

**BOARD OF COUNTY COMMISSIONERS**

**January 25, 2011**

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Starr, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, Commissioner Skidmore, County Administrator Sandroek, County Attorney Knowlton, Chief Board Services White, and Deputy Clerk Carleton. The following members were absent: None

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

The Invocation was given by Pastor Cesar Olivero, St. James Episcopal Church, followed by the Pledge of Allegiance.

**Changes to the Agenda:**

**Addition #1:** Requested by: Commission Office - Proclamation - Charlotte County Utilities Water Distribution Group Employee Recognition Day

**Addition #2 Informational:** Approved on Monday, February 7, 2011, 1:00 PM - Strategic Focus Area Meeting, Port Charlotte Beach Complex, 4500 Harbor Blvd., Port Charlotte.

**Change #1:** Wednesday, February 2, 2011, 6:00 PM - Second Public Hearing - Citizen in-put concerning the upcoming Charlotte County Budget, Tringali Recreational Center, 3460 North Access Road, Englewood.

**Change #2:** Requested by: Attorney's Office - E-1 - RECOMMENDED ACTION: Set an Executive Session for January 25, 2011 at 2:00 p.m. 12:00 noon in the Charlotte County Attorney's Office Large Conference Room to discuss strategies, related litigation expenditures, and possible settlement concerning the civil case captioned Charlotte County v. Hoot Gibson, et al., Case No. 09-6821-CA.

**Change #3:** Requested by: Finance Department - A-1 - Approve the Clerk's Memorandum - Memorandum on Contingencies, sections 1A and 1 are removed.

**Deletion #1:** Requested by: Administration - Z-2 - RECOMMENDED ACTION: Discussion and direction regarding Murdock Village Community Redevelopment Area and Enterprise Charlotte Airport Park land swap.

**Deletion #2:** Requested by: Economic Development - J-1 - RECOMMENDED ACTION: Approve proposed revisions to Resolution #2010-038 authorizing the Charlotte County Industrial Development Authority to fund the local match for Florida's Qualified Target Industry Tax Refund Incentive (QTI) Program.

**COMMISSIONER SKIDMORE MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

*Proclamations - Commissioner Robert Skidmore*

*Charlotte Harbor Regatta Week Proclamation, January 31, 2011 through February 6, 2011*

**COMMISSIONER DUFFY MOVED TO APPROVE CHARLOTTE HARBOR REGATTA WEEK PROCLAMATION, JANUARY 31, 2011 THROUGH FEBRUARY 6, 2011, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

*The Proclamation was accepted by Brian Gleason.*

*Charlotte County Utilities Water Distribution Group Employee Recognition Day Proclamation, January 25, 2011*

**COMMISSIONER DUFFY MOVED TO APPROVE CHARLOTTE COUNTY UTILITIES WATER DISTRIBUTION GROUP EMPLOYEE RECOGNITION DAY PROCLAMATION, JANUARY 25, 2011, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

*Terri Kesner expressed thanks on behalf of the 13 CCU employees being acknowledged.*

*Employee Recognition - None*

*Presentations - None*

**I. CITIZEN INPUT - AGENDA ITEMS ONLY**

Peter Daut spoke on behalf of Burnt Store Colony regarding Agenda Item R-1, recognized staff support, and requested Board approval.

Marilyn Smith spoke on behalf of Burnt Store Colony regarding Agenda Item R-1, thanked all involved, and urged the Board to vote in favor of the contract.

Don McCormick spoke on behalf of the Punta Gorda Isles Homeowners Association in support of Agenda Item Z-1.

Christine Austin expressed safety concerns related to Agenda Item Z-1 and asked the Board to review the issue again.

**II. COMMITTEE VACANCIES**

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

Affordable Housing Advisory Committee - is currently seeking four members to serve on the committee. One banking/mortgage banking representative, one home building industry representative; one for-profit provider; one Charlotte County essential services personnel. All terms are four years.

Code Enforcement Board - is currently seeking two members to serve on the committee. One licensed architect - term will expire in September 2012 and one businessman. Term will expire in September 2014. Must be residents of Charlotte County.

