

**BOARD OF COUNTY COMMISSIONERS**

**October 11, 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 Lansing. The following members were absent: None

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

The Invocation was given by Pastor Fr. Tom Heck of St. Charles Borromeo, followed by the Pledge of Allegiance.

**Changes to the Agenda:**

**Addition #1:** Requested by: Commission Office - Z-1 - Discussion and direction regarding returning regulatory jurisdiction of the privately-owned for-profit water and wastewater utilities to the Florida Public Service Commission (PSC).

**Addition #2:** Requested by: Community Development - Z-2 - Board to approve a Resolution stating that the "no-build" option is preferred for the Zemel Road intersection PD&E Study.

**Change #1:** Requested by: Commission Office - E-1 - Set an Executive Session for October 11, 2011 at ~~1:00 p.m.~~ 11:00 a.m. in the Charlotte County Attorney's Office Large Conference Room to discuss settlement negotiations or strategy related to litigation expenditures concerning the civil lawsuits captioned Sabbia & Monti Trust v. Charlotte County, et al., Case No. 08-3534-CA and Veteran's Peachland Plaza v. Sabbia & Monti Trust, et al., Case No. 09-2318-CA.

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Tricia Duffy**

AARP Charlotte Chapter 80 Day Proclamation, October 20, 2011

**COMMISSIONER CONSTANCE MOVED TO PROCLAIM OCTOBER 20, 2011 AS AARP CHARLOTTE CHAPTER 80 DAY, SECONDED BY COMMISSIONER SKIDMORE**

**MOTION CARRIED 5:0.**

Tess Canja and Jim Stevens accepted the Proclamation, thanked the Board, and described programs and contributions of the AARP Chapter.

Arts and Humanities Council Artist of the Month - Sally Kalama Proclamation, the month of October, 2011

**COMMISSIONER CONSTANCE MOVED TO PROCLAIM SALLY KALAMA AS THE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF OCTOBER, 2011, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Ms. Kalama accepted the Proclamation with thanks.

Children's Symphony Week Proclamation, the week of October 9, 2011 through October 15, 2011

**COMMISSIONER CONSTANCE MOVED TO PROCLAIM THE WEEK OF OCTOBER 9, 2011 THROUGH OCTOBER 15, 2011 AS CHILDREN'S SYMPHONY WEEK, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Cheryl Temple accepted the Proclamation along with other representatives, commented on the importance of supporting the arts in the schools, and read an essay written by Amber Lee Yates.

Family History Month Proclamation, the month of October 2011

**COMMISSIONER CONSTANCE MOVED TO PROCLAIM THE MONTH OF OCTOBER, 2011 AS FAMILY HISTORY MONTH, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Julia McIntyre accepted the Proclamation with thanks.

Roger Livingston Day Proclamation, October 11, 2011

**COMMISSIONER CONSTANCE MOVED TO PROCLAIM OCTOBER 11, 2011 AS ROGER LIVINGSTON DAY, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Roger Livingston accepted the Proclamation with thanks.

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

**Five Years:** Victoria Chichura, BAS-Fiscal Services; Scott Geezil, Community Services; Emily Lewis, Human Services; Chris Lindcamp, Public Works; Scott Raver, Public Works; Richard Renick, Public Works; Stephen Ruggieri, Public Works; Jeremy Tuttle, Fire/EMS; **Ten Years:** Terry Barnett, Public Works; William Hanfelder, Utilities; **Twenty Years:** Charles Oram, Jr., Utilities; **Twenty-Five Years:** Jon Miller, Fire/EMS.

