

**BOARD OF COUNTY COMMISSIONERS**

**August 23, 2010**

A Pre-Agenda meeting in preparation of the August 24, 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, Interim County Administrator Sandrock, County Attorney Knowlton, and Deputy Clerk Carleton. The following members were absent: None. The meeting was called to order at **9:02 AM**.

**There was Board Discussion held on the following items:**

**Purchasing:**

**Agenda Items F-1, F-2, F-3, and F-4**

**Economic Development:**

**Agenda Item J-2**

**Public Works:**

**Agenda Item Q-2**

**Regular Agenda:**

**Public Works:**

**Agenda Item Z-3**

**Attorney's Office:**

**Agenda Item Z-4**

**ADJOURNED: 9:27 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](http://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

### **Interim County Administrator**

Ray San

### **County Attorney**

Janette S. Know

### **Clerk of the Circuit Court**

Barbara T. J

Regular Meeting

8/24/2010 9:00 AM

18500 Murdock Circle, Administration Center, 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**

Cathy Shiel, First Reader, Christian Science Society and Reading Room

### **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 9:00 A.M.
- VIII. Public Workshop
- IX. Board Workshop
- X. Citizen Input - Any Subject

**Proclamations** - Commissioner Richard Loftus

**Employee Recognition** - None

**Presentations**

Recognition of award received by the Purchasing Division from the National Purchasing Institute, 2010, Achievement of Excellence in Procurement Award.

**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**

**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](mailto:msbu@charlottefl.com)

**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](mailto: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](mailto: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. Length of term - until June 9, 2013. 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](mailto: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](mailto: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](mailto: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](mailto:msbu@charlottefl.com)**

**Historical Advisory Committee** - is currently seeking the following members. One member representing the Punta Gorda Historical Society to serve a one year term. Also, one Member of the Museum Society, one At-Large member, and one member of the Genealogical Society to serve three year terms. **Submit resume to the Charlotte County Commission office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax (941) 743-1310**

**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](mailto:msbu@charlottefl.com)**

**Murdock Village Community Redevelopment Agency Advisory Committee** - is seeking one volunteer in the category of General Contractor. This is a three year term effective September 20, 2010 and expiring September 20, 2013. **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.**

**Peace River Shores Street & Drainage** - is seeking four volunteers. Volunteers must reside within the boundaries of the MSBU. Three regular positions with terms to be determined at the first meeting; 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 call (941) 575-3600; fax (941) 637-3600 or e-mail to msbu@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**

**South Burnt Store Street & Drainage Advisory Committee** - is seeking one regular member to complete a two-year term that expires March 10, 2012. 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**

### **III. REPORTS RECEIVED AND FILED - None**

### **IV. CONSENT AGENDA**

#### **Clerk of the Circuit Court**

##### **A. Finance Division**

**(1) RECOMMENDED ACTION:**

Approve the Clerk's Memorandum.

**BUDGETED ACTION:** None required.

##### **B. Minutes Division**

**(1) RECOMMENDED ACTION:**

07/27/10 9:00 AM BCC Regular Meeting

07/27/10 2:00 PM Executive Session

08/09/10 9:00 AM Pre-Agenda Meeting

08/10/10 9:00 AM BCC Regular Meeting

08/10/10 2:00 PM Executive Session

**BUDGETED ACTION:** None required.

#### **Board of County Commissioners**

### **C. Commission Office**

**(1) RECOMMENDED ACTION:**

Approve to appoint Barbara Holmes to the South Gulf Cove Community Plan Advisory Committee. This is a two year term effective immediately and shall expire on July 24, 2012. **BUDGETED ACTION:** None

**(2)RECOMMENDED ACTION:** Approve to appoint Robert J. Mercier and Joseph J. Dlugosz to the Burnt Store Village Advisory Committee. Length of terms: three years. **BUDGETED ACTION:** None

**(3)RECOMMENDED ACTION:** Approve to appoint Michael J. Hadsell to the Englewood East Street and Drainage Advisory Committee. Length of term: three years. **BUDGETED ACTION:** None

