homeless.

Leonard Leary discussed how he once became homeless, spoke on behalf of homeless rights, and read the poem printed at the Statute of Liberty.

Adam Martin spoke on behalf of the homeless and said they need hope and compassion.

II. COMMITTEE VACANCIES

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 email 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 email: 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 email 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 email 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 email to jodi.struble@charlottefl.com.

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

COMMISSIONER SKIDMORE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS E-1, F-4, J-1, J-2, N-2, AND Q-1, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION:

Approve Clerk's Memoranda. 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 June 15, 2010 through July 2, 2010 in the amount of \$7,011,581.38

Memorandum #3 - Quarterly Report Unclaimed Excess Money

Memorandum #4 - Excess Funds on Tax Deed Applications

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

05/25/10 9:00 AM Regular Meeting

06/07/10 9:00 AM Pre-Agenda Meeting

06/08/10 9:00 AM Regular Meeting

06/11/10 9:00 AM Joint Meeting with the City of Punta Gorda

06/15/10 9:00 AM Land Use Meeting

06/15/10 1:00 PM Executive Session

06/21/10 9:00 AM Pre-Agenda Meeting

06/22/10 9:00 AM Regular Meeting

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

(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, and 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.

COMMISSIONER SKIDMORE MOVED TO DENY AGREEMENT 2010-022, SECONDED BY CHAIRMAN STARR

Commissioner Skidmore voiced his reasons for his motion to deny. There was related Board discussion.

MOTION FAILED 1:4.

COMMISSIONER DUFFY MOVED TO APPROVE AGREEMENT 2010-022, SECONDED BY COMMISSIONER CUMMINGS

Commissioner Skidmore asked if the Attorney's office could provide a monthly report on related costs. Board discussion continued.

MOTION CARRIED 4:1. COMMISSIONER SKIDMORE OPPOSING.

(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

Resolution 2010-052

(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

Commissioner Skidmore noted the reasons for his motion to deny.

COMMISSIONER SKIDMORE MOVED TO DENY ACCEPTANCE OF THE DONATION OF ONE LOT AS DESCRIBED IN EXHIBIT "A" ENTITLED LOT DONATION TO CHARLOTTE COUNTY, SECONDED BY CHAIRMAN STARR

There was related Board discussion.

MOTION FAILED 2:3.

COMMISSIONER CUMMINGS MOVED TO APPROVE ACCEPTANCE OF THE DONATION OF ONE LOT AS DESCRIBED IN EXHIBIT "A" ENTITLED LOT DONATION TO CHARLOTTE COUNTY, SECONDED BY COMMISSIONER LOFTUS

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

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.

Grant 2010-010

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.

COMMISSIONER SKIDMORE MOVED TO DENY RESOLUTION 2010-053, SECONDED BY CHAIRMAN STARR

Commissioner Skidmore expressed his concern with Items J-1 and J-2. Attorney Knowlton provided related legalities to the Board. Mr. Root described the mortgage issue further. Attorney Rooney explained the risks to the County. There was Board discussion. **Commissioner Skidmore** rescinded his motion to deny.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2010-053, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

(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.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGREEMENT 2010-023, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

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

Agreement 2006-059

(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.

Grant 2010-023

(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.

Commissioner Loftus explained why he pulled the item. **Bob Hebert** explained the process.

Principal Representatives responded to related Board inquires.

COMMISSIONER LOFTUS MOVED TO APPROVE BALANCE OF HURRICANE HOUSING RECOVER GRANT FUNDS, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

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.

Grant 2010-024

(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.

Chairman Starr explained his opposition. There was related Board discussion.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2010-054, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

RECESS: 10:40 AM - 10:53 AM

R. Tourism Development - No Items.

S. Utilities - No Items.

T. Other Agencies - No Items.

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.

County Attorney Knowlton explained proposed ordinance. There were related Board comments and inquiries. Attorney Knowlton and Attorney Rooney provided additional legal information. Board discussion continued.

Phillip Thieying asked if there is a list kept of persons who trespass and commented further.