**Ambassador Program**

Debra Alexander, Budget & Administrative Services/Real Estate; Lisa Bailey, Facilities Construction & Maintenance; Ellen Betz, Human Services; Linda Caines, Budget & Administrative Services/Fiscal; Albert D. Campitelli, Budget & Administrative Services/Real Estate; Denise Caruthers, Utilities; Vicki Chichura, Budget & Administrative Services/Fiscal; Marcie DeGiovine, Budget & Administrative Services/Fiscal; Andre Deschenes, Public Works/Investigation; Dino Garnett, Public Works/Signing & Marketing; Raju Gopinath, Budget & Administrative Services/IT; Dana Harper, Emergency Management; Tracy Horner, Public Works/Storm Water; Maggie Horton, Community Development/Growth Management; Mel Hudson, Budget & Administrative Services/Fiscal; Caryn Huff, Facilities Construction & Maintenance; David Johnston, Budget & Administrative Services/Fiscal; Tina Jones, Community Development/Building/Planning/Engineering; Shelanda Krekreghe, Utilities; Lynda D. Lafferty, County Attorney's Office; Bill Leonard, Public Works/Maintenance & Operations; Kathleen Lindback, Budget & Administrative Services/Purchasing; Cheryl O'Brien, Budget & Administrative Services/Fiscal; Marie Pecorella, Administration; Jeff Proffitt, Public Works; Roxann Read, Community Development/Planning; Tracy A. Ritter, Budget & Administrative Services/Fiscal; Linda Rohmer Free, Budget & Administrative Services/Fiscal; SueAnn Sanders, Administration/PIO; April K. Santos, Budget & Administrative Services/Fiscal; Joseph Schubiger, Community Development/Building/Planning; Roger Warner, Facilities Construction & Maintenance; Brenda M. Wilson, Budget & Administrative Services/Fiscal; Jeanie Wnoroski, Budget & Administrative Services/Fiscal.

## **I. CITIZEN INPUT**

Martin Friedman spoke to Agenda Item Z-1, requested the Board retain the rate case that Utilities, Inc. of Sandalhaven has already filed with the County, and explained why.

Louis Macri spoke to Agenda Item F-5 and referred to his memo of November 17th, 2010 objecting to the funding of non-profits with taxpayer dollars.

## **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 real estate professional, one essential services representative, one for-profit provider representative. Committee meets 3rd Wednesday of the month in November, February, May, and August. Terms are for three years.

Construction Board of Adjustments and Appeals - is currently seeking two members. One licensed mechanical contractor and one member to serve as an alternate. Alternate member should be from the construction industry and hold a current license. Committee meets 1st and 3rd Monday of each month at 8:30 a.m. in Murdock. Terms are for three years.

The Manasota and Sandpiper Key Community Plan Advisory Committee - is seeking one volunteer to fill an unexpired term. Must be a full time resident on either Manasota or Sandpiper Key. Term is effective immediately and shall expire on August 23, 2013. Please send request for appointment and resume to: Roxann Read at roxann.read@charlottefl.com or fax to 941-743-1292.

MPO - Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) - is seeking two (2) individuals to voluntarily serve on the LCB Board. The purpose of the LCB is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordination of service to be provided to the transportation disadvantaged. The positions are for: 1) Elderly Interests Representative (a person over 60 years of age); and 2) Local Private for Profit Transportation Industry. Please send a letter or e-mail stating your interest in and qualifications for your respective LCB positions by October 14, 2011 to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com.

### **III. REPORTS RECEIVED AND FILED**

Clerk's Two Year Report for Board of County Commissioners

### **IV. CONSENT AGENDA**

**COMMISSIONER SKIDMORE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS F-5, F-1, F-2, AND F-3, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

#### **Clerk of the Circuit Court**

##### **A. Finance Division**

(1) RECOMMENDED ACTION: Approve the Clerk's Finance Memoranda. BUDGETED ACTION: None required.

Memorandum #2 - Total Disbursements for the Period September 15, 2011 through September 28, 2011 in the amount of \$8,815,277.49

Memorandum #4 - Excess Funds on Tax Deed Applications

##### **B. Minutes Division**

(1) RECOMMENDED ACTION:

August 9, 2011 9:00 AM Regular Meeting

August 9, 2011 2:00 PM Executive Session

August 15, 2011 1:00 PM Joint Workshop/BCC/Ec Dev/Ent Charlotte

BUDGETED ACTION: None required.

#### **Board of County Commissioners**

##### **C. Commission Office**

(1) RECOMMENDED ACTION: Authorize the Chairman to sign the letter of agreement with Southwest Florida Crime Stoppers, Inc. designating them as the County's agent for receiving funds from the Crime Stoppers Trust Fund. BUDGETED ACTION: None required.

#### **Agreement 2011-041**

**D. Administration**

**Administration - No Items.**

**Public Information Office - No Items.**

**E. County Attorney**

(1) RECOMMENDED ACTION: Set an Executive Session for October 11, 2011 at 11:00 a.m. in the Charlotte County Attorney's Office Large Conference Room to discuss settlement negotiations or strategy related to litigation expenditures concerning the civil lawsuits captioned Sabbia & Monti Trust v. Charlotte County, et al., Case No. 08-3534-CA and Veteran's Peachland Plaza v. Sabbia & Monti Trust, et al., Case No. 09-2318-CA. BUDGETED ACTION: None required.

