

BOARD OF COUNTY COMMISSIONERS

April 12, 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 Deputy Board Services White, and Deputy Clerk Carleton. The following members were absent: None

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

Chairman Starr commented on correspondence received from a law firm in Washington, D.C. saying that praying before the County Commission meeting may be unconstitutional and stated that those who did not wish to stand for the Invocation may remain seated.

Invocation was given by Reverend George Cooks, First Macedonia Missionary Baptist Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Requested by: Commission Office - Z-8 - Discussion and Direction regarding waiving of fees for not for profit groups holding events at County facilities

Addition #2: Requested by: Commission Office - Z-9 - Discussion and direction of Peace River Manasota Regional Water Supply Authority budget for FY 2011/2012.

Addition to Proclamations: Requested by: Commission Office - Proclamation for Florida Golden Gloves Championship Days

Deletion #1: Requested by: Utilities - R-1 - **RECOMMENDED ACTION:** Approve Resolution providing Consent under the Master Water Supply Contract for the Peace River/Manasota Regional Water Supply Authority to enter Charlotte County to construct Segment A of the Phase 2 Interconnect Pipeline for the City of North Port, while withholding approval of proposed Segment B of the Phase 2 Interconnect until after the decision is made whether or not to build Segment B.

Deletion #2: Requested by: Building & Growth Management - G-1 - RECOMMENDED ACTION: Approve a resolution to correct a scrivener's error in Resolution #2010-095. BUDGETED ACTION: None

Deletion #3: Requested by: Purchasing - F-2 - RECOMMENDED ACTION: Approve a resolution amending resolution 2003-059 adopting policies and procedures for the selection of consultants under the Consultants' Competitive Negotiation Act (CCNA) by revising the Professional Services Committee and Competitive Selection Process. BUDGETED ACTION: None

Deletion #4: Requested by: Administration - 10:00 AM Board Workshop - Conduct a Board workshop to consider proposed changes to the Chapter 3-9 Article III of the County Code of Ordinances.

Deletion #5: Requested by: Public Works - C-1 - Appoint George Kearns to serve on the Deep Creek Street & Drainage Advisory Committee to serve a three year term from the date of appointment.

Change #1: Requested by: Commission Office - Z-7 - Becomes Z-1, to be heard first on Regular Agenda

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO SUSPEND ALL BOARD RULES FOR PURPOSES OF A MOTION FOR RENEWAL REGARDING ACCEPTANCE OF SCRUB-JAY LOTS THAT WAS AN ITEM ON F-4 ON THE FEBRUARY 8, 2011 AGENDA, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

County Attorney Knowlton explained the legalities related to Commissioner Skidmore's Motion.

COMMISSIONER SKIDMORE MOVED TO RENEW THE ACCEPTANCE OF THE SEVEN SCRUB-JAY LOTS THAT WAS PREVIOUSLY ITEM F-4 OF THE FEBRUARY 8, 2011 MEETING, SECONDED BY COMMISSIONER DEUTSCH

NO VOTE TAKEN

COMMISSIONER SKIDMORE MOVED TO APPROVE ITEM F-4 OF THE FEBRUARY 8, 2011 MEETING, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

Proclamations - Commissioner Robert Skidmore

Arts and Humanities Council Artist of the Month - John "Dedo" Cristina Proclamation, the month of April, 2011.

COMMISSIONER DEUTSCH MOVED TO PROCLAIM JOHN "DEDO" CRISTINA AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF APRIL, 2011, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Mr. Cristina accepted the proclamation.

Autism Awareness Month Proclamation, the Month of April, 2011.

COMMISSIONER DUFFY MOVED TO PROCLAIM THE MONTH OF APRIL, 2011 AS AUTISM AWARENESS MONTH, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Maureen Morris, Outreach Chairperson of Autism Speaks, accepted the proclamation.

Donate Life Month Proclamation, the Month of April, 2011.

COMMISSIONER CONSTANCE MOVED TO PROCLAIM THE MONTH OF APRIL, 2011 AS DONATE LIFE MONTH, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

No representative was present to accept the proclamation.

Parliamentary Law Month Proclamation, the Month of April, 2011.

COMMISSIONER DEUTSCH MOVED TO PROCLAIM THE MONTH OF APRIL, 2011 AS PARLIAMENTARY LAW MONTH, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Dave Gruman accepted the proclamation.

