

BOARD OF COUNTY COMMISSIONERS

July 26, 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, County Administrator Sandrock, Assistant County Attorney Gallagher, Finance Director Larrivee, and Deputy Clerk Carleton. The following members were absent: Commissioner Skidmore

The meeting was called to Order at **9:00 AM**.

The Invocation was given by David Rushlow of Peace River Church of Christ, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: Requested by: CCU - Z-3 - Box 6, Background change and replacement of Budget.

Change #2: Requested by: Administration - D-1 - Memo Attachment should read: ...Dan Quick to fill the position of Charlotte County Building and Growth Management Director effective on July 26, 2010 2011...

Change #3: Requested by: Commission Office - C-1 - Approve the reappointment of Joan Hayes to the Code Enforcement Board. Ms. Hayes has been serving as the subcontractor on the committee and wishes to be reappointed. Term is for three years and expires July 2015. Should read four years.

Addition #1: Requested by: Human Resources - Z-5 - June Employee of the Month: Claire Jubb (postponed until the next meeting)

Addition #2: Requested by: Building & Growth Management - G-1 - RECOMMENDED ACTION: Copy of grant application for Planning Choice Neighborhood Initiative Grant

Addition #3: Proclamation: Purple Heart Day

Deletion #1: Requested by: Building & Growth Management - G-1 - RECOMMENDED ACTION: Building and Growth Management staff is requesting permission from the Board of County Commissioners to apply for the Planning Choice Neighborhood Initiative Grant in the amount of \$300,000 and to have the Chair of the Board of County Commissioners sign any grant application related documents as necessary.

Deletion #2: Requested by: Commission Office - F-4 - RECOMMENDED ACTION: Approve budget transfer #11-030 in the amount \$1,000,000 from the General Fund Fiscal Stabilization Reserve to the Economic Development Incentive Reserve.

Deletion #3: Requested by: Administration - Z-4 - RECOMMENDED ACTION: Discussion and direction regarding WCIND-CNIF allocation to County projects for FY 11/12.

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

MOTION CARRIED 4:0.

Proclamations - Commissioner Tricia Duffy

Purple Heart Day Proclamation, August 7, 2011

COMMISSIONER DEUTSCH MOVED TO PROCLAIM AUGUST 7, 2011 AS PURPLE HEART DAY, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 4:0.

Senior Vice-Commander Ronald Friedman, Port Charlotte Chapter of the Military Order of the Purple Heart (Korean War Veteran) accepted the Proclamation.

Bob Mendenhall Day Proclamation, July 26, 2011

COMMISSIONER CONSTANCE MOVED TO PROCLAIM JULY 26, 2011 AS BOB MENDENHALL DAY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

Mr. Mendenhall accepted the Proclamation.

Employee Recognition - None

Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Louis Macri expressed confusion with Grant Agenda Items N-1 and N-2, and also Agenda Item G-1 which was pulled from the Agenda.

Herman Velasco spoke in support of Agenda Item C-2, Senate Bill 550.

Grace Amodeo expressed concern with Agenda Item Z-1.

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 member must be in category of: For-Profit Provider; Essential Services to the community representative; one Real Estate Professional. Terms will expire in three years. Submit resume to:

Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948, or call 941-743-1300, or e-mail BCC@charlottefl.com or fax 941-743-1310.

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 license. Term will expire April 2013. Submit resume to: Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948, or call 941-743-1300, or e-mail BCC@charlottefl.com or fax 941-743-1310.

Manasota and Sandpiper Key Community Plan Advisory Committee - is seeking four volunteers. Must be full time residents on either Manasota or Sandpiper Key. Term is effective August 24, 2011 and shall expire August 24, 2013. Please send request for appointment and resume to: Roxann Read at roxann.read@charlottefl.com or fax to 941-743-1292.

III. REPORTS RECEIVED AND FILED - None

IV. CONSENT AGENDA

COMMISSIONER CONSTANCE MOVED TO APPROVE CONSENT AGENDA ITEMS EXCEPT ITEMS N-1, N-2, AND J-1, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION:

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

Memorandum #2 - Total Disbursements for the Period June 29, 2011 through July 14, 2011 in the amount of \$5,619,352.72.