Murdock Village Community Redevelopment Agency Advisory Committee (MV-CRAAC) - is seeking one volunteer representing the Banking, Financial or Appraisal Sector (as defined in Chapter 475, Florida Statutes) to finish an unexpired term due to a resignation. This term is effective immediately and shall expire September 20, 2012. Submit your resume to the Charlotte County Commission office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax (941) 743-1310 or send e-mail to [BCC@charlottefl.com](mailto:BCC@charlottefl.com).

Tourist Development Council - is currently seeking one member to serve on the Council. The applicant shall be owners or operators of motels, hotels, recreational vehicle parks or other tourist accommodations located in the county and subject to the tax levied. Must be a resident of Charlotte County.

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

**IV. CONSENT AGENDA**

**COMMISSIONER DUFFY MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEM F-2, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

Clerk of the Circuit Court

**A. Finance Division**

(1) RECOMMENDED ACTION:

Approve the Clerk's Memorandum. BUDGETED ACTION: None required.

Memorandum #2 - Total Disbursements for the Period Dec. 29, 2010 through Jan. 12, 2011 in the amount of \$30,204,810.30.

**B. Minutes Division**

(1) RECOMMENDED ACTION: BUDGETED ACTION: None required

12/10/10 9:00 AM BCC/Punta Gorda Joint Meeting

12/13/10 9:00 AM BCC Pre-Agenda Meeting

Board of County Commissioners

**C. Commission Office - No Items.**

**D. Administration**

Administration - No Items.

Public Information Office - No Items.

**E. County Attorney**

(1) RECOMMENDED ACTION: Set an Executive Session for January 25, 2011 at 12:00 noon in the Charlotte County Attorney's Office Large Conference Room to discuss strategies, related litigation expenditures, and possible settlement concerning the civil case

captioned Charlotte County v. Hoot Gibson, et al., Case No. 09-6821-CA. BUDGETED ACTION:

(2) RECOMMENDED ACTION: Approve the settlement agreement with Nicholas Jakimer related to a citation for unlicensed contracting. BUDGETED ACTION: None

**Agreement 2011-002**

**F. Budget and Administrative Services**

*Budget and Administrative Services*

(1) RECOMMENDED ACTION: Approve to schedule three Focus Area Workshops to discuss and present the budgets and services connected to each of the Board of County Commissioners Strategic Focus Areas. The Focus Area Workshops will be held in Room #119, at 1:30 p.m. on the following dates: Focus Area Workshop #1 - Thursday, April 28, 2011; Focus Area Workshop #2 - Thursday, May 5, 2011; Focus Area Workshop #3 - Thursday, May 12, 2011. BUDGETED ACTION: None at this time. Any actions taken at these Focus Area Workshops will be incorporated into the FY2011/12 budget.

(2) RECOMMENDED ACTION: Approve to hold a BCC Workshop to update the Board of County Commissioners on the FY2011/12 Budget Process on Friday, February 25, 2011, at 1:00 p.m. in Room #119, Murdock Administration Center. BUDGETED ACTION: None at this time. Any input from this meeting will be incorporated into the FY2011/12 Budget Process.

**Commissioner Duffy** expressed concern related to the upcoming Board meeting schedule, suggested the February 25, 2011 Budget Workshop could be more productive if moved from a Friday afternoon, and noted not being consulted on certain schedule changes. There was Board discussion. Mr. Sandrock and Attorney Knowlton provided additional related detail.

**COMMISSIONER DUFFY MOVED TO APPROVE AGENDA ITEM F-2, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

*Fiscal Services - No Items.*

*Information Technology - No Items.*

Purchasing

(3) RECOMMENDED ACTION: a) Approve award of Bid #11-024, Shell/Rock Material - Annual Contract, to JJJ Enterprises of Port Charlotte, Florida; Florida Shell of Punta Gorda, Florida; and Sitework Supplier Inc., of Port Charlotte, Florida, as indicated below; and b) Authorize the County Administrator to approve renewal options up to two additional one-year terms at the same prices, terms, and conditions, by mutual consent. The contract period will be effective from the date of award through, and including, December 31, 2011. This is an annual contract to supply and/or deliver shell material, shell rock, bank run shell, and limerock on an "as required" basis for various Charlotte County Departments at the unit prices listed below. BUDGETED ACTION: None. FY09/10 purchases were \$116,520. Budgeted in the Transportation Trust Fund and various street and drainage MSBU/TUs. Funding is supplied from gas taxes and the various MSBU/MSTUs where the material is used.

