

BOARD OF COUNTY COMMISSIONERS

August 10, 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 AM**.

Invocation was given by Father Tom Heck, St. Charles Borromeo Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Deletion #1: Requested by: Public Works Department - F-6 - a) Approve ranking of firms for Request for Proposal #10-218, Engineering Services-County Bridge Maintenance Program; 1st Johnson Engineering located in Port Charlotte, FL; 2nd Ayres Associates located in Sarasota, FL; and 3rd DMK Associates located in Venice, FL; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for various engineering services relating to Charlotte County bridges. d) Approve CIP amendment 10-C08 in the amount of \$200,000. e) Approve budget transfer 10-021 in the amount of \$200,000.

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

MOTION CARRIED 5:0.

Mr. Baltz mentioned discussions with some Commissioners regarding his role with the County and proposed having a conversation during the meeting. **Commissioner Skidmore** commented on a lack of communications, proposed making a change at the top of Administration, and opined he would like to see a change in the role of the County Administrator effective immediately. **Chairman Starr** respectfully disagreed, commented that Administration has been totally responsive to what he has asked for, mentioned significant cuts to the budget with the current

leadership, and opined that it is the wrong time for a change in the Organization. **Commissioner Cummings** spoke in support of Mr. Baltz and his management team and commented on budget cuts and balanced checkbooks. **Commissioner Loftus** expressed appreciation for Mr. Baltz and his accomplishments, mentioned a conversation with Mr. Baltz regarding problems with utility rates, expressed disappointment with the Building Department, mentioned not being open for business, expressed concerns with Public Works, and agreed with **Commissioner Skidmore**. **Commissioner Duffy** mentioned private conversations with Mr. Baltz, commented on his contributions, mentioned a divided Commission, commented on his resignation, and spoke in support of Mr. Baltz and his will to resign. **Commissioner Skidmore** commented on the direction the County is going, expressed the desire to see more leadership, and commented on communication.

Chairman Starr addressed comments made, stated that the Board makes the decisions, commented on the changes and/or elimination of departments, spoke in support of what the Board has done, and expressed concern that it is a grave mistake to change the helmsmen at this point in time. **Commissioner Skidmore** respectfully disagreed. Board discussion ensued. Attorney Knowlton advised that under Mr. Baltz's contract, upon resignation, he only gets his accrued sick and vacation but for dismissal without cause, he would get six months' salary and insurance for six months, along with accrued sick and vacation and other accrued benefits, and explained the severance package that is being considered. Mr. Baltz expressed appreciation for having served the citizens of the County, commented on the Commission and the Administrator being a team, on the employment contract, and that if the Board is willing to honor the severance package that is called for under a Dismissal without Cause, he recommended the Board make a motion and that he would be willing to tender his resignation by its occurrence.

COMMISSIONER SKIDMORE MOVED TO ACCEPT THE RESIGNATION OF COUNTY ADMINISTRATOR ROGER BALTZ TO ALLOW HIM TO HAVE THE SEVERANCE PACKAGE UPON SEPARATION AND TO IMMEDIATELY APPOINT RAY SANDROCK INTERIM COUNTY ADMINISTRATOR, SECONDED BY COMMISSIONER LOFTUS.

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

RECESS: 9:20 AM - 9:30 AM

(Interim County Administrator Ray Sandrock replaced County Administrator Roger Baltz.)

Proclamations - Commissioner Robert Skidmore

Arts and Humanities Council Artist of the Month - Janet Nash Culp Proclamation, the month of August, 2010.

COMMISSIONER LOFTUS MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH - JANET NASH CULP PROCLAMATION, THE MONTH OF AUGUST, 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The Proclamation was accepted by Janet Nash Culp.

Florida Water Professionals Week Proclamation, the week of August 16, 2010 through August 20, 2010.

COMMISSIONER LOFTUS MOVED TO APPROVE FLORIDA WATER PROFESSIONALS WEEK PROCLAMATION, THE WEEK OF AUGUST 16, 2010 THROUGH AUGUST 20, 2010, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

The Proclamation was accepted by James Huish.