(2) RECOMMENDED ACTION: Set an Executive Session for October 25, 2011 at 2:00 p.m. in the Charlotte County Attorney's Office Large Conference Room to discuss strategy related to litigation expenditures concerning the civil lawsuit captioned Address Family Florida LLP, et al. v. Charlotte County, Case No. 10-639-CA. BUDGETED ACTION: None required.

**F. Budget and Administrative Services**

**Budget and Administrative Services**

(1) RECOMMENDED ACTION: a) Approve acceptance of the Adult Drug Court Discretionary Grant for a two (2) year grant totaling \$199,990; b) Approve Budget Amendment #12-A001 in the amount of \$199,990; and c) Authorize the County Administrator or his designee to sign the MOU, contracts and future documents related to this grant, including amendments. BUDGETED ACTION: Approve Budget Amendment #12-A001, \$199,990.

**Chairman Starr** noted why he pulled the item and discussed his opposition. Assistant County Attorney Kira Honse provided detail related to the conditions of the Grant.

**COMMISSIONER SKIDMORE MOVED TO APPROVE GRANT 2011-047 AND AGREEMENT 2011-042, SECONDED BY COMMISSIONER CONSTANCE**

**Commissioner Skidmore** suggested the Board gather more information on the Program, commented on the importance of the item, and offered to hold a presentation at a future Meeting. Board discussion ensued. **Commissioner Deutsch** explained his understanding of the funding of the Program, spoke in support, and provided detail on grant contracts. **Commissioner Constance** agreed and commented further related to the Pilot Program. **Chairman Starr** provided his understanding of the Grant. Gordon Burger stated the item is a continuation of an existing Program and indicated the County is under no obligation.

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

(2) RECOMMENDED ACTION: Approve and authorize the Chair of the Charlotte County BCC to execute the FY 2011/2012 County/State Department of Health Contract for the operation of the Charlotte County Health Department. BUDGETED ACTION: No action needed. Funding is provided through the County Health Unit millage rate of 0.0907 which provides \$1,213,200 budgeted in the Charlotte County Health Department Fund as the County's share of this contract.

**Chairman Starr** reiterated his opposition to funding the Health Department and opined contributions should be reduced.

**COMMISSIONER SKIDMORE MOVED TO APPROVE AGREEMENT 2011-043, SECONDED BY COMMISSIONER CONSTANCE**

Jan Brewer explained the reductions being made at the Health Department and fielded Board inquiries. Assistant County Attorney Gallagher provided detail related to the County's share of the Health Department's funding and responded to further inquiries.

**Commissioner Duffy** pointed out the contract is being approved, not the Budget, and expressed concern with previous events.

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

(3) RECOMMENDED ACTION: Approve the contract with Charlotte Behavioral Health Care in the amount of \$1,435,140. Each year, the Commissioners review the non-profit human services grant applications and award grants to organizations as agreed on by the Commissioners. BUDGETED ACTION: No action needed. The total amount for the proposed FY 2012 budget is \$1,435,140. Funds are provided in the General Fund.

**COMMISSIONER SKIDMORE MOVED TO APPROVE GRANT 2011-048, SECONDED BY COMMISSIONER CONSTANCE**

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

(4) RECOMMENDED ACTION: Approve resolution adopting American Recovery and Reinvestment Act Grant Fund Policies and Procedures, and providing for an effective date. BUDGETED ACTION: None

**Resolution 2011-279**

(5) RECOMMENDED ACTION: Approve the contracts for the United Way of Charlotte County in the amount of \$591,305; the Arts & Humanities council of Charlotte County, Inc., in the amount of \$25,000; the Charlotte Harbor Environmental Center (CHEC) in the amount of \$35,000; the Military Heritage Museum in the amount of \$17,850; and the Charlotte County Composite Squadron SER FL 051 (Civil Air Patrol) in the amount of \$6,000. BUDGETED ACTION: No action needed. These items are budgeted in the FY 2011/12 budget in the General Fund.

**Commissioner Skidmore** addressed concerns of Mr. Macri related to the amount of money being donated to non-profits.

**COMMISSIONER SKIDMORE MOVED TO APPROVE GRANT 2011-049, SECONDED BY COMMISSIONER CONSTANCE**

**Chairman Starr** commented further related to Mr. Macri's concerns. **Commissioner Duffy** gave detail related to United Way evaluating applications from non-profit organizations, mentioned contributing to core services only, and explained the importance of funding Charlotte Behavioral Health. **Commissioner Deutsch** indicated the Board's intention to review the funding of non-profits next year. **Commissioner Constance** responded further to Mr. Macri's comments.