(4) RECOMMENDED ACTION: Approve award of Bid #10-324, Sandhill DRI Wetland Clearing, to the lowest responsive, responsible bidder, EarthBalance of North Port, Florida in the amount of \$126,200.42. This project is to clear approximately 14.22 acres of wetland and upland areas located between Kings Highway and Loveland Boulevard of exotic vegetation and debris, as well as restoration of the water control structures, if needed. BUDGETED ACTION: None. Budgeted in CIP project c411010 Sandhill Area Wetland #3 Restoration and Exotic Vegetation. The budget estimate for this contract was \$250,000. Funding is supplied from the Sandhill Area MSTU.

(5) RECOMMENDED ACTION: Approve the Purchase of two (2) 2012 Freightliner M2 with AEV Type I Ambulances from ETR of Altamonte Springs, Florida; piggybacking off the Florida Sheriff's Association Contract #10-09-0907 at the cost of \$219,151.27 per vehicle equaling \$438,302.54 minus two (2) trade-ins for \$10,000 and \$10,750 respectively for a total purchase price of \$417,552.54. The purchase of these two (2) ambulances are replacements for existing vehicles and will be traded in for trade-in allowances. BUDGETED ACTION: No Budget Action required. FY10/11 Budget is \$476,000. Funding is provided in the Capital Projects Fund.

Real Estate Services - No Items.

**G. Building and Growth Management**

(1) *RECOMMENDED ACTION:* The Manasota and Sandpiper Key Community Plan Advisory Committee is requesting to meet twice per month between February and June of 2011 to discuss the proposed revisions to the Manasota and Sandpiper Key Zoning Overlay. *BUDGETED ACTION:* None

**H. Community Services**

Parks and Natural Resources - No Items.

Recreation

(1) *RECOMMENDED ACTION:* Approve an Agreement Addendum for the Tampa Bay Rays to provide general grounds maintenance for the Charlotte Sports Park excluding the main parking lot and 776 ROW in exchange for their use of Bldg B of the Sport Park. *BUDGETED ACTION:* The negotiated agreement between Charlotte County and the Tampa Bay Rays will show a swap of access (use of CSP Bldg B) for the service of general grounds keeping at the CSP, excluding the main parking lot and the 776 ROW. The cost of maintaining the main parking lot and the 776 ROW will come out of the CSP M&O Budget.

**Amendment to Agreement 2006-053**

Libraries and Historical - No Items.

**J. Economic Development - No Items.**

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

**L. Human Resources - No Items.**

**M. Human Services - No Items.**

**N. Public Safety**

(1) *RECOMMENDED ACTION:* Approve Chairman to sign the Award letter and Grant Agreement from Florida Division of Emergency Management for \$12,000 State Homeland Security Grant. Emergency Management department will use the funds to update local plans and conduct training. *BUDGETED ACTION:* None required at this time. The Emergency Management budget will be amended once the

grant agreement is fully executed. This is a 100% funded grant - no match required by the County.

**Grant 2011-002**

**P. Public Works - No Items.**

**Q. Tourism Development - No Items.**

**R. Utilities**

(1) **RECOMMENDED ACTION:** a) Approve Utility Agreement between Charlotte County and Burnt Store Colony RO Association, Inc. ("BSC") for transfer of BSC residents from private sewer package plant system to CCU's Burnt Store central wastewater system, and authorize Chairman to execute same; and b) Approve related Budget Amendment 11A-08. **BUDGETED ACTION:** Approve Budget Amendment 11A-08 in the amount of \$67,000 to account for the first year of the multi-year construction and payment schedule. The Colony will be paying for all system improvements. It is estimated that once connected, CCU will collect approximately \$7,000/month from the area's customers for wastewater services.

**Agreement 2011-003**

**S. Other Agencies - No Items.**

**V. REGULAR AGENDA**

**Z. Regular Agenda**

(1) Commission Office - **RECOMMENDED ACTION:** Discussion and direction regarding Burnt Store intersection project/Seminole Gulf Railway LP.

**Commissioner Duffy** provided background detail, related timeline, paralleled packet materials, mentioned cost estimates given in 2008, that the Railroad dictates the cost, commented on communications with Harry Nieves, listed additional items covered by the cost, and indicated that Mr. Nieves forwarded additional information when requested.