Senior Safe Driver Awareness Month Proclamation, the month of August, 2010.

COMMISSIONER DUFFY MOVED TO APPROVE SENIOR SAFE DRIVER AWARENESS MONTH PROCLAMATION, THE MONTH OF AUGUST, 2010, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

The Proclamation was accepted by Stephen Carter.

Spirit of '45 Day Proclamation, August 14, 2010.

COMMISSIONER LOFTUS MOVED TO APPROVE SPIRIT OF '45 DAY PROCLAMATION, AUGUST 14, 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The Proclamation was accepted by Chuck Mopps.

Employee Recognition - Interim County Administrator Ray Sandrock

Five Years: Terri Barnett, Growth Management; Daniel Condon, Utilities; Norbert Costa, Public Works; Mary DeQuardo, Fiscal Services; Frank Fick, Utilities; Paul Martineau, Building Construction Services; John McGinnis Jr., Utilities; William Neal, Utilities; Patrick Platt, Utilities; Renee Reed, Utilities; Donna Robichaud, Human Services; Padmini Sooknanan, Community Services; Glenn Thompsen, Public Safety; Carol Wantz, Facilities; **Ten Years:** Stephen Parisi, Facilities; **Fifteen Years:** Joseph Tamburri, Utilities; **Twenty Years:** Kenneth Baker, Public Safety; **Twenty-Five Years:** Christine Charnley, Building Construction Services; Gary Wilcher, Public Safety.

Presentations

Acknowledgment of Jeffrey Keyser, Engineering Division Project Manager, for receiving an annual award from the Asphalt Contractors Association of Florida for 2009.

Dan Quick presented an acknowledgement to Jeffrey Keyser for project management with respect to the 2009 Paving Program.

Mr. Sandrock read the names of the people unable to attend the Awards Ceremony.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Sandy Slater spoke in support of Agenda Item F-3.

II. COMMITTEE VACANCIES

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

Ackerman Waterway Advisory Committee - is seeking one volunteer to serve as an alternate member with a term expiring March 15, 2012. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com.

Affordable Housing Advisory Committee is seeking three members to serve on the committee. One applicant must be a representative of the home building industry, one applicant must

be a for-profit provider and one applicant must be an essential services representative. Terms are effective immediately and are for three years.

Boca Grande Street and Drainage Advisory Committee - is seeking two volunteers; one regular member with a term expiring on April 13, 2011, and one alternate member with a term expiring on April 13, 2012. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com.

Buena Vista Area Waterway Advisory Committee - is seeking three volunteers; two regular members with terms expiring on January 22, 2013; and one alternate member with a term expiring on January 22, 2012. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com

Construction Industry Licensing Board is seeking one volunteer to represent the mechanical contractor category. Volunteer must be a resident of Charlotte County for at least two years and be a licensed mechanical contractor. The term ends June 9, 2013.

The Code Enforcement Board is seeking two volunteers; one volunteer to represent the Realtor sector and one volunteer to represent the Businessman sector. Both are four (4) year terms, effective September 7, 2010 and expiring September 7, 2014. Please submit resume to the Charlotte County Commission office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax (941) 743-1310.

Greater Port Charlotte Street and Drainage Advisory Committee - is seeking two volunteers; one regular member with a term expiring on March 1, 2013, and one alternate member with a term expiring on March 1, 2011. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com

Grove City Street and Drainage Advisory Committee - is seeking two volunteers; one regular member for a three year term from date of appointment and one alternate member for a two year term from date of appointment. Volunteers must reside within the

boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com

Gulf Cove Street and Drainage Advisory Committee - is seeking one volunteer to serve as a regular member with a term expiring May 1, 2013. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com

Gulf Cove Waterway Advisory Committee - is seeking two volunteers; one regular member with a term expiring February 1, 2013; and one alternate member with a term expiring July 1, 2012. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com

Manasota/Sandpiper Key Advisory Committee is seeking seven (7) volunteers. Must be full-time residents 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.