Michele Jackson asked to view crime statistics and opined this ordinance will become a burden on the Sheriff's Department.

Mr. McCarthy opined most crimes in the County are committed by people with homes and commented further on behalf of the homeless.

Mr. Hirsh pointed out the costs involved in creating the ordinance versus helping the homeless.

Ms. Hogan verified there are 53 beds at the shelter and opined the ordinance is not the solution.

Marlene Voss spoke in favor of the ordinance.

Ms. Kussow opined this is a property owners problem not a homeless issue.

Ms. Hardy asked the Board to find a solution for the shelters and noted the history of growth in the County.

Howard Shaw spoke in favor of the ordinance and commented that the homeless took over Bayshore Park.

Grace Amodeo spoke against the ordinance.

Mr. Leary discussed the shelter versus jail issue and mentioned freedom of speech.

George Kerns opined the issue pertains to property rights and deals too much with law enforcement.

Mr. Colangelo requested a delay until the Board can find a better solution.

COMMISSIONER LOFTUS MOVED TO CLOSE THE 10:00 A.M. PUBLIC HEARING, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO DENY ADOPTING AN ORDINANCE PROHIBITING UNAUTHORIZED OUTDOOR LODGING IN UNINCORPORATED CHARLOTTE COUNTY, SECONDED BY COMMISSIONER LOFTUS

Commissioner Skidmore said this ordinance does not solve the problem and noted there are laws for criminal trespassing. *Chairman Starr* agreed the issue deals with resident property rights. *Commissioner Loftus* noted the need to review the economic impact statement, mentioned a cost to this ordinance, expressed concern for the mentally ill, and mentioned the importance of getting community organizations to work together. *Commissioner Duffy* commented that the Board's job is to protect the health and safety of our community. There were additional Board comments.

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

RECESS: 12:20 PM - 12:42 PM

(2) Building and Construction Services - RECOMMENDED ACTION: Consider approving an Ordinance creating the Charlotte County Vacant and Abandoned Properties Registration program.

Jim Evetts described the item in great detail.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2010-031, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

(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.

Mr. Evetts described the item in great detail. **Commissioner Skidmore** opined this is a good ordinance.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2010-032, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

VII. PRESENTATION AGENDA - No Items.

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

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

V. REGULAR AGENDA

Z. Regular Agenda

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

Steve Mitnick described the item in great detail and responded to Board inquiries.

COMMISSIONER DUFFY MOVED TO APPROVE RESOLUTION 2010-055, SECONDED BY COMMISSIONER CUMMINGS

Board comments continued.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

(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.

The Commissioners completed ballots and passed them to Mr. Baltz to read into the record.

Mr. Baltz stated George Wester received two 2 votes, Rick Page received two 2 votes, and Jan Mann received one (1) vote.

COMMISSIONER SKIDMORE MOVED TO APPOINT GEORGE WESTER TO FINISH AN UNEXPIRED, THREE YEAR TERM ON THE MURDOCK VILLAGE CRA ADVISORY COMMITTEE, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

RECESS 1:05 PM - 1:30 PM

(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.

Mr. Halfhill introduced Charles Mopps who gave a brief update of each of the dredging projects, noted their funding, mentioned permitting, paralleled visual slides, and responded to Board inquiries. There was Board discussion.

RECESS: 2:00 PM - 2:24 PM

Chairman Starr polled the Board for consensus to begin with the 2:00 P.M. Board Workshop Agenda. (**BOARD CONSENSUS was received.**)

(1) Economic Development - **RECOMMENDED ACTION:** Discuss and approve the recommendations of the Economic Development Working Group.

Don Root gave a visual PowerPoint presentation of the item. Lengthy discussion focused on the incentive recommendations of the Economic Development Working Group. The Board offered the following directives:

Land Swaps:

OK to swap:

130 acres at 4450 Spire Street.

120 acres in the ECAP owned by the IDA.

871 acres in Murdock Village.

1.5 acres on Edgewater as long as it is something that will benefit Charlotte Harbor CRA.

Not agreeable to swapping the 40 acre Bachman track.