Taking it to the Streets Days Proclamation, April 13, 2011 through April 23, 2011.

COMMISSIONER DEUTSCH MOVED TO PROCLAIM APRIL 13, 2011 THROUGH APRIL 23, 2011 AS TAKING IT TO THE STREETS DAYS, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Fred McKenna and Julia Galafore accepted the proclamation.

Zonta Yellow Rose Day Proclamation, April 13, 2011.

COMMISSIONER CONSTANCE MOVED TO PROCLAIM APRIL 13, 2011 AS ZONTA YELLOW ROSE DAY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Reggie Grogan accepted the proclamation.

Florida Golden Gloves Championship Days Proclamation, April 14 through April 17, 2011

COMMISSIONER DEUTSCH MOVED TO PROCLAIM APRIL 14 THROUGH APRIL 17, 2011 AS FLORIDA GOLDEN GLOVES CHAMPIONSHIP DAYS, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Dr. Mark Asperilla accepted the proclamation.

Employee Recognition - County Administrator Raymond J. Sandrock

Five Years: William DePremio, Jr., Utilities; Gary Grossman, Public Works; Kathy King, Utilities; Stafford Milligan, Community Services; David Rockow, Human Services; Victor Sabino, Community Services; Melvin Thomas, Fleet Management; **Ten Years:** Jeffrey Barber, Public Works; Andrew Mitchell, Public Safety; **Fifteen Years:** Curtiss Owens, Public Safety; **Twenty Years:** Hung Do, Public Works; **Twenty-Five Years:** Michael Donnelly, Utilities; Misty McDermott, Public Safety

Presentations

Sidwell Company - 2010 Management Association for Private Photogrammetric Surveyors (MAPPS) for Geospatial Excellence Award.

Bill Wetzell and Neal Carpenter, President of the Sidwell Company, presented the award to Charlotte County Property

Appraiser, Frank Desguin, on behalf of the Geographic Information Systems (GIS) Division of the County Information Technology Department.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Louis Macri requested that Agenda Item J-1 be pulled for discussion and explained why.

Corinna Jensen spoke on behalf of the Charlotte County Health Department in support of the Agreement with the Human Services Department related to Agenda Item Z-5.

Michael Haymans thanked the Commission for the reconsideration of Scrub-Jay lots and spoke on behalf of Don & Marylin Chambers related to Agenda Item Z-4.

II. COMMITTEE VACANCIES - NONE

III. REPORTS RECEIVED AND FILED

Charlotte County Utilities 2010 Annual Report prepared by PB Americas, Inc.

Charlotte Harbor CRA Advisory Committee Minutes.

Murdock Village CRA Advisory Committee Minutes.

IV. CONSENT AGENDA

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS C-3, F-8, G-2, AND J-1, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION:

Approve Clerk's Finance Memorandum. BUDGETED ACTION: None

Memorandum #2 - Total Disbursements for the Period March 11, 2011 through March 31, 2011 in the amount of \$17,007,371.12.

Memorandum #3 - Quarterly Report Unclaimed Excess Money

Memorandum #4 - Excess Funds on Tax Deed Applications

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

02/08/11 9:00 AM BCC Regular Meeting

02/15/11 9:00 AM BCC Regular/Land Use Meeting

02/17/11 5:30 PM Public Charrette II

02/22/11 9:00 AM BCC Regular Meeting

02/25/11 10:00 AM BCC Joint Meeting and Airport Authority

03/07/11 9:00 AM BCC Pre-Agenda Meeting

03/07/11 1:00 PM BCC Budget Workshop

Board of County Commissioners

C. Commission Office

(2) RECOMMENDED ACTION: Appoint Tom Ireland to the Marine Advisory Committee filling the unexpired term of Tony Tonz, who recently resigned. The term expires December 31, 2011. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Appoint Betsy McCallum to the Manasota/Sandpiper Key Advisory Committee filling the unexpired term of William Stiver. This term shall expire August 24, 2011. BUDGETED ACTION: None

Commissioner Duffy explained the item, noted Ms. McCallum is not present in the summer, and suggested the appointee should be an annual resident. Attorney Knowlton gave the applicant's attendance record, provided legalities, and advised an appointment need not be made at this time.