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

Manchester Waterway Advisory Committee - is seeking one volunteer to serve as an alternate member with a term expiring two years from date of appointment. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com.

NorthWest Port Charlotte Street & Drainage Advisory Committee - is seeking one volunteer for a three year term. Volunteer must reside within the boundaries of the MSBU. Submit resume to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 call (941) 575-3600; fax (941) 637-3600 or e-mail to msbu@charlottefl.com

South Gulf Cove Community Plan Advisory Committee is seeking one volunteer. Must reside in or own property within the boundaries of the South Gulf Cove Community Planning Area. The term is for two years, effective immediately, expiring July 24, 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.

South Gulf Cove Beautification Advisory Committee is seeking five regular members with terms to be determined at the first meeting; and one alternate member with a term of two years. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com.

South Gulf Cove Street and Drainage Advisory Committee - is seeking to volunteers; one regular member and one alternate member with terms expiring on January 13, 2012. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com.

III. REPORTS RECEIVED AND FILED

County Investment Report, June 30, 2010

Murdock Village CRA Advisory Committee Special Meeting Minutes, July 30, 2010.

IV. CONSENT AGENDA

COMMISSIONER SKIDMORE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT FOR F-4, F-2, F-5, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Finance Memoranda
BUDGETED ACTION: None

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

07/20/10 9:00 AM BCC Regular/Land Use Meeting

07/21/10 5:01 PM BCC MSBU Public Hearing - Murdock

07/22/10 5:01 PM BCC MSBU Public Hearing - Lemon Bay High School

07/23/10 10:00 AM BCC CIP Presentation

07/26/10 9:00 AM BCC Pre-Agenda Meeting

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the following reappointments to the Affordable Housing Advisory Committee: Jim Sweeney as the Advocate for Low-Income people and James Marshall as the Planning and Zoning Board representative. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Set a public hearing on August 24, 2010 at 10:00 a.m., or as soon thereafter as can be heard, to consider an ordinance amending the County Code by deleting the automatic requirement of Aerobic Treatment Units ("ATUs") in certain circumstances. BUDGETED ACTION: None

D. Administration

Administration - No Items.

Public Information Office - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: Set an Executive Session for August 10, 2010 at 2:00 p.m. in the Charlotte County Attorney's Office Large Conference Room to discuss settlement options, related litigation expenditures, and possible dismissal of the lawsuit concerning the civil case captioned Charlotte County v. Duperault v. Boardwalk Properties; Case No. 08-3204-CA. BUDGETED ACTION: None

F. Budget and Administrative Services

Budget and Administrative Services - No Items.

Fiscal Services

(1) **RECOMMENDED ACTION:** Approve a Resolution authorizing the creation of a special revenue fund for each of the following funds: Equipment Replacement Fund, IT Equipment Replacement Fund, Vehicle Replacement Fund and Mitigation Drainage Basins Fund per the Governmental Accounting Standards Board Statement (GASB) pronouncement 54. **BUDGETED ACTION:** No action needed.

Resolution 2010-070

Information Technology - No Items.

Purchasing

(2) **RECOMMENDED ACTION:** a) Approve Amendment #1 to Contract #06-283R, Design/Build-Human Services Building, with Mathews/Taylor Construction, LLC in the amount of \$170,625.91; and b) Authorize Chairman to sign the Amendment. This is for the re-design of the Human Services Building, adding an additional 5,500 square feet. **BUDGETED ACTION:** The budget for this expense is \$179,625.91 and is budgeted in the Capital Project - Human Services Building on the Loveland Campus.

Commissioner Skidmore explained why he pulled the item and commented that he did not see the need to increase the size of the Health & Human Services Building at this time along with taking on extra operations and maintenance costs.

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM F-2 THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM F-2, SECONDED BY COMMISSIONER DUFFY.

