

BOARD OF COUNTY COMMISSIONERS

March 22, 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 Sandrock, County Attorney Knowlton, Chief Board Services White, and Deputy Clerk Lansing. The following members were absent: None. The meeting was called to order at **9:00 A.M.**

The Invocation was given by Art Grayman of Port Charlotte Seventh Day Adventist Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Deletion #1: Requested by: Purchasing Department - **F-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.

Deletion #2: Requested by: Public Safety - **Z-2** - **RECOMMENDED ACTION:** Discussion on full time staffing of Fire Station #10 located on Don Pedro/Knight Island.

Addition #1: Requested by: Human Services Department - **Z-7** - **RECOMMENDED ACTION:** Approve the Funding Award and Grant Agreement for the Neighborhood Stabilization Program III. Authorize the Chairman to execute any and all documents related to this grant.

Addition #2: Requested by: Commission Office - **Z-8** - RECOMMENDED ACTION: Support of HB 89 relating to effective public notices.

Change #1: Requested by: Attorney's Office - **F-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. Changes to the Resolution

Change #2: Requested by: Commission Office - **Move Z-6** - Southwest Land Developers, Inc. (SLD), on the Regular Agenda to be heard first on the Regular Agenda.

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

MOTION CARRIED 5:0.

Proclamations/Awards

Proclamations - Commissioner Christopher Constance

50th Anniversary Celebration of Temple Shalom Proclamation, March 26, 2011

COMMISSIONER SKIDMORE MOVED TO PROCLAIM MARCH 26, 2011 AS 50TH ANNIVERSARY CELEBRATION OF TEMPLE SHALOM DAY, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

An unidentified representative accepted the Proclamation.

Beverly D. Hencher Day Proclamation, March 22, 2011

COMMISSIONER SKIDMORE MOVED TO PROCLAIM MARCH 22, 2011 AS BEVERLY D. HENCHER DAY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Mr. Hencher and school and church representatives accepted the Proclamation on behalf of Mrs. Hencher.

Children's Week Proclamation, the week of April 3, 2011 through April 9, 2011

COMMISSIONER SKIDMORE MOVED TO PROCLAIM THE WEEK OF APRIL 3, 2011 THROUGH APRIL 9, 2011 AS CHILDREN'S WEEK, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Anne Bouhebent and Bill Weller accepted the Proclamation.

Drug Free Charlotte County Day Proclamation, March 23, 2011

COMMISSIONER SKIDMORE MOVED TO PROCLAIM MARCH 23, 2011 AS DRUG FREE CHARLOTTE COUNTY DAY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Amity Chandler accepted the Proclamation. Commissioner Skidmore commended Ms. Chandler and her staff for their contribution.

Florida Surveyors and Mappers Week Proclamation, March 20, 2011 through March 26, 2011

COMMISSIONER SKIDMORE MOVED TO PROCLAIM THE WEEK OF MARCH 20, 2011 THROUGH MARCH 26, 2011 AS FLORIDA SURVEYORS AND MAPPERS WEEK, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Several Charlotte County representatives accepted the proclamation and quoted paragraphs 2 and 3 of House Bill 5005.

Florida's Water Conservation Month Proclamation, April, 2011

COMMISSIONER SKIDMORE MOVED TO PROCLAIM THE MONTH OF APRIL, 2011 AS FLORIDA'S WATER CONSERVATION MONTH, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Terri Kesner and H2O, the Water Mascot, accepted the Proclamation.

Public Health Week Proclamation, April 4, 2011 through April 10, 2011

COMMISSIONER DEUTSCH MOVED TO PROCLAIM APRIL 4, 2011 THROUGH APRIL 10, 2011 AS PUBLIC HEALTH WEEK, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Corinna Jensen and Donna Olson accepted the Proclamation.

Relay for Life Day Proclamation, March 26, 2011

COMMISSIONER DEUTSCH MOVED TO PROCLAIM MARCH 26, 2011 AS RELAY FOR LIFE DAY, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Two unidentified representatives accepted the Proclamation.