B. Minutes Division

(1) RECOMMENDED ACTION:

June 14, 2011 9:00 AM Regular Meeting

June 21, 2011 9:00 AM Land Use/Regular Meeting

June 27, 2011 9:00 AM Pre-Agenda Meeting

BUDGETED ACTION: None required.

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the reappointment of Joan Hayes to the Code Enforcement Board. Ms. Hayes has been serving as the subcontractor on the committee and wishes to be reappointed. Term is for four years and will expire July 2015. BUDGETED ACTION: None required.

(2) RECOMMENDED ACTION: Approve Resolution opposing new Statewide Septic System Inspection and Evaluation Program, and requesting Legislature to repeal said program. BUDGETED ACTION: None

Resolution 2011-238

D. Administration

Administration

(1) RECOMMENDED ACTION: Approve the appointment of Danny Quick as Director of Building and Growth Management, effective July 26, 2011. BUDGETED ACTION: Budgeted within the General Fund.

Public Information Office - No Items.

E. County Attorney - No Items.

F. Budget and Administrative Services

Budget and Administrative Services

(1) RECOMMENDED ACTION: Approve a Resolution adopting the Charlotte County Fund Balance Classification Policy. BUDGETED ACTION: None. There is no financial impact on the budget, this action is to formally approve and adopt the Fund Balance Classification policy in accordance with the directives of the Governmental Accounting Standards Board.

Resolution 2011-239

(2) RECOMMENDED ACTION: Approve to adjust the accumulated Utilities uncollectible accounts through March 31, 2011. BUDGETED ACTION: None, Bookkeeping entry to adjust balance sheet in the Utilities O&M Fund.

(3) RECOMMENDED ACTION: Set a public hearing for August 9, 2011 at 10:00 a.m., or as soon thereafter as may be heard, to consider an ordinance amending County Code Chapter 3-8 Article II concerning the County-regulated water and wastewater utilities; revising rate adjustment application fees and providing for staff-assisted rate cases, miscellaneous fee tariff adjustments, and general housekeeping items. BUDGETED ACTION: None. Funds are provided in the Utility Regulatory Fund.

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(5) RECOMMENDED ACTION: a) Approve the annual renewal of Contract #08-359, Self Insured Medical, Dental, Life, Short-Term and Long-Term with CIGNA and renewal of Vision with Humana/Comp Benefits (with a three year rate guarantee), at the same terms and conditions, by mutual consent, at no increase

in cost. Term of renewal is for the period August 1, 2011 up to and including September 30, 2012; and b) Authorize the Chairman to sign any related documents. BUDGETED ACTION: No action needed.

(6) RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #10-249, Design/Build - Bermont Road Improvements, for the Guaranteed Maximum Price (GMP) for the construction phase of the project in the amount of \$3,201,325 and a revised total project amount of \$3,699,925; and b) Authorize the Chairman to sign Amendment to the Contract for the GMP, the construction phase of the Bermont Road Improvement project. BUDGETED ACTION: None. \$3,700,000 is available in FY11 approved CIP project c411007, Bermont Road safety Improvements. Funding is supplied from gas taxes.

Real Estate Services

(7) RECOMMENDED ACTION: Approve the attached Resolution authorizing the release of all or portions of the ten-foot (10') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Twenty, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said easements or portions thereof. (Owners: Mark J. Ascutto and Acela Ascutto) BUDGETED ACTION: None

Resolution 2011-240

(8) RECOMMENDED ACTION: Approve the Resolution authorizing the Chairman to execute a grant of a right-of-way easement for utility purposes to Lee County Electric Cooperative, Inc., to be located in the Charlotte County Zemel Road Landfill. BUDGETED ACTION: None

Resolution 2011-241

G. Building and Growth Management

(2) RECOMMENDED ACTION: Set a Board Workshop for August 9, 2011, at 11:00 a.m., or as soon thereafter, to discuss Charlotte County's various permitting requirements. BUDGETED ACTION: None

H. Community Services

Parks and Natural Resources - No Items.

Recreation - No Items.

Libraries and Historical

(1) RECOMMENDED ACTION: a) Approve a grant in the amount of \$2,998 from the Florida Department of State for general program support for the Charlotte County Historical Center; and b) Authorize the Chair to sign the agreement. BUDGETED ACTION: None at this time. Funding for this expenditure is a grant from the Division of Cultural Affairs. Matching fund requirements in the amount of \$2,998 are in the Proposed FY12 Budget for the Historical Center in the General Fund.