Commissioner Loftus referenced his comments made at the Pre-Agenda Meeting in regard to looking at a two-story building. Alan Holbach addressed inquiries by **Commissioner Loftus** regarding the design process and expansion, commented on possible efficiencies and added benefits of going vertical versus a one story building, that upon completion of the study they could come back to the Board and seek concurrence, and

explained that there is funding in the budget for the analysis. **Commissioner Duffy** pointed out that the project is funded by impact fees, mentioned previous discussions on the subject, and spoke in support.

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

(3) **RECOMMENDED ACTION:** a) Approve renewal of Contract #09-251, South Gulf Cove Parks Design with David M. Jones Jr. & Associates for the term October 1, 2010 up to and including September 30, 2011; and b) Approve Work Assignment (WA)#2 in the amount of \$42,825; WA#3 in the amount of \$9,400; and WA#4 in the amount of \$9,800; c) Authorize Chairman to sign Amendments; and d) Authorize Administrator to approve future annual renewal. This is for professional services for parks, environmental restoration, marine-related improvements, sidewalks and trails, and related ancillary improvements for the community of South Gulf Cove. **BUDGETED ACTION:** This expense is budgeted in South Gulf Cove Street and Drainage MSBU, in the amount of \$100,000.00 for FY10.

(4) **RECOMMENDED ACTION:** Approve renewal of Contract #09-292, Tourism Advertising & Public Relations Implementation with Smith Advertising and Associates for the term October 1, 2010 up to and including September 30, 2011 in the amount not-to-exceed \$255,850. This is an annual contract for the procurement of marketing services for the Tourist Development Bureau in promoting Charlotte as a travel destination. **BUDGETED ACTION:** None

Commissioner Skidmore explained why he pulled the item, pointed out that he was the Board Liaison for the Tourist Development Commission (TDC), expressed concern that the Plan is not the right one, proposed the Board reconvene on Thursday for a Tourist Development meeting for further discussions on the matter, and to discuss going from print advertising to more of an event focus.

COMMISSIONER SKIDMORE MOVED TO POSTPONE AGENDA ITEM F-4 TO A FUTURE MEETING, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Duffy agreed with some of **Commissioner Skidmore's** concerns, questioned the overall theme of Eco-Tourism, opined that the County could do something better, and commented that it is critical to build up the Tourist Industry. **Commissioner**

Skidmore pointed out that two-thirds of tourism dollars come from West County, suggested rebranding the image being put forward, and mentioned Becky Bovell's tireless efforts.

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

(5) RECOMMENDED ACTION: Approve award of Bid #10-210, Lift Station Relocations to the lowest responsive, responsible bidder, Dave Foote Environmental Construction Inc. of Lehigh Acres, Florida for a total bid amount of \$725,031.30. BUDGETED ACTION: Amount budgeted is \$750,000. Funding is from the Wastewater Lift Stations CIP in the Renewal and Replacement Fund.

Chairman Starr explained why he pulled the item, commented on the amount of money being proposed to move and relocate lift stations, mentioned the situation with Charlotte County Utilities (CCU), the present revenue stream and the amount of debt, and spoke in opposition.

COMMISSIONER DUFFY MOVED TO DENY AGENDA ITEM F-5, SECONDED BY COMMISSIONER SKIDMORE.

Commissioner Loftus requested that a representative from CCU come forward. James Huish, CCU Operations Manager, pointed out the consequences of not approving the item, commented on the deteriorated conditions of the lift stations, and fielded inquiries by **Commissioner Loftus** regarding the locations of the lift stations. Teri Kesner gave additional reasons and detail for the request and stressed the importance of the item being approved. **Commissioner Loftus** spoke in support of approval. **Commissioner Duffy** expressed concerns with sewer expenses and high water and sewer rates.

