

**Board of County Commissioners**

**June 14, 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.**

The Invocation was given by **Chairman Starr**, followed by the Pledge of Allegiance. **Commissioner Deutsch** noted Flag Day and the Anniversary of the U.S. Army.

**Changes to the Agenda:**

**Change #1:** Requested by: County Attorney's Office-E-2-Set an Executive Session for June 14, 2011 at ~~2:00~~ 1:00 P.M. in the Charlotte County Attorney's Office Large Conference Room to discuss settlement negotiations and strategy related to litigation expenditures concerning the civil lawsuit captioned Anka Redzic et al v. Charlotte County, et al.; Case No. 09-1176-CA. DOL: 3-3-05.

**Addition #1:** Requested by: Administration - Z-3 - Addition of Backup Material.

**Addition #2:** Requested by: County Attorney's Office - 10:00 A.M. Public Hearing #2 - Addition of Backup Material.

**Deletion #1:** Requested by: Commission Office- C-2 -Approve a Resolution supporting the "Pill Mill Crackdown Act of 2011."

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Christopher Constance**

Arts and Humanities Council Artist of the Month - Ellen DeVita Proclamation, the month of June, 2011

**COMMISSIONER SKIDMORE MOVED TO PROCLAIM ELLEN DEVITA AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF JUNE, 2011, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Judy Malbusson accepted the Proclamation on behalf of Ellen DeVita and passed out bumper stickers to the Board.

Elder Abuse Awareness Day Proclamation, June 15, 2011

**COMMISSIONER SKIDMORE MOVED TO PROCLAIM JUNE 15, 2011 AS ELDER ABUSE AWARENESS DAY, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Marilyn Gregory and Dale Phillips accepted the Proclamation, extended invitations to the public to attend the ceremony at the Cultural Center, and distributed handouts to the Board.

**Employee Recognition** - County Administrator Raymond J. Sandrock

**Five Years:** Rita Booth, Human Resources; Philip Brouse, Community Services; Ronald Cook, Utilities; Bryan Forsythe, Community Services; Jeffery Jozefiak, Public Safety; Howard Mason, Public Works; Katie Ranson, Human Resources; Fabian Rojas, Information Technology; Elaine Shanks, Utilities; **Ten Years:** Simon Cannizzaro, Public Safety; Lorenzo Daetz, Public Works; Christopher Mott, Public Safety; **Fifteen Years:** Robert Hunek, Building & Growth Management, Todd Mead, Public Safety; **Twenty Years:** Roger Hooghkirk, Facilities & Construction Maintenance; **Twenty-Five Years:** Darlene Roman, Budget & Administrative Services; **Thirty Years:** Theresa Parson, Public Safety; Steve Reager, Building & Growth Management

**Presentations - None**

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

Mick Denham, Vice-Mayor, City of Sanibel, spoke in support of the Fertilizer Ordinance, Agenda Item PH(2), gave related detail, and commented on a report from Florida Gulf Coast University.

Katherine Ariens spoke in support of Agenda Item H-1.

Louis Macri spoke to Agenda Item F-10, questioned the purchase, spoke in opposition to Agenda Item F-12, requested Agenda Item G-3 to be pulled, and explained why.

Julie Mathis, on behalf of the Charlotte County Chamber of Commerce and Suzanne Graham spoke in support of Agenda Item Z-3.

Jim Sanders spoke in support of Agenda Item Z-3, requested the Board dedicate a source of funding to support the County's Initiative Ordinance, and suggested leaving the Economic Development office where it is until a professional space is available.

**II. COMMITTEE VACANCIES**

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

Affordable Housing Advisory Committee is seeking three members to serve on the committee: one For Profit Provider, one Real Estate Professional, and one Essential Services Representative. This committee meets quarterly on the third Wednesday of the month (Feb., May, Aug. and Nov.) at 10:00 A.M. at the Building and Growth Management conference room, 18400 Murdock Circle, Port Charlotte. Please send letters of interest and short resume to [BCC@charlottefl.com](mailto:BCC@charlottefl.com) or fax to 941-743-1310 or by mail to 18500 Murdock Circle, Port Charlotte, FL 33948.

Construction Board of Adjustments and Appeals - is seeking one member to serve on the committee. Must be a licensed mechanical contractor and hold a current valid license. Term will expire in April 2013. Please contact the Commission Office at 743-1300 or fax to 941-743-1310.