COMMISSIONER SKIDMORE MOVED TO REJECT ALL APPLICANTS, SECONDED BY COMMISSIONER DUFFY

Commissioner Skidmore recommended they question Ms. McCallum's intentions and to bring the item back for the next available Agenda.

MOTION CARRIED 5:0.

(4) **RECOMMENDED ACTION:** Appoint Toby Delbridge to serve on Manasota Key Street & Drainage MSTU Advisory Committee for a three year term from date appointed. **BUDGETED ACTION:** None

(5) **RECOMMENDED ACTION:** Appoint William Collins to the North West Port Charlotte Street & Drainage Advisory Committee for a three year term, from date appointed. **BUDGETED ACTION:** None

(6) **RECOMMENDED ACTION:** Appoint William Lounsbury to the South Burnt Store Street & Drainage Advisory Committee as an alternate member for a term of two years. **BUDGETED ACTION:** None

D. Administration

Administration - No Items.

Public Information Office - No Items.

E. County Attorney - No Items.

F. Budget and Administrative Services

Budget and Administrative Services

(1) **RECOMMENDED ACTION:** Adopt the 1.18% annual price index set by the Florida Public Service Commission for the regulated privately-owned for-profit water and wastewater utilities. **BUDGETED ACTION:** None

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(3) **RECOMMENDED ACTION:** a) Approve Novation for Contract #10-258d, In Home Elder Care Support Services from current vendor On Course Home Care Service, LLC to Bidwell Home Care Service, LLC dba Home Instead Senior Care; and b) Authorize Chairman to sign the Novation. **BUDGETED ACTION:**

(4) **RECOMMENDED ACTION:** Approve award of File #11-121, Work Order #1, Contract 10-269, Engineers of Record-CCU, for Babcock Ranch Separate Water Use Permit (WUP), to Johnson Engineering, in the amount of \$187,000. This is for obtaining a WUP at the Babcock Ranch property. **BUDGETED ACTION:** In accordance with the Development Agreement dated April 20, 2006 (Section 2, 1-8) between MSKP III and the County, Kitson is to pay all costs associated with the permitting process.

(5) **RECOMMENDED ACTION:** a) Approve ranking of firms for Request for Proposal #11-110 CEI Services - Bridge Structures: 1st DMK Associates of Venice, FL; 2nd Southwest Engineering of Punta Gorda, FL; and 3rd HDR Construction Control Corp. of Tampa, 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 CEI services during the construction phase of the replacement of the Elkcam Waterway Bridges (2) and the Melbourne Street Bridge. **BUDGETED ACTION:** None. \$140,000 is available for each project in the adopted CIP. Projects are c411004 Elkcam Bridge Replacement NB, c41105 Elkcam Bridge Replacement SB, and c41109 Melbourne Bridge Replacement.

(6) **RECOMMENDED ACTION:** Approve the Piggyback award of File #11-176, Waste Compactor, from Nortrax of Lutz, FL ("Piggyback" off the Florida Sheriff's Association, Florida Association of Counties & Florida Fire Chiefs Association, Contract #10-18-0907, Specification #65) for a total cost of \$572,281. **BUDGETED ACTION:** Budget Amount \$625,000. Capital Project c340202 - Waste Compactor was approved 10/1/2010 for Fiscal Year 2011 Budget.

(7) **RECOMMENDED ACTION:** a) Approve the ranking of Firms for Request for Proposal #11-140, Sidewalk Design - Sales Tax Program (Year Three) and Municipal Services Benefit Unit: 1st - Johnson Engineering of Port Charlotte, FL; 2nd - Kimley-Horn & Associates of Sarasota, FL; and 3rd - WilsonMiller, Inc. (WilsonMiller Stantec) of Port Charlotte, FL; and b) Approve start of Negotiations; and c) Authorize Chairman to sign contract after completion of negotiations for the design of year three of the sales tax program and MSBU sidewalks. **BUDGETED ACTION:** None. Budgeted in adopted CIP projects c410918 Sidewalks 2009 Sales Tax Extension and c411117 Rotonda West Sidewalks and Pedestrian Bridges.

(8) **RECOMMENDED ACTION:** Approve deletion of the property inventory items listed on the attached for the month of April, 2011. **BUDGETED ACTION:** None

Commissioner Constance expressed concern with the decommissioning of copy machines due to security issues, mentioned speaking with Vickie Potts, and requested County privacy and information policies be explained. Kim Corbett responded to inquiries and mentioned discussions with Information Technology and Gordon Burger. Attorney Knowlton advised the issue is being reviewed as part of the County Records Retention Policy and said future contracts will address it.