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

(7) RECOMMENDED ACTION: a) Award Bid #10-243, Wheelchair Coach & Stretcher Services, to three firms: Ameditrans, Inc. of Port Charlotte; Grant Medical Transportation of Port Charlotte; and Jackson Transportation, Inc. of Punta Gorda at the unit rates listed below for the term October 1, 2010 up to and including September 30, 2011; and b) Authorize County Administrator to approve annual renewals at the same prices, terms, and conditions, by mutual consent. This is an annual contract for the transportation disadvantaged. BUDGETED ACTION: None

(8) **RECOMMENDED ACTION:** a) Award Bid #10-261, Fiberglass Interceptor Tanks, to Alpha General Services, Inc. of Sebring FL, at the unit prices listed for the term October 1, 2010 up to and including September 30, 2011, with option to renew for two additional one-year terms; and b) Authorize County Administrator to approve annual renewals at the same prices, terms, and conditions. This is an annual contract for purchase of Fiberglass Interceptor Tanks. **BUDGETED ACTION:** FY11 \$110,000

(9) **RECOMMENDED ACTION:** Approve Amendment #2 to Contract #08-121, Landfill Methane Gas Collection. **BUDGETED ACTION:** None

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

Real Estate Services

(11) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the release of portions of two ten-foot (10') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Twenty-Seven, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portions of said easements. (Owner: Jenny M. Hambleton) **BUDGETED ACTION:** None

Resolution 2010-071

(12) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the release of portions of two (2) ten-foot (10') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Twenty-Three, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portions of said easements. (Owners: Joseph E. and Julie D. Martin) **BUDGETED ACTION:** None

Resolution 2010-072

G. Building & Construction Services - No Items.

H. Community Services

Parks and Natural Resources

(1) *RECOMMENDED ACTION*: a) Approve acceptance of grant award for Shell Creek Preserve and Rotonda Mitigation Area for Florida Scrub jay Habitat Restoration/Management on Nonfederal Public Lands 2010 Funding Opportunity with The Nature Conservancy. b) Approve Budget Amendment #10-A53 in the amount of \$10,000. *BUDGETED ACTION*: Approve Budget amendment #10-A53 in the amount of \$10,000. The total project cost is estimated at approximately \$28,800, with in-kind goods and services from Natural Resources estimated at \$18,800 and \$10,000 from the grant.

Grant 2010-035

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*: Approve Final Plat for Charlotte Commons, LLC, petition #FP-08-09-05, Charlotte Commons Subdivision. *BUDGETED ACTION*: None.

M. Human Resources - No Items.

N. Human Services - No Items.

P. Public Safety

(1) *RECOMMENDED ACTION*: Approve a Resolution adopting the 2010 Local Mitigation Strategy as the guide for the County's hazard mitigation activities. Approval required to preserve County's ability to receive FEMA grant funding for mitigation including post disaster reimbursement. *BUDGETED ACTION*: None

Resolution 2010-073

Q. Public Works

(1) *RECOMMENDED ACTION*: Approve, and authorize the Chairman to sign, the Road Acceptance Agreement between Charlotte County and Vizcaya Lakes Communities, LLC ("Vizcaya"). Vizcaya wishes the County to accept for maintenance the roads, right-of-ways, etc. designated in the agreement, however, the roads do not presently meet county standards. This agreement provides that Vizcaya will pay for the construction of the roads to bring them to county standards. Upon the certification by the Public Works Dept. that the roads meet county standards, the agreement authorizes the Chairman to sign all necessary documents, i.e., Road Maintenance Agreement, Resolution, etc., which are attached as exhibits, accepting the dedication of the designated roads, without further Board action. *BUDGETED ACTION*: None for FY10

Agreement 2010-028

(2) *RECOMMENDED ACTION*: Authorize and approve Charlotte County's FY 2011/12 funding request to the Florida Department of Environmental Protection (FDEP), in conjunction with the Charlotte County Erosion Control Project, and adopt a Resolution in support of the project. *BUDGETED ACTION*: The FY09/10 budget for this project is \$4,948,000 in CIP project c390404, Stump Pass Maintenance Dredging. Future years of the CIP will be amended to align the work plan with the estimated funding indicated in the agreement.

Grant 2010-036; Resolution 2010-075

R. Tourism Development - No Items.

S. Utilities

(1) *RECOMMENDED ACTION*: Approve a Memorandum Of Understanding ("MOU") between Charlotte County and the City of North Port for Utility Payment Check Processing. *BUDGETED ACTION*: None. If approved, the budget in FY2011 will reflect the increase in revenue for CCU.