Greater Port Charlotte Street and Drainage Advisory Committee - is seeking two volunteers; one regular member for a three year term; and one alternate member for a two year term. Volunteers must reside within the boundary of the MSBU. Submit resume to Charlotte County Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call (941-743-1300; fax: (941-637-9265) or email [msbu@charlottefl.com](mailto:msbu@charlottefl.com)

Murdock Village Community Redevelopment Agency Advisory Committee - is seeking one (1) volunteer to fill the banking and finance sector or appraisal sector, the latter as defined in Chapter 475, Florida Statute; term to expire September, 2012. Please contact the Commission Office at 743-1300 or e-mail to [BCC@charlottefl.com](mailto:BCC@charlottefl.com) or fax to 941-743-1310

South Gulf Cove Community Plan Advisory Committee - is seeking one volunteer to finish an unexpired term. Must own property within the unit. Term is effective immediately and shall expire July 24, 2012.

**III. REPORTS RECEIVED AND FILED**

Charlotte Harbor CRA Advisory Committee Minutes of the April 11, 2011 meeting.

County Investment Report for the quarter ended March 31, 2011

**IV. CONSENT AGENDA**

**COMMISSIONER SKIDMORE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS F-10, F-12, F-13, G-3, AND H-1, SECONDED BY COMMISSIONER CONSTANCE**

**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 May 13, 2011 through June 1, 2011 in the amount of \$17,023,897.77

**B. Minutes Division**

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

04/26/11 9:00 AM Regular Meeting

04/28/11 1:30 PM Budget Workshop

05/03/11 10:00 AM MSBU Workshop

05/05/11 1:30 PM Budget Workshop

05/09/11 9:00 AM Pre-Agenda Meeting

**Board of County Commissioners**

**C. Commission Office**

(1) RECOMMENDED ACTION: Appoint Michael Brown as the District 1 representative on the Recreation and Parks Advisory Committee. Eugene Leapley's term expires on June 14, 2011 and he does not wish to continue to serve. This is a three (3) year term which shall expire June 14, 2014. BUDGETED ACTION: None

**D. Administration**

**Administration - No Items.**

**Public Information Office - No Items.**

**E. County Attorney**

(1) RECOMMENDED ACTION: Approve Resolution authorizing Lee County Housing Finance Authority Interlocal with Charlotte County Housing Finance Authority, to extend and allow the Lee County Single Family Housing Revenue Bonds Program within Charlotte County. BUDGETED ACTION: None

**Resolution 2011-225**

(2) RECOMMENDED ACTION: Set an Executive Session for June 14, 2011 at 1:00 P.M. in the Charlotte County Attorney's Office Large Conference Room to discuss settlement negotiations and strategy related to litigation expenditures concerning the civil lawsuit captioned Anka Redzic et al v. Charlotte County, et al.; Case No. 09-1176-CA. DOL: 3-3-05. BUDGETED ACTION: None

**F. Budget and Administrative Services**

**Budget and Administrative Services**

(1) RECOMMENDED ACTION: Approve the attached MSBU Assessment Rates to be included in the TRIM (Truth In Millage) Notices. The rates referenced for each of the MSBUs indicate the proposed rates to be included in the TRIM Notices to be sent in August. BUDGETED ACTION: None, this item will be budgeted in the FY11/12 budget in the appropriate MSBU fund. None, revenues and expenditures are posted to the individual MSBU.

(2) RECOMMENDED ACTION: Set a public hearing for Tuesday, June 28, 2011, at 10:00 A.M., or as soon thereafter as may be heard, to consider approving an ordinance amending the provisions of the Charlotte Public Safety Unit, codified at Secs. 4-3-211 through 4-3-217, Charlotte County Code. BUDGETED ACTION: None

**Fiscal Services - No Items.**

**Information Technology - No Items.**

**Purchasing**

(3) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #08-241 Permit Design Rotonda Weir at no change in amount of Contract; and b) Authorize the Chairman to sign the Amendment. BUDGETED ACTION: None. Budgeted in adopted CIP project c410808, Rotonda West Weirs.