COMMISSIONER CONSTANCE MOVED TO APPROVE AGENDA ITEM F-8, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Real Estate Services - No Items.

G. Building and Growth Management

(2) **RECOMMENDED ACTION:** Approve the DRC-PD-80-4CCCC Final Detail Plan Resolution permitting JPMorgan Chase Bank, National Association to develop the Chase Bank located at 24143 Peachland Boulevard. **BUDGETED ACTION:** None

Buddy Braselton of Building & Growth Management and Ryan Shute of Morris-Depew Associates responded to inquiries by **Commissioner Constance** regarding the site plan.

COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2011-207, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

(3) **RECOMMENDED ACTION:** Rescind items related to The Loop Development of Regional Impact (DRI): Ordinance 2008-044, Resolution 2008-047, and Agreement 2008-021. **BUDGETED ACTION:** None

Resolution 2011-208

H. Community Services

Parks and Natural Resources - No Items.

Recreation - No Items.

Libraries and Historical - No Items.

J. Economic Development

(1) **RECOMMENDED ACTION:** Authorize staff to proceed with submitting a grant application to apply for an EPA Brownfield Community-wide Petroleum and Hazardous Substances Assessment Grant in an amount up to \$400,000 and to begin the evaluation of additional Brownfield Areas in Charlotte County. **BUDGETED ACTION:** None

Debrah Forester of Economic Development presented the item and responded to inquiries by **Commissioner Constance** related to the benefits of the Brownfield designation. **Commissioner Deutsch** spoke in support of the Grant and explained why.

COMMISSIONER DEUTSCH MOVED TO APPROVE GRANT 2011-015, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

(2) **RECOMMENDED ACTION:** Approve a Resolution to amend Resolution 2009-213 to change the membership of the Murdock Village Community Redevelopment Agency (CRA) Advisory Committee and approve a revision to the Rules of Procedure for the Advisory Committee. **BUDGETED ACTION:** None

Resolution 2011-209

K. Facilities Construction and Maintenance - No Items.

L. Human Resources - No Items.

M. Human Services - No Items.

N. Public Safety - No Items.

P. Public Works

(1) **RECOMMENDED ACTION:** Set a public hearing for April 26, 2011, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance amending the provisions of the Suncoast Boulevard Street and Drainage MSBU to include updating the present language of the ordinance, adding property to the MSBU and creating an advisory board for the MSBU.

BUDGETED ACTION: None. Funding for recording fees of approximately \$44 will be supplied from the Suncoast Blvd. Streets and Drainage MSBU fund.

(2) RECOMMENDED ACTION: Set a public hearing for April 26, 2011, at 10:00 a.m., or as soon thereafter as may be heard, to consider amending the territory of the Greater Port Charlotte Street & Drainage MSBU. BUDGETED ACTION: None. Funding for recording fees of approximately \$44 will be supplied from the Greater Port Charlotte Streets and Drainage MSBU fund.

(3) RECOMMENDED ACTION: Set a public hearing for April 26, 2011, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance amending the Punta Gorda Non-Urban Street and Drainage MSBU to add additional properties, including the Creek Side Subdivision, in the territory of the unit. BUDGETED ACTION: None. Recording fees of approximately \$44 are available in the Punta Gorda Non-Urban Streets and Drainage MSBU fund.

(4) RECOMMENDED ACTION: Set a public hearing for April 26, 2011, at 10:00 a.m., or as soon thereafter as may be heard, to consider adopting an ordinance creating the Rotonda West Beautification MSBU. BUDGETED ACTION: None. Recording fees of approximately \$44 will be supplied from the Rotonda West Streets and Drainage MSBU fund.

(5) RECOMMENDED ACTION: Set a public hearing for April 26, 2011, at 10:00 a.m., or as soon thereafter as may be heard, to consider amending the ordinance language describing the territory of Stump Pass MSTU to include the correct legal description. This is part of the annual MSBU/MSTU review. BUDGETED ACTION: None. Recording fees of approximately \$44 will be supplied from the Stump Pass Beach Renourishment MSBU/TU fund.