Agreement 2010-030

(2) *RECOMMENDED ACTION*: Approve a Reclaimed Water Supply Interlocal Agreement between Charlotte County and Riverwood Community Development District. *BUDGETED ACTION*: None

Agreement 2010-029

T. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - Select by ballot one member to serve from each of the following categories on the Affordable Housing Advisory Committee. One member from Banking/Mortgage Banking; One member as Citizen who resides in County, and one member as a Charlotte County employer.

RECESS: 10:00 AM to 10:15 AM

Attorney Knowlton read the following vote by ballot into the record for the Banking/Mortgage Representative: Jim Kelly - 4 votes.

COMMISSIONER SKIDMORE MOVED TO APPOINT JIM KELLY TO BE THE BANKING/MORTGAGE REPRESENTATIVE ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

Attorney Knowlton read the following vote by ballot into the record for the member to serve as the Charlotte County employer: Barbara Melanson - 4 votes.

COMMISSIONER DUFFY MOVED TO APPOINT BARBARA MELANSON TO BE THE CHARLOTTE COUNTY EMPLOYER ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Skidmore commented on an email stating that Ms. Melanson was not able to attend a lot of the meetings. **Commissioner Duffy** pointed out that she is on the Affordable Housing Committee and that Ms. Melanson has not missed many meetings.

MOTION CARRIED 5:0.

Attorney Knowlton read the following vote by ballot into the record for the member to serve as the Citizen who resides in the County: Jeff Ahrens - 5 votes.

COMMISSIONER SKIDMORE MOVED TO APPOINT JEFF AHRENS TO BE CHARLOTTE COUNTY CITIZEN ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

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

(1) County Attorney - Conduct a public hearing to consider approving an ordinance to establish a moratorium of 180 days on the issuance of business tax receipts to pain management clinics.

Attorney Knowlton explained the proposed Ordinance and stated that the item was brought back at the request of the Board.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2010-050, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

(2) Economic Development - Conduct a public hearing to consider an ordinance amending Chapter 1-7, Article V, Economic Development Incentive Program, of the Code of Laws and Ordinances of Charlotte County to increase the amount of employment incentives offered to new and expanding businesses.

Don Root gave handouts to the Board. Attorney Derek Rooney advised of a small grammatical error in the proposed ordinance. Mr. Root outlined changes to the proposed Economic Incentive Ordinance.

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

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2010-051, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

Z. Regular Agenda (continued)

(2) Facilities - Discussion of options for West County Library during construction.

Alan Holbach presented the item on the expansion of the West County Library, outlined the three (3) options available, recommended Option #2 as the most cost effective, and fielded inquiries from **Commissioner Skidmore** regarding Option #2's requirement of a 60-90 day closure for the roof, the reduction of services in Option #1, and the reassurance that the 60-90 day closure would not be in the middle of a high season period.

COMMISSIONER SKIDMORE MOVED TO ACCEPT THE RECOMMENDATION FROM ADMINISTRATION FOR OPTION #2 WHICH WILL CONTINUE TO PROVIDE LIBRARY SERVICES AT ITS CURRENT LOCATION DURING CONSTRUCTION WHICH WOULD ALLOW THE RESIDENTS TO CONTINUE TO HAVE QUALITY SERVICES, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Duffy spoke in support of the motion and questioned why the Commissioners had to find a better way rather than staff making the recommendation. **Commissioner Cummings** responded to **Commissioner Duffy's** comments and expressed his concerns. Board discussion ensued.

MOTION CARRIED 5:0.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Grace Amodeo thanked Mr. Baltz for his association with the County but expressed concern that the Board did a disservice to Mr. Sandrock by not introducing him.

John Hitzel offered congratulations to Mr. Sandrock and to the Commissioners, and reminded that on October 1, water rates will automatically go up.

Marvin Dunlevy expressed concern related to the use of money meant for South Gulf Cove MSBU.