Grant 2011-027

J. Economic Development

(1) RECOMMENDED ACTION: Set a Joint Workshop for the BCC, the Economic Development Office (EDO) and Enterprise Charlotte Economic Council (ECEC) for August 15, 2011 at 1:00 p.m., or as soon thereafter as may be heard, to present and discuss the Long Term Economic Development Plan for Charlotte County, FL. This Workshop will be held in Murdock Administration Building, Room B-106. BUDGETED ACTION: None required.

Commissioner Duffy explained why she pulled the item, pointed out Tom Patton, the new Economic Development Director, would be starting on the same day as the Meeting, and gave additional detail.

COMMISSIONER DEUTSCH MOVED TO APPROVE AGENDA ITEM J-1, SECONDED BY COMMISSIONER DUFFY

Commissioner Constance suggested delaying the item for two weeks until August 29th in order to allow Mr. Patton time to become orientated with his new position. **Chairman Starr** explained why Mr. Patton needed to be at the meeting and why it should not be delayed any longer.

MOTION CARRIED 3:1. COMMISSIONER CONSTANCE OPPOSING.

(2) RECOMMENDED ACTION: Approve the attached Resolution for the Charlotte County Economic Development Office's Project #2010074 to be approved as a qualified applicant pursuant to the State's Qualified Target Industry (QTI) Incentive Program and the Brownfields Redevelopment Bonus Refund program. BUDGETED ACTION: No budget action is necessary.

Resolution 2011-242

K. Facilities Construction and Maintenance - No Items.

L. Human Resources - No Items.

M. Human Services

(1) RECOMMENDED ACTION: Approve a one-year extension to the Neighborhood Stabilization Program I Contract with Charlotte County Habitat for Humanity, Inc. BUDGETED ACTION: None required. No impact.

N. Public Safety

(1) RECOMMENDED ACTION: a) Approve a grant agreement between Charlotte County and Florida Division of Emergency Management for the Emergency Management Performance Grant (EMPG) in the amount of \$71,697; and b) Authorize the Chair to execute any necessary documents. BUDGETED ACTION: None at this time. The Emergency Management budget will be amended once the grant agreement is executed by the Florida Division of Emergency Management. There is no financial impact. The required non-federal match is already included in the current budget.

(2) RECOMMENDED ACTION: a) Approve the FY11/12 Emergency Management Preparedness & Assistance (EMPA) Base Grant Agreement between Charlotte County and the Florida Division of Emergency Management (FDEM) in the amount of \$105,806, and b) Authorize the Chair to execute any necessary documents. BUDGETED ACTION: None required. Grant funds are included in the FY11/12 Emergency Management operating budget. The requirement for the County's minimum level of funding, as outlined in the agreement, is included in the FY11/12 Emergency Management operating budget.

(Agenda Items N-1 and N-2 were taken together.)

Chairman Starr responded to comments made by Mr. Macri, explained the two grant items, and discussed what would result if the grants were not applied for. **Commissioner Constance** asked about adding a single line item related to the current budgetary impact.

COMMISSIONER DEUTSCH MOVED TO APPROVE GRANT 2011-028 AND GRANT 2011-029, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 4:0.

P. Public Works - No Items.

Q. Tourism Development - No Items.

R. Utilities - No Items.

S. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Administration - RECOMMENDED ACTION: Discussion and Direction regarding front entrance security at the Justice Center.

Jon Embury explained the reason for the item and recommended approval.

COMMISSIONER CONSTANCE MOVED TO APPROVE AGENDA ITEM Z-1, SECONDED BY COMMISSIONER DEUTSCH

Mr. Sandrock responded to Board inquiries related to the status of the existing employees and the number of people affected by the changes. **Commissioner Constance** explained why he supported the item. **Chairman Starr** provided detail related to costs and addressed concerns raised by Ms. Amodeo.

MOTION CARRIED 4:0.

(2) Commission Office - RECOMMENDED ACTION: Select one volunteer to serve as a member of the Housing Finance Authority. The term will expire in July 2015.

