

BOARD OF COUNTY COMMISSIONERS

March 21, 2011

A Pre-Agenda meeting in preparation of the March 22, 2011 Regular Meeting was held at the Murdock Administration Complex in Room B-106, Port Charlotte, Florida.

Members present were: Chairman Starr, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, Commissioner Skidmore, County Administrator Sandrock, County Attorney Knowlton, Assistant County Administrator Shoemaker, and Deputy Clerk Lansing. The following members were absent: None. The meeting was called to order at 9:00 AM.

There was Board Discussion held on the following items:

Administration:

D-2

Budget and Administrative Services:

F-1, F-2, F-3

Purchasing:

F-7 (Deletion #1), F-10, F-11

Real Estate Services:

F-13, F-14, F-16, F-17

Building and Growth Management:

G-1

Parks and Natural Resources

H-1

Economic Development:

J-2

Human Services:

M-1

Regular Agenda:

Z-1, Z-2, Z-3 (Deletion #2), Z-4 (Change #1), Z-5,
(Change #2 Z-6 becomes Z-1), (Addition #1 Z-7 - NSP III
Grant), (Addition #2 Z-8 - House Bill 89)

ADJOURNED: 11:00 AM

Chairman

ATTEST:

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

By: _____
Deputy Clerk

jl

County Commissioners

Bob Starr, District 1, Chairman
Tricia Duffy, District 5, Vice-Chairman
Christopher Constance, District 2
Robert Skidmore, District 3
Stephen R. Deutsch, District 4

County Administrator

Raymond J. Sandroock
County Attorney
Janette S. Knowlton
Clerk of the Circuit Court
Barbara T. Scott

Regular Meeting
3/22/2011 9:00 AM
18500 Murdock Circle, 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

Art Grayman of Port Charlotte Seventh Day Adventist Church

Pledge of Allegiance

Changes to the Agenda: See last page

Proclamations/Awards

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

Proclamations - Commissioner Christopher Constance

50th Anniversary Celebration of Temple Shalom
Beverly D. Hencher Day
Children's Week
Drug Free Charlotte County Day
Florida Surveyors and Mappers Week
Florida's Water Conservation Month
Public Health Week
Relay for Life Day
Rufus C. Lazzell Day

Employee Recognition - Commissioner Christopher Constance

David Rockow, from Human Services/Veteran Services, has been nominated as February's Employee of the Month, for all of his extra efforts.

Presentations - None



I. CITIZEN INPUT - AGENDA ITEMS ONLY

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



II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee - is seeking five members to serve on the committee. One member from the following specialties: 1-Banking/Mortgage Banking industry, 1-Home building industry, 1-For-Profit Provider; 1-Real Estate Professional, and 1 Essential Services representative. These terms are for three years and are effective immediately. Committee meets quarterly.

Code Enforcement Board - is currently seeking one member to serve on the committee. Must be a licensed architect and a resident of the County. Term expires September 2012.

Housing Finance Authority - is seeking three volunteers to serve on the committee. Terms are for four years and applicants must be knowledgeable in labor, commerce or finance. Committee meets quarterly. Submit your resume to Commission Office at bcc@charlottefl.com

A Charlotte County resident is being sought to voluntarily serve as a representative of the **MPO**

Bicycle/Pedestrian Advisory Committee (BPAC) for the following position: **Bicycle Club Representative**. The purpose of the BPAC is to provide recommendation on bicycle and pedestrian pathways, including their planning and completion. Deadline to for submitting application is Friday, April 29, 2011. 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
The MPO Board will elect the above positions at its Monday, May 9, 2011.

MPO – Citizens Advisory Committee (CAC) - is seeking two (2) individuals to voluntarily serve as 1) an Elderly Interest Representative and 2) a Minority Interests Representative. Send a letter or e-mail of interest to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534. E-mail: office@ccmpo.com. Deadline for submitting application is Friday, April 29, 2011. The MPO Board will elect the above positions at their Monday, May 9, 2011.

NorthWest Port Charlotte Street & Drainage Advisory Committee -is seeking three volunteer two to serve a three year term and one alternate member to serve for a two year term. Volunteers 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 Clerk's Memorandum.

BUDGETED ACTION: None required.

B. Minutes Division - No Items.

Board of County Commissioners

C. Commission Office - No Items.

D. Administration

Administration

(1) **RECOMMENDED ACTION:**

Approval for Chairman to sign Reappointment Ballot Form to the Medical Examiners Commission for their recommendation to the Governor of reappointing Dr. Riazul H. Imami as District Medical Examiner in District 22, Charlotte County. **BUDGETED ACTION:** None required.