**(4)RECOMMENDED ACTION:** Approve to appoint Floyd Eldridge to the Northwest Port Charlotte Street and Drainage Advisory Committee. Length of term: three years. **BUDGETED ACTION:** None

**(5)RECOMMENDED ACTION:** Approve to appoint Thomas L. Stacey and Eugene K. Coy to the Peace River Shores Street and Drainage Advisory Committee. Length of term: to be selected at the first meeting. **BUDGETED ACTION:** None

**(6)RECOMMENDED ACTION:** Approve to appoint George H. Taylor, Dennis McCulloch and John H. Fleming to the Pirate Harbor Street and Drainage Advisory Committee. Length of terms to be decided at the first meeting. **BUDGETED ACTION:** None

**(7)RECOMMENDED ACTION:** Approve to appoint James M. Brown to the South Burnt Store Street and Drainage Advisory Committee. Length of term: Two years expiring March 10, 2012. **BUDGETED ACTION:** None

### **D. Administration**

#### **Administration**

**(1)RECOMMENDED ACTION:** Set a public hearing for Sept. 14, 2010 at 10:00 a.m. or as soon thereafter as may be heard, to consider the application of Little Gasparilla Island Fire and Rescue, Inc. for a Certificate of Public Convenience & Necessity (COPCN) to provide non-transport Advanced Life Support for Little Gasparilla Island. **BUDGETED ACTION:** None

**Public Information Office - No Items.**

### **E. County Attorney**

**(1)RECOMMENDED ACTION:** a) Approve a settlement whereby the County will receive payment of \$30,000 in the lawsuit captioned: Charlotte County v. Duperault v. Boardwalk Properties, Case No. 08-3204-CA; and b) Authorize the Chairman to execute the Mediated Settlement Agreement. **BUDGETED ACTION:** Budget Amendment #10-A54 for \$30,000. Reimbursement Funds will be posted to CCU's Operating Fund.

(2)**RECOMMENDED ACTION:** Approve contract for Ray Sandrock to serve as Interim County Administrator. **BUDGETED ACTION:** 2010 adopted Budget Amount is \$706,515.

## **F. Budget and Administrative Services**

**Budget and Administrative Services - No Items.**

**Fiscal Services - No Items.**

**Information Technology - No Items.**

## **Purchasing**

(1)**RECOMMENDED ACTION:** a) Approve ranking of firms for Request for Proposal #10-248, Design/Build - Bridge Projects as follows: 1st - Owen-Ames-Kimball Company of Punta Gorda, FL; 2nd - Wright Construction Group, Inc. of Punta Gorda, FL; and 3rd - ZEP Construction, Inc. of Fort Myers, FL; and b) Approve the start of Negotiations, for a multi-award with 1st ranked firm Owen-Ames-Kimball Company for the Elkcam Bridges and 2nd ranked firm Wright Construction Group, Inc. for the Melbourne Bridge; and c) Authorize the Chairman to sign the two (2) Contracts for the two (2) design/build bridge projects once negotiations have been complete. **BUDGETED ACTION:** None. Funded in CIP project c411004 Elkcam Bridge Replacement NB, project total \$2,000,000, CIP project c411005 Elkcam Bridge Replacement SB, project total \$2,000,000, and CIP project C411009 Melbourne Bridge Replacement, project total \$2,000,000. Funding is supplied from gas taxes.

(2) **RECOMMENDED ACTION:** a) Approve the ranking of firms for Request for Proposal #10-249, Design/Build - Bermont Road Improvements as follows: 1st - Halfacre Construction Company of Punta Gorda, FL; 2nd - Ajax Paving Industries of Florida, LLC of Punta Gorda, FL; and 3rd - J.E. Charlotte Construction Corp. of Venice, FL; and b) Approve start of Negotiations; and c) Authorize the Chairman to sign the Contract after completion of negotiations. This project is for the services of a design/build firm for the design, permitting and construction on approximately 15 miles of County Road 74 (Bermont Road) from US 17 to State Road 31. **BUDGETED ACTION:** Budgeted in CIP project c411007 Bermont Rd Safety Improvements. Project total is \$3,700,000. Funding is supplied from gas taxes.