AA. County Administrator:

Mr. Sandrock advised that the County had received \$21,000 on the \$50,000 BP claim and that the funds had been directed back into the Tourism Advertising Budget; advised of the second BP claim related to tourism for \$500,000, commented on past history related to fencing, easements, and permits, advised that staff is working with the County Attorney's office to come up with a recommendation to eliminate the easement and put into the permit process language that would cover the County, advised the contract with the Ferguson Group is up on September 30, and asked for direction on options to renew or to let the contract expire.

Chairman Starr stated he would like to see the contract with the Ferguson Group expire and expressed concern related to the amount of the contract. **Commissioner Loftus** commented on the importance of having a lobbyist in Washington and pointed out some contributions that have been made by the Ferguson Group. **Commissioner Duffy** commented on the valuable service that the Ferguson Group has provided to the County, expressed concerns with the funds that the Federal Government spends, commented on the hope that some Federal funds come to Charlotte County, on the need for assistance, and questioned if there are other groups beside the Ferguson Group that would be more cost efficient. **Commissioner Cummings** commented on why the Board did away with the state lobbyist and suggested renewing the contract with the Ferguson Group.

Mr. Sandrock addressed concerns of **Commissioner Loftus** regarding the cost of billboards, commented on a meeting with FDOT Administration regarding Winchester with respect to \$6M of funding that had been aligned, and advised that the County is in sync to continue on with that funding.

BB. County Attorney: NONE

CC. Commissioner Comments:

Commissioner Skidmore wished Mr. Baltz well, expressed excitement to look for new opportunities for the residents, for improvement in morale, and commented on Mr. Sandrock accepting the interim position.

Commissioner Loftus wished Mr. Baltz well in the future, expressed appreciation for his contributions, expressed concern with lights being on in the buildings and in the parking lots at the Tringali Center at 8:30 on Sunday evening, and at the Oyster Creek Park.

Commissioner Duffy praised Mr. Baltz and his contributions, commented that she looks forward to strong superior leadership in the future, thanked Mr. Sandrock for stepping into the interim position, suggested putting the wheels in motion to do a nationwide search for a new administrator, mentioned that the Florida Association of Counties would be helpful, addressed Mr. Hitzel's concerns about the water rates, expressed a desire to cancel the October 1st rate increase.

Tommy White addressed questions from **Commissioner Duffy** regarding the October 1st rate increase and stated that the only requirement related to the debt is that you meet your bond covenants with coverage.

Commissioner Duffy asked if Mr. Sandrock would work with CCU to see if it is feasible to have a smaller increase if any.

Commissioner Cummings praised Mr. Baltz as being one of the best administrators he has ever met, wished him well, and offered condolences to Mr. Sandrock.

Commissioner Starr advised that the Economic Development Working Group is looking to be dissolved and added that in order to do that, there needed to be a motion. **Commissioner Skidmore** asked Attorney Knowlton if the procedure would be to put the item on the next agenda. Attorney Knowlton advised that a motion may not be needed to dissolve the group, explained that if the Board deems that the Group has completed its function, the Group can just acknowledge it and move on, but that the Board can make a motion to add it to the next agenda. **Chairman Starr** clarified that if that was done would it still be in the Sunshine and expressed concerns.

COMMISSIONER SKIDMORE MOVED TO ADD THE ECONOMIC WORKING GROUP TO TODAY'S MEETING AGENDA IN ORDER TO DISSOLVE THE GROUP, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO DISSOLVE THE ECONOMIC DEVELOPMENT WORKING GROUP, SECONDED BY COMMISSIONER SKIDMORE.

Commissioner Cummings clarified that the Committee itself was recommending to be dissolved. Chairman Starr clarified.

MOTION CARRIED 5:0.

Chairman Starr introduced Mr. Ray Sandrock as the Interim County Administrator, highlighted his accomplishments and contributions, praised Mr. Baltz, opined that the Commission did a disservice to the residents today, and commented on the involvement of a lot of personalities.

RECESS: 10:55 AM - 2:00 PM Executive Session

Signature on file in Commission Minutes
Chairman

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

sfc