Rufus C. Lazzell Day Proclamation, March 31, 2011

COMMISSIONER SKIDMORE MOVED TO PROCLAIM MARCH 31, 2011 AS RUFUS C. LAZZELL DAY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Mr. Lazzell was not present to accept the Proclamation.

Employee Recognition - Commissioner Christopher Constance

David Rockow, Human Services/Veteran Services, nominated as Employee of the Month of February, 2011.

Family Services Manager, Emily Lewis described Mr. Rockow's many achievements and presented him with an Employee of the Month certificate.

Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Louis Macri asked why F-8 is on the Consent Agenda for approval.

Don McCormick spoke in support of Agenda Item Z-2.

Matt DeBoer spoke to Agenda Item Z-3 related to the Bond issues.

Julie Mathis spoke in support of Murdock Village Land Swap.

Suzanne Graham spoke in opposition to impact fees and asked the Board to delay the April 12th Public Hearing.

Frank Bell explained why he was in support of Agenda Item J-2.

Amity Chandler spoke in support of D-1 and praised Dr. Imami.

Charles Counsil also spoke in support of Agenda Item Z-2.

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 for submitting applications 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 meeting.

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 volunteers 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

COMMISSIONER SKIDMORE MOVED TO APPROVE CONSENT AGENDA EXCEPT AGENDA ITEMS F-1, F-2, F-3, F-10, F-13, G-1, H-1, AND J-2, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

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.

Colonel Bosnall responded to Fund inquiries by **Commissioner Skidmore**.

(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.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEMS F-1, F-2, AND F-3, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(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.

Resolution 2011-018

(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.

(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. 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.

Commissioner Skidmore explained why he recommends the top ranking firms give presentations before the Board.

COMMISSIONER SKIDMORE MOVED TO HAVE PRESENTATIONS MADE ON THE ITEM, SECONDED BY COMMISSIONER CONSTANCE

Commissioner Duffy pointed out the high costs involved with presentations and expressed her opposition to the Motion. County Attorney Knowlton stated the legalities related to proposers contacting the Commission. There was Board discussion. **Commissioner Deutsch** and **Commissioner Constance** expressed support of the Motion.

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

(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.

Resolution 2011-019

(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

Chairman Starr explained only street and drainage is included within the MSBU, noted paving is not included, and suggested the need for another funding option to cover paving.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-020 ACCEPTING CERTAIN ROADS AND DRAINAGE IMPROVEMENTS IN THE CREEKSIDE SUBDIVISION FOR MAINTENANCE AND PUBLIC USE, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(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.

Resolution 2011-021

(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

Resolution 2011-022

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.

Jeff Ruggieri responded to Board inquiries associated with a postponement of the item. County Attorney Knowlton confirmed the update in July is automatic and explained the process. There was **BOARD CONSENSUS** to delay approval. Mr. Ruggieri responded to additional Board inquiries.

COMMISSIONER SKIDMORE MOVED TO POSTPONE THE ITEM WITHOUT A DATE CERTAIN TO ALLOW STAFF ADDITIONAL TIME TO WORK ON THIS AND THE JULY UPDATE AND TO SET A NEW PUBLIC HEARING FOR ALL IMPACT FEES EXCEPT ROADS, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(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.

Agreement 2011-008

(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

Resolution 2011-023

(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.

Resolution 2011-024

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.

Commissioner Skidmore pointed out why he is opposed to the item. Andy Stevens responded to several inquires by **Commissioner Deutsch**. **Commissioner Duffy** commented on conversations with the Fish and Wildlife Conservation Commission, mentioned lot inventory, and explained the process. Mr. Stevens responded to additional Board inquiries and gave alternatives. **Commissioner Constance** commended Mr. Stevens for his work in this area and remarked that the plan is reasonable and could save money in the future. Board discussion ensued.