Harry Nieves, Vice President, Seminole Gulf Railroad, gave an overview of issues with the Project, mentioned the construction of a second track, commented on the December 14th BCC Meeting,

explained the details of the Project, addressed comments made by Don McCormick, discussed the complexity of the Crossing, commented on the use of signal bridges, mentioned meetings with **Commissioner Duffy** and Ray Sandrock, and commented on the cost estimate provided by the Railroad.

Mr. Nieves addressed Board inquiries regarding the satisfaction of requests made by Dan Quick, reasons for the County to pay for the second track, want versus need, the functions, the question of benefit to the Railroad versus the County, the issue of cost, the possibility of setting up a meeting, the cost of construction materials, possible reductions in price, agreements referenced, the wording in the agreements related to the additional track, improvements made in 1995, and the actual engineering report.

Dan Quick addressed Board inquiries regarding satisfaction of information received from the Railroad and the cost of improvements of the intersection of Kings' Highway and Veterans Boulevard.

Mr. Nieves addressed inquiries by **Commissioner Duffy** regarding the cost of labor and materials. **Commissioner Duffy** commented on examples of costs for other Counties on other railroad crossings, the Intermodal Transport Center, addressed **Commissioner Deutsch's** suggestion to set up a meeting with the Railroad, and proposed reducing the widening in order to reduce costs. Mr. Nieves pointed out there will be additional engineering costs for the Railroad.

**Commissioner Deutsch** commented on relying on the expertise of staff and expressed concern with not having more specific numbers.

Mr. Nieves fielded inquiries by **Chairman Starr** in regard to cutting the number of lanes in half to reduce the cost, the cost of the spur running through the Right-of-Way, how the \$1.75 million was arrived at, and the possibility of the creation of an intermodal system.

**Commissioner Deutsch** requested a Point of Order to state that the Engineering Department needs the road to be the way it was submitted to the Board and asked for a response from Mr. Quick. Mr. Quick responded by giving a history of events of the Burnt Store Road widening Project and pointed out that staff has worked with Florida Department of Transportation (FDOT) through

the Metropolitan Planning Organization (MPO) to program numerous intersection improvements along US 41 Corridor.

**Commissioner Duffy** commented that it's more cost efficient to do the Project right now, that saving money is a priority, and pointed out that there will be a lot of traffic in the future.

**COMMISSIONER DUFFY MOVED TO APPROVE THE INTERSECTION IMPROVEMENTS AS PRESENTED. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.**

**RECESS: 10:20 AM to 10:30 AM**

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

(1) County Attorney - **RECOMMENDED ACTION:** Consider approving an ordinance extending a moratorium for an additional 180 days on the issuance of business tax receipts to pain management clinics.

Kira Honse presented the Ordinance per packet material.

**COMMISSIONER SKIDMORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DUFFY**

**MOTION CARRIED 5:0.**

**COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2011-002, SECONDED BY COMMISSIONER DEUTSCH**

**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**

Geri Waksler spoke in regard to the Burnt Store Road Intersection, pointed out that 6,000 units on Burnt Store have been approved for development plus 1,800 units on Tern Bay that will all utilize the intersection, and recommended the Board implement the design as approved.

Bill Orow indicated he had submitted pamphlets on Sustainable Development to the Board, gave historical data, and requested meeting with each Commissioner individually to get their opinions.

**AA. County Administrator:**

Mr. Sandrock addressed earlier questions in regard to the Strategic Focus Workshop, recommended keeping the Workshop on February 7th, pointed out that the Pre-Agenda Meeting is also scheduled on that day, and suggested holding the Pre-Agenda Meeting at the Beach Complex at 9:00 AM and then to start the Workshop immediately following Pre-Agenda. Attorney Knowlton advised there should be a specific time for the Workshop and to make a motion to add it to the Agenda.

**COMMISSIONER DUFFY MOVED TO ADD THE CHANGE TO THE WORKSHOP TIME AND PLACE ON THE AGENDA FOR APPROVAL, SECONDED BY COMMISSIONER SKIDMORE**

**MOTION CARRIED 5:0.**

Mr. Sandrock advised of two Budget Public Hearings being held on January 31st in Room 119 at 6:00 PM, February 2nd at 6:00 PM at the Tringali Center in West County, and encouraged citizens to participate.