(2) **RECOMMENDED ACTION:**

Approve to hold a Joint Meeting between Charlotte County and Sarasota County, on April 18, 2011, at 1:30 p.m., hosted by Sarasota County at the South County Administration Center, 4000 South Tamiami Trail, Venice. **BUDGETED ACTION:** No action required.

Public Information Office - No Items.

E. County Attorney

(1) **RECOMMENDED ACTION:** Set a public hearing for Tuesday, April 12, 2011 at 10:00 a.m. or as soon thereafter as possible to hear proposed changes to the County Code regarding the use and possession of firearms pursuant to § 790.33, Florida Statutes. **BUDGETED ACTION:** None

F. Budget and Administrative Services

Budget and Administrative Services

- (1) **RECOMMENDED ACTION:** Approve transfer of \$45,000 from the County Law Enforcement Trust Fund to the Sheriff's Law Enforcement Trust Fund checking account. **BUDGETED ACTION:** FY11 Budget amount is \$45,000.
- (2) **RECOMMENDED ACTION:** Approve transfer of \$72,000 to the Sheriff pursuant to F.S. 938.15 and F.S. 318.18(11)(c), Florida Statutes **BUDGETED ACTION:** FY11 Budget Amount is \$72,000.
- (3) **RECOMMENDED ACTION:** Approve transfer of up to \$85,000 to the Sheriff department pursuant to F.S. 775.083 (2), Florida Statutes. **BUDGETED ACTION:** FY11 Budget amount is \$85,000.
- (4) **RECOMMENDED ACTION:** Approve a Resolution authorizing the issuance of the Charlotte County, Florida, Utility System refunding revenue bonds, Series 2011, in an amount not exceeding \$73,500,000, proceeds to be used to refinance Series 2001 Bonds, Series 2003B Bonds, Series 2009 Bond, and a FLGFC commercial paper note, collectively the refunded debt, and to concurrently terminate the 2003B qualified hedge agreement related to such bonds and to pay expenses related to the issuance of the Series 2011 Bonds. **BUDGETED ACTION:** None. Debt service related to this action is budgeted and will be budgeted in CCU's budget through debt services funds. Reduction in future debt service will be reflected in the budgets of the future years affected.
- (5) **RECOMMENDED ACTION:** Approve attached budget transfers and amendments to adjust carryover balances for various account lines for the FY10/11 budget. **BUDGETED ACTION:** The attached budget transfers and amendments are to "carry over" prior year unspent budget amounts that relate to Capital Projects, grants, or purchases of Capital Equipment. The amounts were anticipated to be spent in the prior year but for various reasons were not, usually they are timing issues. The typical example is with a major capital project such as the construction of a building, park, or roadway where it is necessary to "carryover" these unspent budgeted amounts in order to have the proper total budget to complete a project. These are not new budget items. Funds for these transfers and amendments are in various budgets.

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

- (6) **RECOMMENDED ACTION:**
Approve to cancel the contract with one (1) of the providers on Contract #10-243, Wheelchair Coach & Stretcher Services, with Jackson Transportation of Punta Gorda, FL. **BUDGETED ACTION:** None. No additional impact.
- (7) **RECOMMENDED ACTION:**
Approve award of Bid #11-130, Combination Sewer Clean - Vacuum Machine for the purchase of two (2) Vactor Combination Sewer Clean - Vacuum Machines to the lowest responsive, responsible bidder, Environmental Products of Florida, Corp. of Winter Garden, FL at the unit cost of \$261,697. for a total cost of \$523,394. The purpose of the bid is to secure a firm price for the purchase and delivery of two (2) Vactor Combination Sewer Clean - Vacuum Machines, model 2112 J4, one (1) unit will be purchased and utilized by the Charlotte County Public Works Department and one (1) will be purchased and utilized by the Charlotte County Utilities in daily operations. **BUDGETED ACTION:** CCU and Public Works budgeted amount: \$265,000 each. Funding for CCU comes from the Renewal and Replacement Fund - Capital Equipment. Funding for Public Works expenditure is from Gas Taxes.
- (8) **RECOMMENDED ACTION:** a) Approve Amendment #1 to Contract 10-239 Design-Englewood Library Expansion, with Totem Architecture of Sarasota, Florida, for the design of an additional 1,000 sq.ft. County archive facility attached to the expanded Library in the amount of \$27,210.00, and a revised contract amount of \$222,585.25; and b) Authorize the Chairman to sign the Contract Amendment for the additional design services. c) Approve CIP Amendment #11-C04 and Budget Transfer #11-020.