COMMISSIONER CONSTANCE MOVED TO AUTHORIZE THE CHAIRMAN TO SIGN THE GRANT CONTRACT FOR THE SHELL CREEK DELTA PARCEL LAND ACQUISITION AND MOVE FORWARD WITH LAND APPRAISAL(S), SECONDED BY COMMISSIONER DEUTSCH

Commissioner Skidmore commented further on his opposition. Chairman Starr remarked that the citizens voted for taxes to be collected to purchase environmentally sensitive lands, said the appraisal process will cost \$3,500, and announced he would only be in favor of the acquisition if it proved to be a great deal. Commissioner Duffy cautioned the use of non-county appraisers.

MOTION CARRIED 4:1. COMMISSIONER SKIDMORE OPPOSING.

Recreation - No Items.

Libraries and Historical - No Items.

J. Economic Development

(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

Resolution 2011-025

(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.

Commissioner Skidmore first thanked those involved with the Enterprise Charlotte Economic Council and explained why he is opposed to this item.

COMMISSIONER SKIDMORE MOVED TO PULL THE ITEM OFF THE AGENDA FOR FURTHER WORK. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER DUFFY MOVED TO GO FORWARD IN THE PREPARATION OF AN ECONOMIC DEVELOPMENT STRATEGIC PLAN AND INCLUDE ADDITIONAL DIRECTION STATED FOR THE RECORD, SECONDED BY COMMISSIONER CONSTANCE

Commissioner Constance recommended that future consultant presentations include comparisons with coastal communities and mentioned additional items to be researched. Ms. Tracy responded to related inquiries. Board discussion ensued. **Commissioner Constance** requested his original motion be amended to include the direction he stated earlier for the record. There was **BOARD CONSENSUS** to amend.

MOTION CARRIED 4:1. COMMISSIONER SKIDMORE OPPOSING.

RECESS: 10:50 AM - 11:00 AM

(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.

Resolution 2011-026

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**

(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).

Attorney Knowlton explained the proposed land swap in great detail, summarized staff goals and deadlines, and read revised language into the record.

COMMISSIONER DEUTSCH MOVED TO APPROVE AGREEMENT 2011-012 BETWEEN SOUTHWEST LAND DEVELOPERS, INC. (SLD), CHARLOTTE COUNTY, AND THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AGENCY, SECONDED BY COMMISSIONER SKIDMORE

Commissioner Deutsch expressed his support of the item. **Commissioner Constance** asked for clarification of language changes and requested additional language revisions to include a two year deadline for completion of design and permitting. Attorney Waksler discussed the existing language, explained the permitting process and problems that may occur when working with Federal Agencies, and discussed the matrix and entitlements. Bruce Laishley commented further on dealing with Federal Agencies and announced his timeline goals. Jeff Ruggieri and Attorney Waksler discussed entitlements further. Mr. Payette responded to additional inquiries related to entitlement appraisals. Attorney Waksler continued to discuss the subject and mentioned the value that would offset the additional entitlements. **Commissioner Constance** continued to discuss his concerns and expressed opposition. **Commissioner Deutsch** said the plan is not perfect, but it is long over-due. **Commissioner Skidmore** thanked everyone for their support, opined this is the best opportunity we have had, commended the developers, and pointed out a book created by local elementary students who are looking forward to the water park.

COMMISSIONER SKIDMORE MOVED TO CALL THE QUESTION, NO SECOND REQUIRED

MOTION CARRIED 4:1. COMMISSIONER DUFFY OPPOSING.

MOTION TO APPROVE AGREEMENT 2011-012 CARRIED 4:1. COMMISSIONER CONSTANCE OPPOSING.

Commissioner Duffy expressed concern with the call the question process. *Chairman Starr* referenced Robert's Rules of Order.

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).

Jeff Ruggieri presented the item, gave its background, and explained the agreement in detail.

Percy Angelo expressed support of the Settlement Agreement and urged Board approval.