Swaps should be of equal value and could include cash.

Impact Fees:

Alternate payment options may include delayed payments, payment plan once impact fees are due and a reduction or elimination of impact fees in the ECAP.

Create a mechanism to recapture funds such as a MSBU or a MSTU.

Not agreement to paying impact fees from general fund.

Ad Valorem Tax Abatement: - Referendum on August 24 ballot.

Speculative Building:

OK with shell buildings, structure without mechanical and electrical.

OK with buildings competitive in the marketplace.

Can look at paying carry costs.

Agreed there should be a time limit on getting a company into the building.

Agreed that there could be a delay in building receiving a certificate of occupancy, as well as a delay in paying taxes and impact fees.

Rent Subsidies:

Supports owners with current buildings available for targeted industry projects - find tenants.

Supports new "build to suit" projects for targeted industry projects.

Time limit of 3 years.

Can be any part or all of the rent.

Subsidies should be included in the analysis.

Criteria for Negotiation by EDO:

Agreed to giving EDO Director the authority to put deals together and be reasonably assured BCC will ok it if: Annual ROI of at least 10%.

Payback of less than 10 years.

Business must stay in the County for at least the payback period.

Land swaps must be at or equal in value based on appraisals.

All deals must have a "net benefits" analysis which meets the criteria.

All prospects must be thoroughly vetted.

Strategy is to trade land for tax base and jobs.

Utility Subsidies:

Payment plan for connection fees will be the same as impact fees noted above.

Punta Gorda to reduce costs in ECAP to equal those within City limits.

Tuckers Grade property - no consensus.

Murdock Village Sports & Entertainment District

Authority to go forward. First step appraisals needed on both pieces of the trade.

BCC had a sincere interest in making this work.

RECESS: 4:10 PM - 4:15 PM

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

Lorenzo Dates gave a PowerPoint presentation, mentioned program goals, and responded to Board inquiries. **Commissioner Loftus** voiced disappointment in the lack of communication to residents. **Commissioner Skidmore** thanked staff for the recycling program.

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

Terry Kesner provided a detailed history of the item. Bruce Bullert discussed the project further. Ms. Kesner responded to Board inquiries and read a portion of the settlement agreement into the record. Pat Lehman responded to questions related to hydraulic capacity and pointed out detail on visual slides. Board discussion continued.

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGE ORDER #1 FOR THE PHASE 1A INTERCONNECT PIPELINE PROJECT, SECONDED BY COMMISSIONER DUFFY

Ms. Kesner expressed Charlotte County Utilities (CCU) concern as related to future water plan and discussed the City of Punta Gorda's plan. Attorney Knowlton pointed out revisions to be made. **Commissioner Cummings** stated cost savings must be in writing, asked questions related to the hydraulic model, and commented further.

MOTION FAILED 2:3.

X. CITIZEN INPUT - ANY SUBJECT

Mr. Tucker suggested the Board review their mowing contract.

AA. County Administrator:

Mr. Baltz mentioned his visit to the BP claims office in Naples, said they are requesting \$150,000 for an advertising budget, mentioned strategies and letters of interest, and talked about the August 24 ballot related to tax abatement. There was Board discussion.

BB. County Attorney:

Attorney Knowlton asked to bring back a Lien Reduction Program for properties that come into compliance. **(There was BOARD CONSENSUS to bring it back.)**

CC. Commissioner Comments:

Commissioner Loftus mentioned addressing issues within a letter from the Airport Authority at the next Metropolitan Planning Organization's (MPO) Board meeting and will address the Service Agreement at a Special Meeting being held on Monday 19th. **Commissioner Cummings** brought up the phosphate issue. **Chairman Starr** talked about letters he wrote to Governor Crist and other governmental delegation members and asked for consensus on how he should sign them. **(There was 3/2 BOARD CONSENSUS to send the letters as Chairman.)** **Chairman Starr** commented that some community organizations have requested use of our meeting building. Attorney Knowlton explained if approved, any group would have the right to rent this building as any other County building such as the Tringali Center.

ADJOURNED: 5:17 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