Purchasing (Continued...)

- BUDGETED ACTION:** Approve CIP Amendment #11-C04 and Budget Transfer #11-020 in the amount of \$300,000 to provide for a County archive facility addition. Project c711001 Englewood Library Expansion FY11 budget is \$1.8M and total project budget is \$2.0M.
- (9) **RECOMMENDED ACTION:** Approve to cancel the contract with one (1) of the providers, Astor & Company, Inc., of Port Charlotte, FL, on Contract #10-272, Taxi Cab Services.
BUDGETED ACTION: No budget action is required. This item is budgeted in the FY 2011 Transit - Sunshine Ride Budget.
- (10) **RECOMMENDED ACTION:** Approve a) ranking of firms for Request for Proposal #11-123 East/West Spring Lake Wastewater Pilot Program: 1st Banks Engineering of Lake Suzy FL; and 2nd Weiler Engineering Corp. of Port Charlotte FL; b) Approve start of negotiations with top ranked firm; and c) Authorize Chairman to sign the contract after completion of negotiations. This is for a firm to review and evaluate wastewater service options in the East/West Spring Lake area.
BUDGETED ACTION: Amount budgeted \$500,000 - East and West Spring Lake Wastewater Expansion Project. Funding for this expenditure comes from Capital Projects Fund.
- (11) **RECOMMENDED ACTION:** Approve a) Award Bid #11-074, Paving Program FY 10/11, to the lowest responsive, responsible bidder, APAC Southeast, Inc. of Sarasota, FL, for a total project cost of \$5,825,518.90. The purpose of this bid is to secure the services of an experienced, licensed contractor to furnish all materials, labor, equipment, and associated site work required to successfully complete road paving operations on various roads throughout Charlotte County and; b) Approve CIP amendment #11-C02 in the amount of \$375,000; and c) Approve budget amendment #11-A09 in the amount of \$375,000. **BUDGETED ACTION:** Approve CIP amendment #11-C02; and budget amendment #11-A09. After amendments are approved funds are budgeted in the CIP projects. Funding is supplied from Gas Taxes (\$609,835.89), Greater Port Charlotte MSBU (\$2,481,451.46), Manasota Key MSTU (\$93,576.35), Punta Gorda Nonurban MSBU (\$330,012.72), Tropical Gulf Acres MSBU (\$1,914,710.43), and Town Estates MSBU(\$395,932.05)

Real Estate Services

- (12) **RECOMMENDED ACTION:**
Approve the Resolution authorizing the Board of County Commissioners to designate Lot 13, Block 1339, Port Charlotte Subdivision Section 11 (a/k/a 3437 Westlund Terrace), as a lift station site for Charlotte County Utilities; and designate Lot 17, Block 3786, Port Charlotte Subdivision Section 65; Lots 11, 12, 13 and 14, Block 3782, Port Charlotte Subdivision Section 67; and Lot 28, Block 3715, Port Charlotte Subdivision Section 63 as affordable housing sites to be utilized under the Neighborhood Stabilization Program. **BUDGETED ACTION:** There is no cost associated with this action.
- (13) **RECOMMENDED ACTION:** Approve the attached Resolution accepting certain roads and drainage improvements in the Creekside Subdivision for maintenance and public use, as recommended by the Public Works Division. **BUDGETED ACTION:** None
- (14) **RECOMMENDED ACTION:** Approve the attached 177 Resolutions of Necessity authorizing the acquisition of real property, easement interests, or both by any legal means for the Edgewater Corridor Phase 2 – Harbor to Midway 4 Lane Project. [Click here to view Resolutions.](#) **BUDGETED ACTION:** None. The FY11 Budget contains funds for right of way acquisitions in CIP project C419002 Edgewater Corridor Ph 2 – Harbor to Midway 4 Lane. Funding is supplied from the 2009 Sales Tax Extension. This item was approved as part of the FY10/11 CIP budget.
- (15) **RECOMMENDED ACTION:** Approve Resolution designating Lot 8, Block 5067, Port Charlotte Subdivision Section 95, as an affordable housing site to be utilized under the Neighborhood Stabilization Program (NSP). This County-owned parcel contains the appropriate zoning, square footage, and public utilities required for a proposed multi-family residence. NSP grant funds are being used for the construction of the proposed residence. **BUDGETED ACTION:** There is no cost associated with this action. NSP grant funds will be used for the construction of the proposed residence.

Real Estate Services (Continued...)