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

MOTION CARRIED 4:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE STIPULATED SETTLEMENT AGREEMENT 2011-013, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(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.

Mr. Ruggieri explained the item in detail and responded to Board inquiries. Assistant County Attorney *Honse* read the rules related to Special Magistrate requirements into the record. Attorney *Knowlton* provided information related to Special Magistrate processes. *Mr. Ruggieri* continued to respond to related inquiries.

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2011-005 REFLECTING CHANGES TO ARTICLE IV, SEC 1-2-101 OF COUNTY CODE, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Changed to #2 - (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.

Commissioner Deutsch commented on the item.

COMMISSIONER DEUTSCH MOVED TO APPROVE AGREEMENT 2011-010 BETWEEN SEMINOLE GULF RAILWAY AND THE CHARLOTTE COUNTY BOARD OF COUNTY COMMISSIONERS FOR RAILROAD CROSSING IMPROVEMENTS ON NORTH JONES LOOP, SECONDED BY COMMISSIONER SKIDMORE

Dan Quick responded to inquiries related to project costs. Board discussion ensued.

MOTION CARRIED 5:0.

(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).

Cari Branco described the item, read the options available for use of the remaining Conservation Charlotte General Obligation Bond proceeds, requested the Board select an option, and responded to Board inquiries. Chief Deputy, Board Services Tommy White provided his recommendation.

COMMISSIONER SKIDMORE MOVED TO APPROVE OPTION # 3 TO KEEP 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), SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(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."

Assistant County Administrator Shoemaker explained the issue, noted it was discussed at Pre-Agenda, and advised the Board would address Lease Agreements for Representative Kreegel and Rooney. Board discussion ensued.

COMMISSIONER SKIDMORE MOVED TO LEAVE REPRESENTATIVE KREEGEL'S OFFICE LEASE AT \$250.00 MONTH AND APPROVE OFFICE LEASE AGREEMENT 2011-014 AND RESOLUTION 2011-206 APPROVING THE OFFICE LEASE AGREEMENT, SECONDED BY CHAIRMAN STARR

The Board continued to express their opinions and commented further on the issue.

MOTION CARRIED 3:2. COMMISSIONER DEUTSCH, COMMISSIONER DUFFY OPPOSING.

Chairman Starr passed the gavel to **Vice Chair Duffy** in order to make a motion.

CHAIRMAN STARR MOVED TO RECONSIDER REPRESENTATIVE ROONEY'S RENTAL FEE, SECONDED BY COMMISSIONER SKIDMORE

County Attorney Knowlton advised **BOARD CONSENSUS** is required prior to reconsideration of Representative Rooney's rent.

MOTION CARRIED 4:1. COMMISSIONER CONSTANCE OPPOSING.

CHAIRMAN STARR MOVED TO LEAVE REPRESENTATIVE ROONEY'S OFFICE LEASE AT \$250.00 MONTH AND APPROVE OFFICE LEASE AGREEMENT 2011-

014 AND RESOLUTION 2011-206 APPROVING THE OFFICE LEASE AGREEMENT, SECONDED BY COMMISSIONER SKIDMORE

Deputy County Attorney Gallagher provided legalities related to the existing rental agreement and noted proposed language revisions to the lease.

MOTION CARRIED 5:0.

(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 6/30/11 and should be occupied in service of a homeless population.

Bob Hebert presented the item, discussed grant requirements and occupancy detail, commented on appraisals, and described the two proposals received. Lengthy Board discussion ensued. Mr. Hebert responded to Board inquiries. **Commissioner Deutsch** commented on why an organization should occupy the property and discussed future options. **Commissioner Constance** expressed his support. Mr. Hebert recommended an appraisal of the property should be done in the future and responded to related inquiries.