(6) RECOMMENDED ACTION: Set a public hearing for April 26, 2011, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an Ordinance amending the Harbour Heights Street and Drainage MSBU ordinance to add territory to the Unit. BUDGETED ACTION: None. Recording fees of approximately \$44 will be paid from the Harbour Heights Streets and Drainage MSBU fund.

Q. Tourism Development - No Items.

R. Utilities - No Items.

S. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - Consideration of a Resolution supporting locating Jackson Laboratory in North Port, FL.

Commissioner Skidmore introduced Chairman Jim Blucher, North Port City Commission, explained the scope of the item, and described the Florida Trend article handed out to the Board.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-210, SECONDED BY COMMISSIONER CONSTANCE

Chairman Starr expressed concern with the cost of the investment, requested more information, and spoke in opposition. **Commissioner Skidmore** responded and provided additional detail. **Commissioner Deutsch, Commissioner Constance, and Commissioner Duffy** spoke in support.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

(2) Commission Office - Choose by ballot two property owner/residents to serve on the Harbour Heights Street & Drainage MSBU advisory Committee. One regular member with a term of three years and one alternate member with a term of two years.

Mr. Sandrock read the following votes by ballot into the record for the regular member: William Moyer - 3 votes.

COMMISSIONER SKIDMORE MOVED TO APPROVE WILLIAM MOYER AS THE REGULAR MEMBER WITH A TERM OF THREE (3) YEARS, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Mr. Sandrock read the following votes by ballot into the record for the alternate member: James Snyder - 3 votes.

COMMISSIONER SKIDMORE MOVED TO APPROVE JAMES SNYDER AS THE ALTERNATE MEMBER WITH A TERM OF TWO (2) YEARS, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(3) Commission Office - Select by ballot two property owner/residents to serve as a regular member on the Harbour Heights Waterway Advisory Committee for a three year term, from date appointed and one as an alternate for a two year term.

Mr. Sandrock noted only one resident would be selected as a regular member and one resident as an alternate member. **Commissioner Skidmore** clarified Leroy Phillips is the current member asking for re-appointment. Mr. Sandrock read the following results into the record: Leroy Phillips as the regular member; Margaret Scott as the alternate.

COMMISSIONER SKIDMORE MOVED TO APPROVE LEROY PHILLIPS AS THE REGULAR MEMBER WITH A TERM OF THREE (3) YEARS AND MARGARET SCOTT AS THE ALTERNATE MEMBER WITH A TERM OF TWO (2) YEARS, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(4) Commission Office - Select by ballot two property owner/residents to serve as a member on the Suncoast Waterway Advisory Committee. One to serve as a regular member with a term of three years and one as an alternate member with a term of two years.

Commissioner Skidmore requested clarity on the applicants relative to availability for the meetings and proposed changing the application form. Mr. Sandrock said staff would review the process. **Commissioner Duffy** requested more information be required on application forms in the future. Mr. Sandrock read the following results into the record: James Gillies as the regular member; Matt Stamm as the alternate.

COMMISSIONER CONSTANCE MOVED TO APPROVE JAMES GILLIES AS THE REGULAR MEMBER WITH A TERM OF THREE (3) YEARS AND MATT STAMM AS THE ALTERNATE MEMBER WITH A TERM OF TWO (2) YEARS, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

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

(1) County Attorney - Conduct a public hearing to discuss proposed changes to the regulations surrounding the use and possession of firearms pursuant to §790.33, Florida Statutes.

Attorney Knowlton gave explanation of the item.

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

MOTION CARRIED 5:0.

**COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2011-006,
SECONDED BY COMMISSIONER DEUTSCH**

MOTION CARRIED 5:0.

(2) Economic Development - Conduct a Public Hearing to authorize revisions to the boundary of Enterprise Charlotte Airport Park Brownfield Area Designation and rename the area to the ECAP Enhancement Zone.

Debrah Forester presented the item, noted the first of two public hearings, and responded to Board inquiries regarding the ECAP Enhancement Zone and the Brownfield designation.

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

MOTION CARRIED 5:0.

Attorney Knowlton advised no further action was required until the second public hearing on April 26, 2011.

Z. Regular Agenda (continued)

(5) Commission Office - Discussion and direction regarding non ad valorem taxation.