- (16) **RECOMMENDED ACTION:** Authorize the Senior Division Manager of the Real Estate Services Division to execute the necessary documents required for the conveyance of foreclosed properties under the Neighborhood Stabilization Program (NSP) to BCC-approved non-profit organizations. **BUDGETED ACTION:** Budget Action: Funding provided by the NSP allocation.
- (17) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the release of eleven ten-foot (10') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Forty-One, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute a County Deed releasing said easements. (Owners: Racetrac Petroleum, Inc.) **BUDGETED ACTION:** None

G. Building and Growth Management

- (1) **RECOMMENDED ACTION:** Request the Board set a public hearing for April 12, 2011 at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an Ordinance amending Section 3-5.3.5 Impact Fees of the Charlotte County Code of Ordinances by temporarily eliminating all but the road impact fees for one year. **BUDGETED ACTION:** None. Any action taken by the BCC will be incorporated into the Impact Fee Fund.
- (2) **RECOMMENDED ACTION:** Ratify the mediated settlement agreement between Paul D. Brown, Marsha L. Brown, Ralph DiCarlo, Charlene DiCarlo, Rose F. Byron and Charlotte County, Florida, Case No. 06-400-CA. **BUDGETED ACTION:** Payment of \$45,000 from the self-insured fund.
- (3) **RECOMMENDED ACTION:** Approve a Resolution of the Board of County Commissioners of Charlotte County, amending the build-out dates for the Development Orders of Riverwood Development of Regional Impact (DRI), Riverwood Increment I DRI, Riverwood Increment II DRI, Murdock Center Master DRI, Murdock Center Increment I DRI, Murdock Center Increment II DRI, Murdock Center Increment III DRI, Murdock Center Increment IV DRI, and Tern Bay DRI. **BUDGETED ACTION:** None
- (4) **RECOMMENDED ACTION:** Approve a resolution amending resolution 2010-64 to require payment of code enforcement fine to be paid in order to receive lien relief and providing for an effective date. **BUDGETED ACTION:** None.

H. Community Services

Parks and Natural Resources

- (1) **RECOMMENDED ACTION:** a) Authorize the Chairman to sign the Grant Contract for the Shell Creek Delta Parcel land Acquisition; and b) Approve to move forward on Land appraisal(s) of the land identified in the awarded Section 6 Grant Agreement between U.S. Fish and Wildlife Commission and Charlotte County and was recommended for acquisition by the Environmentally Sensitive Lands Oversight Committee (ESLOC). **BUDGETED ACTION:** Conservation Charlotte funds will be used for the 25% match as required by the grant of the negotiated purchase price. Appraisals will be started using the Conservation Charlotte funds, which will be reimbursed at a later date and parcel purchases will be funded by Section 6 Grant. A budget amendment and CIP project will be submitted with the request to execute grant agreement. Location of the property is depicted on Exhibits I and II of the Grant Contract.

Recreation - No Items.

Libraries and Historical - No Items.

- (1) **RECOMMENDED ACTION:** Approve a Resolution designating specific processes and procedures for the analysis and recommendation of incentive applicants applying for County incentives through the Economic Development Incentive Program. **BUDGETED ACTION:** None
- (2) **RECOMMENDED ACTION:** Confirm BCC interest in moving forward in the preparation of an Economic Development Strategic Plan. The total cost of this project will not exceed \$30,000, which will be shared equally by Charlotte County and the Enterprise Charlotte Economic Council. **BUDGETED ACTION:** None.

J. Economic Development (Continued)

- (3) **RECOMMENDED ACTION:** Approve to schedule two public hearings for April 12, 2011, and April 26, 2011, at 10:00 a.m., or as soon thereafter as possible, to amend Resolution 2004-228, to consider the expansion of the Brownfield Area in the Enterprise Charlotte Airport Park and to rename the area. **BUDGETED ACTION:** None

K. Facilities Construction and Maintenance - No Items.

L. Human Resources - No Items.

M. Human Services

- (1) **RECOMMENDED ACTION:** Approve a) Sales Agreement for 22057 Felton Avenue; and b) Resolution authorizing the acquisition and conveyance of 22057 Felton Avenue, being acquired with SHIP funds for use by Second Chance Recovery to provide shelter for dependent adults. **BUDGETED ACTION:** None. Funds are provided by the SHIP Grant at 100%. Funds have been budgeted in FY2011.

N. Public Safety - No Items.

P. Public Works - No Items.

Q. Tourism Development - No Items.

R. Utilities - No Items.

S. Other Agencies - No Items.



V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office **RECOMMENDED ACTION:** Discussion and direction to approve, and authorize the Chairman to sign, a construction agreement between Seminole Gulf Railway and the Charlotte County Board of County Commissioners for railroad crossing improvements on North Jones Loop.