(4) RECOMMENDED ACTION: Approve the split Award of Bid #11-167, Sale of County Owned Properties, to the highest bidder per parcel as identified on the attached tabulation - recommendation for award. BUDGETED ACTION: None. Any revenue from these properties will be deposited into the appropriate fund as directed by the BCC to defray any costs that have occurred for maintaining these properties and/or processing costs.

(5) RECOMMENDED ACTION: Approve the award of Bid #11-183, Sidewalk Construction - Rebel Court and Boundary Boulevard, to the lowest responsive, responsible bidder, Marquee Development, Inc., of Tampa, FL, in the amount of \$150,660.20. This is for the construction of sidewalks on Rebel Court and on Boundary Boulevard, as part of the Year One Sales Tax Sidewalk Construction Projects. BUDGETED ACTION: None. Budgeted in FY11 approved CIP project c410918, Sidewalks 2009 Sales Tax Extension.

(6) RECOMMENDED ACTION: Approve award of Bid #11-192 MTC3600 Controllers, to the lowest responsive, responsible bidder, Command Communications of Spring, TX in the amount of \$130,051.90. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #11-193 Reclaimed Water Expansion-Phase 2: 1st Ranked -Stantec Consulting Services of Sarasota, FL; 2nd Ranked -The Weiler Engineering Corp. of Port Charlotte, FL; and 3rd Ranked -Johnson Engineering 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 evaluation of and modification to the existing reclaimed water system facility at the West Port Reclamation Facility. BUDGETED ACTION: Amount budgeted \$295,000 in CIP c351001 - Reclaimed Water Expansion Phase 2. This project is 50% funded through a Cooperative Funding agreement with the Southwest Florida Water Management District as adopted in the 2010/2011 CIP during the budget process.

(8) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #10-335.77, Professional Services Library changing name of firm Post Buckley Schuh & Jernigan, Inc. d/b/a PBS&J to Atkins North America, Inc.; and b) Approve Amendment #1 to Contract #10-308.B, Engineer of Record - Solid Waste changing name of firm Post Buckley Schuh & Jernigan, Inc. d/b/a PBS&J to Atkins North America, Inc.; and c) Authorize Chairman to sign the Amendments. BUDGETED ACTION: None

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

#### **Real Estate Services**

(10) RECOMMENDED ACTION: Approve Resolution authorizing the Senior Division Manager of the Real Estate Services Division to execute the necessary documents required for the acquisition and subsequent conveyance of foreclosed properties purchased under the U.S. Department of Housing and Urban Development's Neighborhood Stabilization Program 3. BUDGETED ACTION: Funding provided by HUD's Neighborhood Stabilization Program 3 allocation.

**Chairman Starr** explained the item, addressed Mr. Macri's concerns, commented on the number of families who have lost their homes and jobs, and expressed support. **Commissioner Deutsch** provided additional detail in support of the item.

**COMMISSIONER DUFFY MOVED TO APPROVE RESOLUTION 2011-226, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 4:1. COMMISSIONER SKIDMORE OPPOSING.**

(11) RECOMMENDED ACTION: Approve the attached Resolution authorizing the Senior Division Manager of Real Estate Services or designees or the County Attorney or designee to execute the necessary documents and close the sale of County owned surplus real property whose bids have been accepted by the Board of County Commissioners. BUDGETED ACTION: None

#### **Resolution 2011-227**

(12) RECOMMENDED ACTION: Approve the Resolution authorizing the purchase of 103.7+/- acres of land known as the Shell Creek Delta site. Funding for this acquisition is comprised of a 75% matching grant from the U.S. Fish and Wildlife Service and 25% match from the County. This item is being brought forward at the request of the Natural Resources Division to assist in the development of the land reserve design of the Countywide Scrub Jay Habitat Conservation Plan. BUDGETED ACTION: Funding for this acquisition is comprised of a 75% matching grant from U.S. Fish and Wildlife service and a 25% match from Conservation Charlotte funds. The amount needed from Conservation Charlotte is \$48,000.

**Commissioner Constance** explained the item, commented on its value, and addressed the concerns of Mr. Macri. Andy Stevens gave the current status of the Habitat Conservation Plan and addressed Board inquiries. **Commissioner Duffy** gave additional detail. **Commissioner Deutsch** pointed out the loss in taxable income and commented on the Scrub Jay issue. **Commissioner Skidmore** addressed additional concerns of Mr. Macri and spoke in opposition. **Chairman Starr** spoke in support of acquiring the land and mentioned the Environmental Land Acquisition Board.

**COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2011-228 AND AGREEMENT 2011-019, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:1. COMMISSIONER SKIDMORE OPPOSING.**

(13) RECOMMENDED ACTION: Approve Resolution approving and authorizing the Chairman to execute one (1) temporary construction easement and one (1) permanent non-exclusive utility easement to the Peace River Manasota Regional Water Supply Authority (Authority) over, under and across portions of County-owned real property lying in Section 3, Township 40 South, Range 22 East, Charlotte County, Florida (also known as the 'Bachmann Tract') for the Regional Loop Phase 2 North Port Interconnect Pipeline, Segment A. BUDGETED ACTION: No Budget Action required. Staff time associated with this item and compensation for the easements will be billed to the Authority.

**COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-229, AGREEMENT 2011-020, AND AGREEMENT 2011-021, SECONDED BY COMMISSIONER CONSTANCE**

**Chairman Starr** spoke in opposition to the Item. **Commissioner Skidmore** pointed out elements of the Master Water Supply Contract and gave detail related to pipe capacity. **Commissioner Deutsch** spoke in support and pointed out there was no cost to the County. **Chairman Starr** explained that contracts are easy to change, opined the need to give the rate payers of Charlotte County a break, and noted the amount of debt with the Utility. **Commissioner Constance** spoke in support of the item. County Attorney Knowlton advised the intent of the Item and provided legalities.

**COMMISSIONER SKIDMORE MOVED TO AMEND HIS PREVIOUS MOTION TO APPROVE RESOLUTION 2011-229, AGREEMENT 2011-020, AND AGREEMENT 2011-021 SUBJECT TO PAYMENT FOR STAFF COSTS AND THE EASEMENTS BY THE WATER AUTHORITY, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.**

**G. Building and Growth Management**

(1) RECOMMENDED ACTION: Conduct a review of the activities of the Boca Grande Advisory Committee as required by paragraph 8 of Resolution 2008-057 to determine whether the Committee continues to serve a necessary function and accept the Committee's request to sunset the Committee effective May 27, 2011. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve the DRC-PD-10-02 Final Detail Plan Resolution permitting Waste Management, Inc. of Florida to construct the Waste Management Transfer Station located at 25505 Old Landfill Road. BUDGETED ACTION: None

**Resolution 2011-230**

(3) RECOMMENDED ACTION: Approve the DRC-PD-80-4VVV(MM) Major Modification Resolution permitting Charlotte County to construct the Charlotte County Human Services Building located at 1100 Loveland Boulevard. BUDGETED ACTION: None

Dan Quick explained the item in detail and responded to Board inquiries.

**COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2011-231, SECONDED BY COMMISSIONER DUFFY**

**MOTION CARRIED 3:2. CHAIRMAN STARR, COMMISSIONER SKIDMORE OPPOSING.**

(4) RECOMMENDED ACTION: Set a public hearing for Tuesday, June 28, 2011, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance amending the provisions of Chapter 3.3-5, Impact Fees, of the Charlotte County Code. BUDGETED ACTION: None

**H. Community Services**

**Parks and Natural Resources**

(1) RECOMMENDED ACTION: Approve Community Services plan to designate dog walks in County parks. BUDGETED ACTION: This item is budgeted in Community Services, Special Project Department in the sign materials account, in the amount of \$39,759.00 for FY11. The department is requesting the purchase of 29 dog stations at \$250 each for a total cost of \$7,250.

**Chairman Starr** explained why he pulled the item, expressed concern with its enforcement, and mentioned possible safety issues. **Commissioner Constance** spoke in support, commented on responsible pet ownership, mentioned Laishley Park, and commended John Jackson for his efforts.

**COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM H-1, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.**

**Recreation - No Items.**

**Libraries and Historical - No Items.**

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

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

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

**M. Human Services**

(1) RECOMMENDED ACTION: Set Public Hearings on June 28 and July 12, 2011 at 10:00 A.M. or as soon thereafter as may be considered, to consider and accept public comment on proposed revisions to the Local Housing Assistance Plan (LHAP). BUDGETED ACTION: None

**N. Public Safety - No Items.**

**P. Public Works**

(1) RECOMMENDED ACTION: a) Approve a Locally-Funded Agreement between the Florida Department of Transportation (FDOT) and Charlotte County, requiring that the County provide lump-sum funding in the amount of \$21,125 for audible signing/pavement markings on US 41, from north of the Peace River to Midway Boulevard; and b) Approve a Resolution approving the Agreement and authorizing the Chairman to execute the Agreement on behalf of Charlotte County. BUDGETED ACTION: None. Funding is available in the road improvements fund.