Commissioner Skidmore presented the item, referenced comments made by Michael Haymans, mentioned the Scrub-Jay Overlay, outlined his memo and tax bills of Mr. and Mrs. Chambers distributed to the Board, and expressed concerns.

COMMISSIONER SKIDMORE MOVED TO GIVE ADMINISTRATION AND LEGAL STAFF DIRECTION TO DISCUSS ALL POSSIBILITIES REGARDING A NON-AD VALOREM TAX REDUCTION FOR THOSE THAT ARE AFFECTED BY THE SCRUB-

**JAY OVERLAY AND HAVE COMMUNICATION WITH THE FEDERAL GOVERNMENT
TO SHARE RESPONSIBILITIES, SECONDED BY COMMISSIONER DEUTSCH**

Attorney Knowlton indicated that staff had reviewed the Code, commented on Exception (c)(2), and advised of legalities. **Commissioner Deutsch** also expressed concerns and proposed having a discussion to create a resolution that would benefit property owners. **Commissioner Duffy** spoke in opposition to the Motion. Board discussion ensued.

Andy Stevens responded to related inquiries. Tommy White provided additional detail related to Equivalent Residential Units (ERU).

MOTION FAILED 1:4.

RECESS: 10:37 to 10:50 AM

(6) Purchasing - Discuss and select the preferred option for consolidating the Human Services Department staff into a single facility. Option 1 - Construct Stand-alone Facility: a) Approve Amendment #2 to Contract #06-283R, Design/Build-Human Services Building, with Mathews/Taylor Construction, LLC for the Guaranteed Maximum Price (GMP) of \$1,961,105.43; and b) Authorize Chairman to sign the Amendment; OR Option 2 - Build-out Vacant Space in Health Dept. Building: a) Cancel Contract #06-283R, Design/Build-Human Services Building, with Mathews/Taylor Construction, LLC; and b) Approve preparation of cooperative agreement with the Health Department for build-out and use of vacant shell space and future joint building operations; and c) Approve issuance of a request for professional services to design the vacant Health Department space for the Human Services Department.

Kim Corbett and David Milligan presented the item and explained Options 1 and 2.

Attorney Knowlton commented on a conversation with Mary Kay Burns related to the Health Department's agreement to a three (3) year term with an option to renew. Mr. Milligan and Deputy County Attorney Dan Gallagher responded to Board inquiries.

**COMMISSIONER CONSTANCE MOVED TO APPROVE OPTION 1, SECONDED BY
COMMISSIONER DUFFY**

Commissioner Skidmore explained his support of Option 2. Mr. Sandrock and Attorney Knowlton responded to related inquiries by

Commissioner Deutsch. **Commissioner Duffy** pointed out the State paid for the Health Department building, mentioned previous cuts in the Capital Improvement Project (CIP) budget, expressed concern with future costs of construction, suggested putting the Employee Health Clinic in the Human Services Building, and spoke in support of Option 1. Board discussion ensued.

MOTION CARRIED 3:2. Chairman Starr, Commissioner Skidmore OPPOSING.

(7) Commission Office - Discussion and direction regarding pill mill zoning ordinance.

Commissioner Skidmore explained the item, mentioned House Bill 7095, and requested discussion and direction to allow Attorney Knowlton and **Commissioner Constance** to examine dispensation and to bring back an Ordinance or Resolution to change zoning for pain management clinics. **Commissioner Constance** indicated he would present the item to the Charlotte County Medical Society the following week and provided additional detail. Attorney Knowlton referred to the backup ordinances distributed to the Board and stated she would work with **Commissioner Constance** to bring back an Ordinance for the Board's consideration. **(BOARD CONSENSUS TO BRING BACK AN ORDINANCE IN TWO WEEKS.)**

(8) Commission Office - Discussion and Direction regarding waiving of fees for not for profit groups holding events at County facilities.

Commissioner Skidmore explained the item and referenced backup documentation distributed to the Board.

COMMISSIONER SKIDMORE MOVED TO GIVE ADMINISTRATION DIRECTION TO DRAFT A POLICY THAT WOULD ALLOW FOR A REDUCTION OF FEES, SECONDED BY COMMISSIONER DEUTSCH

COMMISSIONER DEUTSCH CALLED THE QUESTION, SECONDED BY COMMISSIONER CONSTANCE: 4/1 (CHAIRMAN STARR DISSENTING)

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

There was Board discussion regarding Robert's Rules of Order.