(3)**RECOMMENDED ACTION:** Approve a one (1) year extension to Contract #05-308, Federal Lobbyist, with The Ferguson Group, LLC for the period from October 1, 2010 through and including September 30, 2011, for an amount not-to-exceed \$119,000 to continue Federal Lobbyist services for Charlotte County. **BUDGETED ACTION:** Funds are provided in General Fund.

(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. Funding provided from the Tourist Development Trust Fund, Promotional Activities - Advertising.

**Real Estate Services - No Items.**

**G. Building & Construction Services - No Items.**

**H. Community Services**

**Parks and Natural Resources - No Items.**

**Recreation - No Items.**

**Libraries and Historical - No Items.**

**J. Economic Development**

(1)**RECOMMENDED ACTION:** Affirm the reappointment of Todd Rebol, Catherine Sanders, and Michael Grant to the Charlotte County Industrial Development Authority. **BUDGETED ACTION:** None

(2)**RECOMMENDED ACTION:** Authorize the Chairman to sign a License Agreement with Southwest Land Developers Inc., to access the property owned by Charlotte County/Murdock Village Community Redevelopment Agency. This is in furtherance of the proposed land swap and which allows the interested party to have access to the property to conduct additional analysis of the site. **BUDGETED ACTION:** None

(3)**RECOMMENDED ACTION:** Authorize Economic Development to conduct due diligence in pursuit of the Charlotte County Economic Development Office's Project #2010074. The project is under review to be accepted as an applicant pursuant to the Charlotte County Economic Development Ordinance and State's Qualified Target Industry (QTI) Incentive and involves land to be given to the company in exchange for jobs and tax base. The land is 2.5 acres and part of the land swap proposal which involves Bruce Laishley and the Murdock Village new Entertainment District. **BUDGETED ACTION:** Funding from Economic Development Incentives Fund.

**K. Facilities Construction and Maintenance - No Items.**

**L. Growth Management**

(1)**RECOMMENDED ACTION:** Approve the DRC-PD-80-4XXX Final Detail Plan Resolution permitting Buffalo Garland Associates, RB-3 Associates

and Benderson 85-I to develop the Peachland Promenades shopping center. **BUDGETED ACTION:** None

(2) **RECOMMENDED ACTION:** Approve Amended Developer's Agreement for Kingsgate Associates II, LLC, WR-I Associates, Ltd., & Kings Gate Home, LLC, Petition #FP-02-11-08. Since the development infrastructure is not complete, Growth Management requests that the Developer's Agreement be amended to extend the completion date. **BUDGETED ACTION:** None

**M. Human Resources - No Items.**

**N. Human Services**

(1) **RECOMMENDED ACTION:** a) Approve the annual reports for the State Housing Initiatives Partnership (SHIP) Program and the Hurricane Housing Recovery (HHR) Program; and b) Authorize the Chairman to sign the Annual Report Certifications for submission to the Florida Housing Finance Corporation. **BUDGETED ACTION:** No action needed.

**P. Public Safety**

(1) **RECOMMENDED ACTION:** Approve the grant application for the FY10-11 US Department of Homeland Security CERT Program Subgrant in the amount of \$11,380. The grant funds will be used for training and equipment expenses for the Community Emergency Response Team (CERT). **BUDGETED ACTION:** None. The FY10-11 Emergency Management budget will be amended upon approval of the grant. There is no County match required for this grant, it is 100% funded.

**Q. Public Works**

(1) **RECOMMENDED ACTION:** Approve the FY 2011 annual certified budget for Mosquito Control and contract with Florida Department of Agriculture and Consumer Services for FY 2011. The State Department of Agriculture and Consumer Services (FDAC), which oversees County Mosquito Districts, requires per the Florida Administrative Code 5E-13.027 that the county shall submit a certified budget no later than September 15th of each year. **BUDGETED ACTION:** None. Funds are supplied from general revenues and a state grant.