(2) Public Safety **RECOMMENDED ACTION:** Discussion on full time staffing of Fire Station # 10 located on Don Pedro/ Knight Island.

(3) Budget and Administrative Services **RECOMMENDED ACTION:** Provide direction on the options for use of the remaining Conservation Charlotte General Obligation Bond proceeds of \$3,324,849. 1) Hold the monies with the specific intent to purchase additional environmental lands. 2) Pay down a portion of the remaining General Obligation debt (with a 1% prepayment penalty as stipulated in the bond agreement); and pay the current loan outstanding from the General Fund of \$596,095 that was made to pay the shortfall between debt service requirements and dollars raised from the .2 mills ad valorem tax during the first 3 years of collection. 3) Keeping the remaining proceeds for use as necessary to make required principal and interest payments if ad-valorem resources are insufficient and pay off the current loan outstanding from the General Fund of \$596,095 referenced in (2).

(4) Administration **RECOMMENDED ACTION:** Discussion and direction from the Board regarding the rental fee amount to charge Rep. Kreegel's office lease; Request the Board 1) approve the Office Lease Agreement and, 2) approve a Resolution approving the Office Lease Agreement and authorizing the Chairman to execute the Office Lease Agreement."

(5) Human Services **RECOMMENDED ACTION:** Discussion and direction on the two proposals received for operations and occupancy of the Still Water Home. The County has finished construction of the Still Water Home and it is vacant at this time. In order to meet the grant requirements this facility has to be occupied by 6/30/2011 and should be occupied in service of a homeless population.

Z. Regular Agenda (Continued...)

(6) County Attorney **RECOMMENDED ACTION:** Approve the contract between Southwest Land Developers, Inc. (SLD), Charlotte County, and the Murdock Village Community Redevelopment Agency, in order to exchange an interest in approximately 237 acres of Murdock Village for approximately 34 acres of land in the Enterprise Charlotte Airport Park (ECAP).



VI. PUBLIC HEARING AGENDA

10:00 A.M.

(1) Growth Management **RECOMMENDED ACTION:** Conduct a Public Hearing to consider the Stipulated Settlement Agreement between Friends of Cape Haze, Inc., the County, and the Department of Community Affairs (DCA).

(2) Growth Management **RECOMMENDED ACTION:** Conduct a Public Hearing to consider changes to Article IV, Sec 1-2-101 of County Code, Code Enforcement Board to, among other things, create the option for a special magistrate process.



VII. PRESENTATION AGENDA - No Items.



VIII. PUBLIC WORKSHOP AGENDA - No Items.
Public input permitted.



IX. BOARD WORKSHOP AGENDA - No Items.

No public input.



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
Tricia Duffy, District 5, Vice-Chairman
Christopher Constance, District 2
Robert Skidmore, District 3
Stephen R. Deutsch, District 4

Schedule of Future Closures/Hearings/Workshops

Tuesday, April 12, 2011, 9:00 a.m. Board of County Commissioners Regular Meeting, Murdock Administration Building, Room # 119

Tuesday, April 19, 2011, 9:00 a.m. Board of County Commissioners **Land Use Meeting**, Murdock Administration Building, Room # 119

Tuesday, April 26, 2011, 9:00 a.m. Board of County Commissioners Regular Meeting, Murdock Administration Building, Room # 119

Thursday, April 28, 2011, 1:30 p.m. **Focus Area Workshop** - FY2011/12 Budget, Murdock Administration Building, Room # 119

Tuesday, May 3, 2011, 10:00 a.m. **MSBU Workshop**, Murdock Administration Building, Room # 119

Thursday, May 5, 2011, 1:30 p.m. **Focus Area Workshop** - FY2011/12 Budget, Murdock Administration Building, Room # 119

Tuesday, May 10, 2011, 9:00 a.m. Board of County Commissioners Regular Meeting, Murdock Administration Building, Room # 119

Thursday, May 12, 2011, 1:30 p.m. **Focus Area Workshop** - FY2011/12 Budget, Murdock Administration Building, Room # 119

Tuesday, May 17, 2011, 9:00 a.m. Board of County Commissioners **Land Use Meeting**, Murdock Administration Building, Room # 119

Tuesday, May 24, 2011, 9:00 a.m. Board of County Commissioners Regular Meeting, Murdock Administration Building, Room # 119

Monday, May 30, 2011, All County Buildings Closed in Observance of Memorial Day