(9) Commission Office - Discussion and direction of Peace River Manasota Regional Water Supply Authority budget for FY 2011/2012.

Commissioner Skidmore provided an update on the Peace River Manasota Water Supply Authority, referenced hand-out materials distributed to the Board, mentioned the working relationship with Pat Lehmann, and summarized the new draft budget. Mr. Sandrock noted monthly meetings and workshops of the four Administrators from Charlotte, Sarasota, DeSoto, and Manatee Counties. **Commissioner Constance** and **Commissioner Deutsch** expressed appreciation for the update and commended **Commissioner Skidmore** for his efforts.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Bob Jason requested taking items in Agenda order and expressed concern with government entities creating jobs.

Howard Shaw spoke in regard to Agenda Item F-7 and requested there be an Ordinance restricting parking on sidewalks.

AA. County Administrator:

Mr. Sandrock announced CCTV 20 is being changed to CCTV, explained the reason for the change, noted the upcoming Government Academy starting on Wednesday, May 18, 2011, indicated the application deadline is April 29, 2011, and commented on three staff members being accepted to participate in the Gulf Coast Sustainable Economic Leadership Academy in New Orleans in May.

BB. County Attorney:

Attorney Knowlton gave an update on the status of the repeal of the Special Act on Animal Control by Representative Kreegel's office, filed on March 2, 2011. **Commissioner Duffy** provided additional detail related to House Bills before the Citizen and Military Affairs Committee, mentioned communications with various legislative delegates, and expressed concern with the Animal Control Bill needing to be heard. Attorney Knowlton mentioned the Public Hearing with the Legislative Delegation, requested the Commissioners follow up with Senator Bennett related to the Animal Control Bill, gave a status update on British Petroleum (BP) claims, indicated two (2) claims were filed with the Trust Fund on March 25, 2011, mentioned the

Multi-District Litigation (MDL), stated the deadline to file a claim for a lawsuit is on April 20, 2011, gave further related legalities, and recommended that the Commission allow her to file the claim in the Federal Court Case in Louisiana as a placeholder.

COMMISSIONER CONSTANCE MOVED TO ADD ATTORNEY KNOWLTON'S COMMENTS ABOUT FILING THE LAWSUIT WITH BP TO THE AGENDA, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

CC. Commissioner Comments:

Commissioner Skidmore suggested the Board give Chief Didio more time related to the Station 10 discussion scheduled for April 26, 2011, requested a public hearing on the Sign Ordinance due to the Workshop being pulled from the Agenda, mentioned a letter received from Sandhill Gardens praising the Charlotte County Fire/EMS and asked that it be placed in the appropriate employee files, announced there would be a Breakfast with the Easter Bunny on Saturday morning at the Tringali Center, mentioned receipt of a memo regarding the West Coast Inland Navigation District (WCIND) budget, asked Mr. Sandrock to review projects submitted for funding and policies in place, commented on a request to use land owned by WCIND for public parking by a business owner who has retained Attorney Geri Waksler, talked about Competitive Consultants Negotiations Act (CCNA) related to proposed changes, mentioned Senator Bennett and the Florida Association of Counties, asked the Commissioners to follow up on the issue, discussed the Rotonda Weir project related to a Change Order, mentioned DMK Engineering, reported on progress made with Florida Department of Transportation (FDOT) and Southwest Florida Water Management District (SWFWMD) to cut down the excessive growth of cattails on Rt.776, mentioned receipt of letter from FDOT, Johnson Controls, requested submitting a Request for Proposals (RFP) to increase energy efficiency and reduce costs, asked to give Administration direction to work with Bob Hebert to develop a policy for SHIP funds, and expressed concern with a newspaper article related to making Dial-a-Ride free.

Commissioner Constance reported on visiting various Fire/EMS stationhouses, thanked Mr. Sandrock for inviting him, commented on the Fertilizer Ordinance issue, mentioned the Bill passing through Tallahassee, requested consensus to give Attorney Knowlton direction to review other County Ordinances and to

draft a new stricter Ordinance, mentioned attending Charlotte Harbor National Estuary Program Watershed meeting, and expressed concern with septic tank issues. Attorney Knowlton pointed out there is already a Fertilizer Ordinance in place, mentioned having reviewed Sarasota's Ordinance in the past, and stated that staff would look at it again if the Board directs. **Commissioner Duffy** explained the fertilizer issue had already been addressed and provided additional detail. Board discussion ensued.