Mr. Sandrock read the following votes by ballot into the record: H. Bowen (Bo) Gillespie - 2 votes; Bryan Kehoe - 2 votes.

The Board took a second vote due to a tie. Mr. Sandrock read the results into the record: H. Bowen (Bo) Gillespie - 2 votes; Bryan Kehoe - 2 votes. **Chairman Starr** instructed Mr. Sandrock to give the ballots back to the Commissioners and for the Commissioners to write their choice below. Mr. Sandrock announced another tie vote of 2-2.

COMMISSIONER DEUTSCH MOVED TO TABLE THE ITEM UNTIL THE NEXT MEETING, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 4:0.

(3) Utilities - RECOMMENDED ACTION: Discussion and direction from the Board to approve or not approve the Peace River Manasota Regional Water Supply Authority's (Authority) FY 2012 Tentative Budget. The budget will be presented at the Authority's Budget Hearing on July 28, 2011 in Bradenton.

Terri Couture presented the item and recommended approval. Mr. Sandrock indicated Charlotte County was not directly paying for bond coverage, mentioned there was still some verification to be done, and stated that the County Administrators Meeting must be held as soon as possible. **Commissioner Constance** questioned the changes since the budget was presented and stated that citizens would not pay for debt service on bonds the County is not participating in. **Commissioner Deutsch** agreed and questioned how to reduce water costs.

Pat Lehman from the Peace River/Manasota Regional Water Supply Authority responded to Board inquiries related to debt service coverage and clarified Charlotte County is making no debt payment on bonds for any other entity. **Commissioner Constance** expressed the importance of County Administrators meeting to discuss the water policy. Ms. Couture and Debra Smith provided an overview of the 2012 Tentative Budget. Attorney Gallagher and Assistant County Attorney Marty Burton advised legalities regarding the Master Water Supply Contract and responded to additional inquiries. Board discussion ensued.

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

COMMISSIONER CONSTANCE AMENDED COMMISSIONER DEUTSCH'S MOTION AND MOVED TO APPROVE THE BUDGET PENDING THE MEETING OF THE COUNTY ADMINISTRATORS. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

Chairman Starr questioned if the Amendment to the Motion would resolve the issue. **Commissioner Constance** spoke in opposition to the Budget. **Commissioner Deutsch** spoke in support.

MOTION FAILED 2:2.

Commissioner Deutsch suggested expediting the meeting without the 48 hour pressure. Board discussion ensued.

COMMISSIONER CONSTANCE MOVED TO APPROVE THE BUDGET PENDING A MEETING OF THE FOUR COUNTY ADMINISTRATORS WITHIN 48 HOURS WITH MR. SANDROCK ADVISING THE BOARD THAT THE BUDGET ISSUE HAS BEEN RESOLVED, SECONDED BY COMMISSIONER DEUTSCH

Chairman Starr questioned the Board's expectations of the Meeting of the County Administrators. **Commissioner Constance** gave detail related to the four County Administrators coming to an agreement on debt service and bond issues. **Commissioner Deutsch** agreed. **Chairman Starr** clarified the Motion.

MOTION CARRIED 3:1. CHAIRMAN STARR OPPOSING.

Chairman Starr noted staff recommendations for approval of all the Water Authority Agenda items. (There was Board Consensus)

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

(1) County Attorney - RECOMMENDED ACTION: Adopt an ordinance amending Section 3-9-2, Section 3-9-39 and Section 3-9-90, and creating Section 3-9-90.1 of the Charlotte County Code of Laws and Ordinances, to create development and operation regulations for pain management clinics.

Assistant County Attorney Kira Honse presented the item and recommended approval.

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

MOTION CARRIED 4:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2011-030, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Lynn and Candace Stacey explained hardships they were suffering related to their home.

Chairman Starr advised the couple to contact him to schedule a meeting to discuss their situation further.

AA. County Administrator:

Mr. Sandrock recognized Jason Stoltzfus and Kelly Shoemaker for their trip to Washington, D.C., gave related detail, provided an update on Charlotte County Fire/EMS' establishment of a volunteer firefighting program, and encouraged interested participants to contact Fire/EMS Headquarters.