**Resolution 2011-232; Agreement 2011-022**

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

**R. Utilities**

(1) RECOMMENDED ACTION: Authorize the Chairman to sign the Certification of Financial Responsibility for the revised annual cost estimate of \$437,920 to complete the plugging and abandonment of two (2) Injection Wells and related

monitoring wells at the East Port Water Reclamation Facility, if and when the time comes to abandon the use of the wells. The Certification of Financial Responsibility is a Florida Department of Environmental Protection (FDEP) permit requirement for both Underground Injection Wells located at the East Port Water Reclamation Facility. BUDGETED ACTION: A Reserve for Well Abandonment is increased each year by \$50,000 to allocate funds towards the total necessary for the closing, plugging and abandonment of these wells. FY2011 Reserve \$150,000.

**Agreement 2011-023**

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

**V. REGULAR AGENDA**

**Z. Regular Agenda**

(1) Commission Office - Select by ballot three names of those listed alphabetically to be submitted to Governor Rick Scott for consideration to fill the expired seat of William Cameron on the Children's Services Council. Attached are letters requesting consideration and resumes of each of the four candidates. This is a four year term which shall expire May, 2015. On November 23, 2010, the BCC approved the submittal of three candidates to the Governor to fill the vacancy created by the resignation of Bill Weller. We are still waiting Governor Scott's decision to fill that vacancy.

Mr. Sandrock read the following nominations to be submitted to Governor Rick Scott by ballot into the record: Roberto De La Torre, Frank Doolity, and Glen E. Sapp.

**COMMISSIONER SKIDMORE MOVED TO APPROVE THE NOMINATIONS OF ROBERTO DE LA TORRE, FRANK DOOLITY, AND GLEN E. SAPP FOR CONSIDERATION TO FILL THE EXPIRED SEAT ON THE CHILDREN'S SERVICE COUNCIL, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

(2) Commission Office - Choose by ballot two candidates to serve as Members-at-Large on the Murdock Village Community Development Agency Advisory Committee. One term will expire September 2011 and the other term will expire in September 2013.

**Commissioner Skidmore** pointed out the two terms has different expiration dates. Mr. Sandrock read the following results into the record: Marie Labrosse for the term ending Sept. 30, 2011; Gary Bayne for the term ending Sept. 30, 2013.

**COMMISSIONER SKIDMORE MOVED TO APPROVE GARY BAYNE (TERM ENDING 2013) AND MARIE LABROSSE (TERM ENDING 2011) TO SERVE AS MEMBERS-AT-LARGE ON THE MURDOCK VILLAGE COMMUNITY DEVELOPMENT AGENCY ADVISORY COMMITTEE, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(3) Economic Development - Discussion and direction regarding Economic Development Incentives.

**Commissioner Duffy** explained why she requested the item be placed on the Agenda, gave historical related detail, proposed Economic Development Incentive funds be restricted to specific projects and incentives, mentioned Dollars for Jobs and Capital Improvement incentives, stated the fund is not to be used for legislative issues, suggested the funds be taken out of the Capital Projects Reserve Fund, asked that \$1 Million be set aside for Economic Development incentives, and noted the importance of getting companies to relocate their businesses to Charlotte County. Mr. Sandrock commented on research completed related to County Reserve Funds, gave detail related to other Counties, and advised any reserve by Statute has to be approved by the Board. **Commissioner Deutsch** mentioned meeting with the Enterprise Charlotte Economic Council (ECEC) and the Industrial Development Authority (IDA) and spoke in support of the Item.

**COMMISSIONER DEUTSCH MOVED TO APPROVE AGENDA ITEM Z-3, SECONDED BY COMMISSIONER DUFFY**

**Commissioner Skidmore** commented further in support of putting money into a reserve fund. **Chairman Starr** asked for clarification on the Motion.