COMMISSIONER DEUTSCH MOVED TO SELECT A GROUP TO OCCUPY THE STILL WATER HOME AND NOT SELL THE PROPERTY AT THIS TIME, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO EVALUATE THE CANDIDATES INTERESTED IN OCCUPYING THE STILL WATER HOME, SECONDED BY COMMISSIONER SKIDMORE

There was **BOARD CONSENSUS** - No Vote Taken on the Motion. Mr. Hebert gave a brief description of the two proposals received and responded to additional Board inquiries.

Peace Lutheran Church spoke on behalf of their organization and responded to Board inquiries.

Courage to Soar spoke on their behalf their organization and responded to Board inquiries.

Commissioner Duffy said she regrets her past decision to vote in favor of applying for this grant application. **Commissioner Skidmore** asked if they could postpone their decision, get an appraisal, and meet next Tuesday at 8:00 AM to discuss this further. **Commissioner Deutsch** noted his concerns related to the appraisal and expressed frustration. **Commissioner Constance** mentioned \$1.2 Million is on the table, noted the timeline, and recommended approval of a local group.

COMMISSIONER CONSTANCE MOVED TO ALLOW PEACE LUTHERAN CHURCH TO OPERATE AND OCCUPY THE STILL WATER HOME, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(7) Human Services - **RECOMMENDED ACTION:** Approve the Funding Award and Grant Agreement for the Neighborhood Stabilization Program III. Authorize the Chairman to execute any and all documents related to this grant.

Mr. Hebert presented the item and responded to Board inquiries.

COMMISSIONER SKIDMORE MOVED TO APPROVE THE FUNDING AWARD AND GRANT AGREEMENT #2011-005 FOR THE NEIGHBORHOOD STABILIZATION PROGRAM III, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

(8) Commissioner Office - **RECOMMENDED ACTION:** Support of HB 89 related to effective public notices.

Attorney Knowlton explained the item.

COMMISSIONER SKIDMORE MOVED TO SUPPORT HOUSE BILL 89 AND ADOPT RESOLUTION 2011-205, SECONDED BY COMMISSIONER CONSTANCE

Commissioner Deutsch asked how citizens without a computer would be made aware of the issue and expressed his concerns. Attorney Knowlton explained the advertising process and provided related options. Board comments ensued.

MOTION CARRIED 5:0.

RECESS: 1:28 PM - 1:50 PM

(Commissioner Skidmore was not present for the remainder of the meeting)

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items.

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Elizabeth Risler spoke on behalf of the NNOC Florida to Achieve Safe Nursing to Patient Ratios and noted their appeal for adoption of a Resolution and requested Board support of the Florida Hospital Patient Protection Act.

Howard Shaw thanked the Board for their decision on the Murdock Village Land Swap.

Beverly Beauvais expressed concern with the relocation of the cats from Fisherman's Village.

AA. County Administrator: None

BB. County Attorney:

County Attorney Knowlton provided an update on the contract with the State Attorney's Office for prosecution of County-only Ordinances, mentioned various pieces of legislation, and suggested meeting with each Commissioner individually to discuss their positions.

CC. Commissioner Comments:

Commissioner Constance noted Mrs. Hencher's many contributions, commented on Dr. Riazul H. Imami, expressed concern with the Sunshine Laws and the approval of the Murdock Village Land Swap agreement, and reported on numbers released by the Census Bureau.

Commissioner Duffy recommended discussion of items pulled from the Consent Agenda be taken by Commissioners in rotation and explained why, urged the Board to eliminate the use "Call the Question", and questioned Robert's Rules. **Commissioner Deutsch**

commented further on the Sunshine Laws, remarked on the Stillwater House decision, and commended the Curmudgeon Club for their contributions. **Commissioner Constance** provided an update on the Fertilizer Bill, spoke in support of getting consensus to direct the County Attorney to send a letter of opposition, agreed that the Consent Agenda should be taken in a staggered order, and commented on Robert's Rules. **Chairman Starr** opined the importance of "Call the Question" and agreed with taking turns on the Consent Agenda items.

ADJOURNED: 2:25 PM

Chairman

ATTEST:

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

By: _____
Deputy Clerk

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