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Constance congratulated Jason Stoltzfus and Kelly Shoemaker on their trip to Washington, D.C., welcomed Dan Quick as the new Growth Management Director, noted the hiring of Tom Patton as the new Economic Development Director, and commented on his accomplishments. **Commissioner Duffy** reported on a meeting with the Enterprise Charlotte Economic Council (ECEC), talked about partnering with the Group on a feasibility study, and asked for direction to put the item on an upcoming agenda to discuss paying for a portion of the costs. **Commissioner Deutsch** indicated he had made a suggestion that different groups support the study, suggested delaying the item for two weeks due to an invitation to the City of Punta Gorda to put \$5,000 into the project. **Chairman Starr** agreed. **Commissioner Constance** proposed asking the City of North Port to add money to the project. Board discussion ensued. **(Board Consensus to contribute funds to the Ripken Feasibility Study)** **Chairman Starr** proposed getting more funds from other entities and to discuss the study at the next meeting. **Commissioner Duffy** noted the upcoming Ten Year Anniversary of 9/11, mentioned attending a meeting to come up with ideas to observe the date, commented on the possibility of doing a bridge walk, gave additional details, and encouraged interested citizens to contact her. **Chairman Starr** agreed. **Commissioner Duffy** remarked on the process and selection of the new Economic Development Director. **Commissioner Deutsch** commented further on the proposed 9/11 celebration, discussed a misunderstanding related to the newspaper reporting an increase in the millage rate, restated the intent of the Commissioners not to raise taxes, pointed out the valuation was reduced by 7%, and stated the County increased the millage rate so taxes at the absolute maximum would be at the same level they are now. **Chairman Starr** requested guidance related to developments in the Medical Arts District, indicated an engineering firm has agreed to donate their engineering fees to the Medical Arts District, suggested having Team Punta Gorda set up an organization to solicit funds, stated he talked to Dan Quick and Jim Fendrick, and asked for direction from the Board related to the handling of donations to the County. **Commissioner Deutsch** expressed frustration with Sunshine Laws and commented on possible legal issues. Board discussion ensued. Attorney Gallagher indicated the County Attorney's Office has assigned someone to complete research on legal issues associated with the Medical Arts District related to handling donations and funds. **Commissioner Duffy** applauded **Chairman Starr's** initiative with the Medical Arts District. **Chairman Starr** mentioned he had been a volunteer fireman on Don Pedro Island, explained the process, summarized required qualifications, encouraged people to volunteer, distributed a Budget Saving proposal to the Board, outlined its contents, and requested the Board review the items. **Commissioner Deutsch** suggested looking at each item one at a time.

RECESS: 10:55 AM to 11:05 AM

(Commissioner Duffy was not present for the remainder of the Meeting.)

Chairman Starr expressed concern with the situation related to allegations against a Commissioner, mentioned an employee crying in the parking lot, opined **Commissioner Skidmore** should resign in the best interest of the County, and gave additional detail. **Commissioner Constance** requested a

breakdown of the Fire/EMS Deputy Chief actual job descriptions and asked when Chief Didio planned to retire. Mr. Sandrock recommended a workshop to discuss the Fire/EMS items further, and questioned the possibility of cutting the Health Department budget by 20%. **Chairman Starr** expressed concern with the Fire/EMS Budget and opined the Charlotte County Commission should take control of the jail. **Commissioner Deutsch** suggested taking a look at other departments of similar size and responsibility to the Fire Department to make comparisons and proposed setting aside a time to review the items individually. **Commissioner Constance** spoke in support of having a workshop related to Fire/EMS, gave detail related to decreasing budgets for non-profits, indicated the District Director of the Health Department recommended there be one person in charge of the Health Department, proposed advertising the position, and hoped Mary Kay Burns would apply. **Commissioner Deutsch** agreed and thanked **Chairman Starr** for his suggestions. **Commissioner Constance** asked Mr. Sandrock if he needs direction related to the Health Department Director. Mr. Sandrock indicated he was speaking with the District Director of the Health Department on the process, advised the Director would probably be chosen by a Joint Committee of State Representatives as well as members of the Board, and stated he would get back to the Board on the process. **(Board Consensus to pursue the hiring of a Health Department Director)**

ADJOURNED: 11:26 AM

Chairman

ATTEST:

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

By: _____
Deputy Clerk

sfc