**COMMISSIONER DEUTSCH MOVED TO AMEND HIS ORIGINAL MOTION FOR STAFF TO BRING BACK A BUDGET TRANSFER OF \$1 MILLION FOR ECONOMIC DEVELOPMENT INCENTIVES, SECONDED BY COMMISSIONER SKIDMORE**

**Commissioner Constance** expressed concern with the transfer of \$1 Million and questioned the criteria. **Chairman Starr** agreed, commented on the need for policies and procedures, mentioned an upcoming meeting with an Economic Development expert, and spoke in opposition to the Motion. Attorney Knowlton asked for clarification on the budget transfer. Mr. Sandrock clarified. **Commissioner Duffy** gave additional clarification. **Commissioner Deutsch** addressed comments made by **Chairman Starr**. Board discussion ensued. **Commissioner Constance** spoke in opposition to the Motion and explained why. **Commissioner Duffy** pointed out \$500,000, as opposed to \$1 Million, had been previously transferred for Economic Development incentives, gave related detail, responded to concerns expressed by **Commissioner Constance**, noted four major projects on the shelf, and spoke in support. **Commissioner Skidmore** agreed, commented on the need for financial incentives, and stated the Board needs to give staff the direction. **Commissioner Constance** responded to comments made by **Commissioner Duffy** related to the four pending projects and the establishment of criteria.

**MOTION CARRIED 3:2. CHAIRMAN STARR, COMMISSIONER CONSTANCE OPPOSING.**

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

(1) Public Works - Conduct a public hearing to consider approving an ordinance prohibiting the parking of vehicles on the east side of Torrence Street, from SR 776 to Ester Avenue, and on the south side of Ester Avenue, from Torrence Street west approximately 525 feet. This ordinance extends the parking prohibition to both sides of the above roadways.

Bob Halfhill presented the item, recommended approval, and responded to Board inquiries. **Commissioner Skidmore** asked about the sharing of parking revenue under the contract with the Tampa Bay Rays. Mr. Sandrock responded.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2011-016, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**RECESS: 10:30 A.M. to 10:45 A.M.**

(2) Commission Office - Conduct a Public Hearing to consider adoption of an Ordinance amending Section 3-9-64.1 Fertilizer Regulations.

Assistant County Attorney Derek Rooney presented the item, described the components, recommended the enforcement of the Ordinance not begin until January, 2012, and responded to Board inquiries.

Louis Macri questioned the impact to commercial farms.

Grace Amodeo commented on the need for better advertising for the benefit of the public and requested the Commissioners ask the citizens to speak into the microphone.

Clarke Keller commented on the type of fertilizer used in his nursery and described different types of fertilizers and their effects.

Lisa Beever spoke on behalf of the Charlotte Harbor Estuary Program in support of the Amendment and discussed different studies.

Ruth Bromberg requested adding two provisions to the Ordinance: (1) the limitation of the application of nitrogen to 4 lbs per 1000 feet per year; (2) a blackout period in the rainy season, and commented on the need to use slow-release fertilizer.

Carol Leonard provided a handout to the Board, discussed research completed related to fertilizer, questioned the assessment of actions by Code Enforcement, spoke in support, and mentioned the need to improve enforcement.

Todd Josko talked about the protection of water quality, commented on the Department of Environmental Protection (DEP) recommendations, requested the Board reject the proposal for the blackout period, and encouraged the Board to work with DEP to strengthen the Ordinance.

Mick Denham spoke in support of the blackout period, mentioned the University of Florida, referred to a document produced by Florida Gulf Coast University (FGCU) in collaboration with several scientific agencies, commented on educating the community, and indicated a DVD had been produced and sent to the citizens on Sanibel Island.

Herman Velasco spoke about the fertilizer flush and discussed the results of testing for effluent.

Barry Troutman distributed material to the Board, spoke in support of water quality in Florida and Charlotte County, spoke in opposition to the blackout period, read portions of research completed at the University of Florida, and requested the Ordinance be sent back for revisions.

Michael Juchnowicz spoke in support of the Ordinance and discussed slow release fertilizer.

Brandon DePalma spoke on behalf of Tru-Green in support of the Ordinance and shared a personal experience with a homeowner related to the Blackout Period.

An unidentified representative of Tru-Green spoke in support of the Ordinance, gave detail related to turf grass, and commented on the need for slow-release fertilizer.