**BB. County Attorney:**

Attorney Knowlton advised that Dr. Rajan had reimbursed the County for demolition costs for the Beirut Building in response to a foreclosure that was filed, gave a brief update on the Online Travel Litigation, commented on Orlando's lawsuit, mentioned a South Carolina Supreme Court case that ruled in favor of the County, stated the County's case is ongoing, followed up on questions regarding the Trap, Neuter, Release Program from the last meeting, advised that there is nothing in the Agreement with the Animal Welfare League to prevent the Board from moving forward with the Program, and explained that contracting with veterinarian services would have to go through the bid process which would entail 90 days.

**CC. Commissioner Comments:**

**Commissioner Skidmore** mentioned receiving the Water Authority Budget by email from the Water Authority, indicated it was

scheduled to be voted upon at the February 2nd meeting, encouraged the other Commissioners to comment via email to himself or at the next public meeting, and stated he would welcome recommendations.

**Commissioner Duffy** thanked Code Enforcement for their efforts to get rid of snipe signs, gave an overview of the Regional Planning Council's presentation the previous week, gave explanation of the Entrepreneur Center in Orlando, mentioned conversations with Comcast and Waste Management, indicated she would be meeting with other community leaders, mentioned intentions by the Governor to review rules and regulations, suggested the County do the same, mentioned conversations with Jeff Ruggieri regarding the issue, and addressed earlier inquiries from citizens regarding the Railroad issue that the price will expire on January 31.

**Chairman Starr** advised that a motion for approval of **Commissioner Duffy's** previous motion to add the change to the workshop time and place it on the Agenda is required.

**COMMISSIONER CONSTANCE MOVED TO APPROVE THE CHANGE TO THE AGENDA, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**Commissioner Skidmore** indicated that the Clinics in Englewood had opened the previous Monday, gave thanks to all involved, pointed out the benefits to the public, commented that the Board should take a more active role in selecting the next Economic Development Director, mentioned that the voters had approved a Charter Amendment which allows the Economic Development Director to answer to the County Commission, stated he had met with the private sector counterparts the previous day, mentioned an opportunity to cost-share, and proposed forming an Ad Hoc Committee with one Commissioner. **Chairman Starr** indicated he had asked Mr. Sandrock to schedule a meeting to talk about the process of hiring a Director, commented on the need to establish procedures, weekly briefings, mentioned the scheduling of a Workshop in March by the Enterprise Charlotte Economic Council (ECEC), and indicated a meeting would be taking place within a week. **Commissioner Duffy** agreed with **Commissioner Skidmore's** comments and voiced the importance of making a decision in order to move forward, mentioned the recent hiring of the MPO Director, and gave details on the process.

**Commissioner Deutsch** suggested Mr. Sandrock meet with Engineering to come up with modifications and come back to the Board in order to move forward on the Railroad issue.

**Chairman Starr** indicated he had received advice from the County Attorney related to taking votes from Commissioners, stated that Aye and No are the correct procedure, addressed Attorney Knowlton's comments related to the Feral Cat Program, and commented on the Trap, Neuter, Release Program. **BOARD CONSENSUS TO GIVE MS. KNOWLTON DIRECTION TO MOVE FORWARD WITH THE FERAL CAT PROGRAM (Commissioners Deutsch, Duffy, Starr)**

**Commissioner Duffy** inquired as to the meaning of Point of Personal Privilege. **Chairman Starr** and **Commissioner Deutsch** responded. **Commissioner Duffy** commented on procedures used during Land Use Meetings and questioned whether direction had been given to Mr. Sandrock to bring staff together to reduce the number of lanes. **Commissioner Deutsch** responded he had asked to look into modifications, not to reduce the number of lanes. (Board discussion ensued related to the Railroad intersection issue.)

Attorney Knowlton clarified the Board direction to look into modifications but not lane reductions. **BOARD CONSENSUS TO GIVE DIRECTION TO ADMINISTRATION TO LOOK INTO MODIFICATIONS BUT NOT LANE REDUCTIONS ON RAILROAD ISSUE. (Commissioners Deutsch, Starr, Constance)**

**RECESS: 11:07 AM to 12:00 PM for Executive Session**

**(Meeting to be adjourned at the conclusion of the 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**