Commissioner Constance commented on speaking with Bob Harrington from the Metropolitan Planning Organization (MPO) and Gary Quill from the Charlotte County Airport Authority related to aviation easements, requested consensus to have Mr. Quill present a workshop at the next BCC/Airport Authority meeting, mentioned attending the Charlotte Symphony at the Harbor Event Center, noted the upcoming 2011 Golden Gloves State Championships, and commented on attending the event at the Charlotte BMX Park. **Commissioner Deutsch** provided additional detail related to the event and mentioned Amanda Carr.

Commissioner Duffy commented on the receipt of emails related to banning alcohol on the beaches, requested the Board look into reducing the speed limit from 35 MPH to 30 MPH at the intersection of Gertrude and Elkcam, expressed concern with government in Tallahassee related to Senate Bill 4193, mentioned Senator Bennett, asked Mr. Sandrock to look into landscaping for lift stations, commented on the "Call the Question" issue, provided detail on free Dial-a-ride as a promotional issue, gave an update on a meeting with Sheriff Cameron in the Medical Arts District, and suggested asking Attorney Knowlton to look into banning parking on sidewalks. **(BOARD CONSENSUS TO DIRECT ATTORNEY KNOWLTON TO LOOK INTO BANNING PARKING ON SIDEWALKS.)**

Chairman Starr indicated the need to limit Commissioner Comments to relative facts.

RECESS: 12:30 PM to 2:00 PM

VII. PRESENTATION AGENDA - 2:00 P.M.

(1) Purchasing - a) Presentations to the Board of County Commissioners from the top two ranked firms, as determined by the Professional Services Committee, for Request for Proposal #11-123, East/West Spring Lake Wastewater Pilot Program to establish ranking; b) Approve start of negotiations; and c)

Authorize the Chairman to sign the contract after completion of negotiations to obtain the services a firm to review and evaluate wastewater service options in the East/West Spring Lake area.

Kim Corbett provided details related to the presentations. Todd Rebol of Banks Engineering introduced the Team Members, provided a history of wastewater expansion, and outlined Request for Proposal (RFP) requirements and Team Philosophy/Approach. Daniel Nelson of Tetra Tech provided detail on grant funds available. Mr. Rebol, Jonathan Cole, Mr. Nelson and Gary Bayne fielded Board inquiries.

RECESS: 2:55 PM to 3:10 PM

Jeff Weiler of Weiler Engineering outlined the Team Track Record. Attorney Knowlton reminded Mr. Weiler and the Board that costs cannot be considered. Larry Bishop discussed Collaborative Effort and Cooperative Approach Strategies. Dr. Dan Burden provided detail on funding and technology. Damann Anderson gave an overview of onsite wastewater treatment system comparisons and collection technologies. Mr. Weiler summarized the presentation. Mr. Weiler, Mr. Bishop, Dr. Burden, and Mr. Anderson addressed Board inquiries. Kris Cella provided detail on public outreach and public involvement.

RECESS: 4:00 PM to 4:05 PM

Attorney Knowlton noted this is the time for any discussion and announced the end result should be the ranking of proposals. **Commissioner Duffy** asked for clarification related to the discussion of costs. Attorney Knowlton responded with appropriate legalities. The Commissioners marked their ballots for the two design firms. Ms. Corbett responded to questions by **Commissioner Deutsch** related to the ranking process. Mr. Sandrock read the following votes by ballot into the record: Banks Engineering - 3 votes; Weiler Engineering - 2 votes.

COMMISSIONER CONSTANCE MOVED TO APPROVE THE RANKING AS READ INTO THE RECORD BY THE COUNTY ADMINISTRATOR TO APPROVE THE START OF NEGOTIATIONS AND AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT AFTER COMPLETION OF THE NEGOTIATIONS TO OBTAIN THE SERVICES OF A FIRM TO REVIEW AND EVALUATE WASTEWATER SERVICE OPTIONS IN THE EAST WEST SPRING LAKE AREA, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

ADJOURNED: 4:12 PM

Chairman

ATTEST:

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

By: _____
Deputy Clerk

sfc