Jack Merriam, on behalf of Sarasota County, commented on experiences and observations related to the cost of nitrogen and discussed research completed.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2011-017, SECONDED BY COMMISSIONER SKIDMORE**

**Commissioner Constance** read various letters from other areas into the record, pointed out the reasons for the letters, and urged the Board to take them into consideration. **Commissioner Duffy** inquired if the Ordinance would exempt golf courses, sports fields, and agriculture. Attorney Rooney responded. Ralph Mitchell addressed Board inquiries. **Commissioner Duffy** explained a Fertilizer Ordinance was implemented in 2008, indicated there was no enforcement, mentioned conversations with store employees regarding fertilizer, opined the current State Model Ordinance is working, spoke in opposition to the summer blackout period, and explained why. **Commissioner Deutsch** commented on the recommendations opposed to the blackout period. Attorney Rooney and Mr. Juchnowicz of Gardenmasters responded to Board inquiries. **Chairman Starr** voiced satisfaction with the current Ordinance, gave detail related to the Myakka River in Manatee County, expressed concern with the blackout period, indicated he was hesitant to impose more stringent

regulations than the State's recommendations, mentioned the effect on local businesses, and spoke in opposition. **Commissioner Constance** responded to Board concerns, pointed out the discussion is about nitrogen, not phosphorus, questioned the complaints of business owners, opined it would be an education process, and explained why he supports the Ordinance.

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

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

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

**X. CITIZEN INPUT - ANY SUBJECT**

Louis Macri requested disposing of five old Ordinances for every one passed and challenged Mr. Sandrock to look at policies resulting from man-made global warming fears.

Carol Leonard congratulated the Board for passing the Fertilizer Ordinance, requested information related to Code Enforcement penalties, and questioned the oversight of Best Management Practices.

Herman Velasco spoke in support of the 2:00 Presentation Item and suggested charging all citizens the same for extending wastewater lines.

**AA. County Administrator:**

Mr. Sandrock noted interview packets for the Economic Development Director were given to the Board, gave detail related to Human Resources, commended the Tourism Department, congratulated Charlotte County Utilities (CCU) staff for their Safety Program, and commented on an email received from a local news station requesting information on the County's FEMA experience.

Hector Flores gave a brief update on 211 related to the Sarasota Joint Workshop, commented on operational data gathered from Lee County United Way 211, mentioned meeting with the local United Way, provided detail related to formalization of savings through an RFP process, and stated intentions to look at in-house operations for efficiencies.

**BB. County Attorney:**

Attorney Knowlton provided detail related to the amount spent on legal advertising, advised staff received an informal opinion from the Attorney General's Office related to the Charter Amendment to have the Economic Development Director report to the BCC, and gave legalities related to no confidentiality. **Commissioner Duffy** gave suggestions related to compliance and noted the voters approved the Economic Development Director report to the Commission.

**CC. Commissioner Comments:**

**Commissioner Duffy** responded to a citizen comment related to the disposal of five Ordinances for every one passed, commented on a meeting she attended with Team Port Charlotte, requested the item related to a Special Magistrate handling Code Enforcement cases in the Medical Arts District be put back on the Agenda, and provided detail on her meeting with Lt. Governor Jennifer Carroll in Tallahassee. **Commissioner Constance** requested consensus to give staff direction to set up and provide education to consumers and suppliers relative to the blackout period and the use of slow release nitrogen, advised of further related intentions, and addressed comments related to revisiting the Special Magistrate issue. Board discussion ensued. **Commissioner Constance** mentioned receiving a memo from the Parks & Recreation Advisory Board related to designate non-smoking areas at parks and requested consensus to bring the issue forward to provide for an Ordinance. Attorney Knowlton requested clarification related to the May 24th Meeting. **Commissioner Duffy**