(2) **RECOMMENDED ACTION:** Approve a resolution adopting Solid Waste rates for Lee County residents on Gasparilla Island, as adopted by the Lee County Board of Commissioners and pursuant to interlocal agreement. This request is pursuant to Charlotte County Code Chapter 4-4 "Sanitation District" and has been reviewed by Charlotte County Public Works Solid Waste Division and the Charlotte County Attorney's Office. **BUDGETED ACTION:** None. Revenues received due to this resolution are recorded in the Charlotte County Solid Waste Enterprise Fund.

(3) **RECOMMENDED ACTION:** Approve CIP Amendment #10-C09 to place

funding in the FY10 CIP budget for the Winchester South Project. The Board has expressed interest in moving forward with the Winchester South Project, which had previously been placed on hold. **BUDGETED ACTION:** Approve CIP Amendment #10-C09. This CIP Amendment will bring the project total to \$17,742,000.00. Funds for this project are supplied from Gas Taxes, the 2002 Sales Tax Extension, and an FDOT grant.

**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:** Choose by ballot seven (7) people to serve on the Manasota /Sandpiper Key Advisory Committee. Must be full time residents on either Manasota or Sandpiper Key. Terms shall be for two years (initially, four shall serve for one year and three shall serve for two years - to be determined at first meeting).

#### *(2) County Administration*

**RECOMMENDED ACTION:** Update the Board of County Commissioners on the Charlotte Harbor Event & Conference Center's current year budget, future budget and status of the facility management with SMG.

#### *(3) Economic Development*

**RECOMMENDED ACTION:** Approve the attached Resolution which allows for a blanket extension of time to Recovery Zone Bonds applicants upon their written request for additional time to secure financing.

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

#### *(1) County Attorney*

**RECOMMENDED ACTION:** Consider an ordinance amending the County Code by deleting the automatic requirement of Aerobic Treatment Units ("ATUs") in certain circumstances.

## **VII. PRESENTATION AGENDA - No Items.**

**VIII. PUBLIC WORKSHOP AGENDA - No Items**

**IX. BOARD WORKSHOP AGENDA - No Items.**

**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, August 24, 2010, 10:00 a.m., or soon thereafter - **Public Hearing** - Ordinance amending the County Code by deleting the automatic requirement of Aerobic Treatment Units ("ATUs") in certain circumstances, Administration Building, 18500, Murdock Circle, Room #119

**Monday September 6, 2010 Labor Day All County Buildings Closed**

Friday, September 10, 2010, 9:00 a.m. - **Joint Meeting**, Board of County Commissioners and City of Punta Gorda, Administration Building, 18500 Murdock Circle, Room #119

Tuesday, September 14, 2010, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, 18500 Murdock Circle, Room #119

Wednesday, September 15, 2010, 5:01 p.m. - **First Budget Public Hearing**, Administration Building, 18500 Murdock Circle, Room #119

Tuesday, September 21, 2010, 9:00 a.m. - Board of County Commissioners **Land Use Meeting**, Administration Building, 18500 Murdock Circle, Room #119

Tuesday, September 28, 2010, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, 18500 Murdock Circle, Room #119

Wednesday, 29, 2010, 5:01 p.m. - **Final Budget Public Hearing**, Administration Building, 18500 Murdock Circle, Room #119

Tuesday, October 12, 2010, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, 18500 Murdock Circle, Room #119

*Tuesday, October 19, 2010, 9:00 a.m. - Board of County Commissioners **Land Use Meeting**, Administration Building, 18500 Murdock Circle, Room #119*

*Tuesday, October 26, 2010, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, 18500 Murdock Circle, Room #119*

*Tuesday, November 9, 2010, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, 18500 Murdock Circle, Room #119*

**Thursday, November 11, 2010 Veterans Day All County Buildings Closed**

*Tuesday, November 16, 2010, 9:00 a.m. - Board of County Commissioners Land Use Meeting, Administration Building, 18500 Murdock Circle, Room #119*

*Tuesday, November 23, 2010, 9:00 a.m. - Board of County Commissioners Regular Board Meeting, Administration Building, 18500 Murdock Circle, Room #119*

**Thursday, November 25, 2010 Thanksgiving Day All County Buildings Closed**

**Friday, November 26, 2010 Day after Thanksgiving Observed All County Buildings Closed**