spoke in support. **(No other Consensus was given.)** **Commissioner Skidmore** commented on the Expedia/Orbitz online travel lawsuits, recommended the Board join in encouraging the Attorney General to revisit the lawsuit related to the tourist tax **(Chairman Starr gave his consent)**, noted a meeting with the West Coast Inland Navigation District (WCIND), indicated he sent a memo related to the Boca Grande Trestles to the Board, gave detail related to the millage rate, and suggested the Board review the Trestle Project relative to funding. **Commissioner Duffy** responded to **Commissioner Skidmore's** comments. **Chairman Starr** indicated he had sent a letter to the Sheriff related to clarification of budget items, expressed concern with the amount spent on healthcare and other items for jail inmates, stated he asked Mr. Sandrock to talk to Chief Didio **(Chairman Starr** referenced former Chief Lani in error) regarding follow-up on the May 5th Workshop related to Fire/EMS, questioned how Fire/EMS funds were being spent, indicated he requested Mr. Sandrock do a further breakdown of expenses and to review funds for training, noted Senate Bill 550 had passed, explained several counties are passing resolutions to ask the Legislature to repeal SB 550 when back in session, and requested consensus to direct Attorney Knowlton to draft a Resolution. **Commissioner Constance** questioned staff's recommendations. **Commissioner Skidmore** responded and gave additional detail. **(Board Consensus to draft a Resolution)** **Commissioner Duffy** expressed concerns.

**RECESS: 12:20 P.M. to 1:00 P.M.**

#### **BOARD OF COUNTY COMMISSIONERS - EXECUTIVE SESSION**

**June 14, 2011**

An Executive Session was held this date at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following were in attendance: Chairman Starr, Commissioner Constance, and Commissioner Deutsch. Also in Attendance were County Attorney Knowlton and Deputy Clerk Carleton. The Executive Session was called to order at **1:05 P.M.**

Attorney Knowlton announced the opening of the public portion of the Executive Session, advised the attorney/client portion of the Executive Session would be held in the County Attorney's Large Conference Room, noted the purpose is to discuss settlement negotiations and strategy related to litigation expenditures concerning the civil lawsuits captioned Anka Redzic et al v. Charlotte County, et al.; Case No. 09-1176-CA and that the following would be in attendance: **Chairman Starr, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, Commissioner Skidmore**, Administrator Sandrock, Assistant County Attorney Philip Fairman, and herself.

**EXECUTIVE SESSION RECESS: 1:05 P.M. to 1:50 P.M.**

The Executive Session was reconvened and closed in Room 119 with **Chairman Starr, Commissioner Constance, Commissioner Duffy, Commissioner Skidmore**, County Attorney Knowlton, and Deputy Clerk Carleton present.

**EXECUTIVE SESSION ADJOURNED: 2:00 P.M.**

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

(1) Utilities - Review information and discuss (1) a proposal for utilizing Water & Wastewater Line Cost Recovery Assessment Fees to reapportion operational costs among customer base. Presentation by Public Resources Management Group, the financial advisor of Charlotte County Utilities.

Terri Couture introduced Henry Thomas of Public Resources Management Group. Mr. Thomas gave a presentation which paralleled visual slides related to the Water and Wastewater Line Cost Recovery Assessment Fee and responded to Board inquiries. Ms. Couture provided additional detail. **Commissioner Skidmore** commented on the 1991 Bond debt service relative to water rates. **Chairman Starr** suggested getting more information and scheduling a public workshop. **Commissioner Skidmore** gave additional detail related to public outreach and refinancing. Mr. Sandrock commented further.

Attorney Knowlton pointed out **Commissioner Constance** had requested **Board Consensus** related to public education for the Fertilizer Ordinance during the Comments section of the meeting and asked if **Consensus** was given. **Commissioner Skidmore** suggested seeing what programs the Institute of Food and Agricultural Science (IFAS) has available. **Commissioner Constance** suggested checking with other Counties for other low-cost options and indicated he would perform outreach with retail outlets. **(Board Consensus to investigate low-cost education options)** Mr. Sandrock clarified **Consensus** requested by **Chairman Starr** to review the Fire/EMS budget related to costs. **Chairman Starr** questioned costs for Fire/EMS training programs and other ancillary items. **Commissioner Skidmore** noted the beginning of International Association of Firefighters (IAFF) contract negotiations, issued a word of caution to make concerns known to Attorney Knowlton and Mr. Sandrock privately, and mentioned the Fraternal Order of Police (FOP). **Commissioner Constance** agreed with **Chairman Starr's** request to have line items broken down into more detail. **Commissioner Duffy** commented on having submitted questions related to the EMS Budget, mentioned 24 hour shifts and staffing during peak hours, and noted overtime costs for the Fire/EMS budgets.

**ADJOURNED: 2:45 PM**

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**Chairman**

**ATTEST:**

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

By: \_\_\_\_\_  
**Deputy Clerk**

sfc