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

**Fiscal Services - No Items**

**Information Technology - No Items**

**Purchasing**

(6) RECOMMENDED ACTION: a) Approve Amendment #3 to Contract #06-283R, Design/Build-Human Services Building, with Mathews/Taylor Construction, LLC for design and engineering of the Charlotte County employee clinic within the Human Services Building for a fee of \$30,471.56; and b) Authorize Chairman to sign the Amendment. BUDGETED ACTION: No Action needed. CIP was approved and adopted during the FY12 budget process.

**Real Estate Services**

(7) RECOMMENDED ACTION: Approve the attached Resolution authorizing the Chair of the Charlotte County Board of County Commissioners to approve two agreements for purchase and sale of the real property related to two County owned remnant parcels in accordance with the provisions of Chapter 125, of the Florida Statutes. BUDGETED ACTION: No action needed. Any revenue from these properties will be deposited into the appropriate fund to defray costs that have occurred for maintaining these properties and/or processing costs.

**Resolution 2011-280; Agreement 2011-044; Agreement 2011-045**

**G. Community Development**

(1) RECOMMENDED ACTION: Approve Amended Letter Agreement between Charlotte County and American Momentum Bank (formerly LandMark Bank) for FP-04-02-02, Villa Milano. BUDGETED ACTION: No action needed.

**Amendment to Agreement 2006-003**

(2) RECOMMENDED ACTION: Request Board support for HUD Community Challenge Planning Grant application in the amount of \$1,999,490. BUDGETED ACTION: No budget action needed - Application only.

**Grant 2011-050**

(3) RECOMMENDED ACTION: Set a Public Hearing to be conducted at the Board of County Commission Meeting of October 25, 2011, at 10:00 a.m. or as soon as possible thereafter, to consider proposed amendments to County Codes regulating fortune tellers, clairvoyants, palmists, taxicab vehicles and drivers. BUDGETED ACTION: None required.

**H. Community Services**

**Parks and Natural Resources - No Items**

**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: Approve an additional allocation for the Brush With Kindness Program from the last remaining Hurricane Housing Recovery funds. BUDGETED ACTION: No action needed. Amount budgeted in FY11/12 Human Services, Hurricane Housing Recovery Budget - 100% grant funded.

**Grant 2005-025**

**N. Public Safety**

(1) RECOMMENDED ACTION: Approve the 2010-2013 Homeland Security Grant Program agreement to support the Charlotte County HAZMAT Team. The grant amount of \$54,405 provides \$34,216 for training and \$20,189 for Equipment Capability Retention. BUDGETED ACTION: No action needed. When approved the grant will be budgeted in the FY2011/2012 Charlotte County Fire Rescue Fund. No County match required.

**Grant 2011-051**

**P. Public Works - No Items.**

**Q. Tourism Development - No Items**

**R. Utilities - No Items**

**S. Other Agencies No Items**

**V. REGULAR AGENDA**

**Z. Regular Agenda**

(1) Commission Office - Discussion and direction regarding returning regulatory jurisdiction of the privately-owned for-profit water and wastewater utilities to the Florida Public Service Commission (PSC).

County Attorney Knowlton provided a detailed explanation of the item.

**COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-281, SECONDED BY COMMISSIONER DUFFY**

Board discussion ensued. Mr. Burger and Assistant County Attorney Burton explained the process, advised legalities, and responded to inquiries. **Commissioner Duffy** expressed concern with the amount of staff time and costs that will be required for the item and suggested giving the responsibility back to the Public Service Commission (PSC). Roger Davis addressed further inquiries. **Commissioner Constance** spoke in favor of charging a regulation fee and opined the County should retain responsibility. Attorney Knowlton advised the Board to make a decision on the issue right away. **Commissioner Duffy** commented further. **Commissioner Constance** confirmed that responsibility can be handed back to the Public Service Commission at any time.

**MOTION FAILED 2:3.**

(2) Community Development - Approve a Resolution stating that the "no-build" option is the preferred alternative for the Zemel Road intersection PD&E Study.

Assistant County Administrator Shoemaker presented the item.

**COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2011-282, SECONDED BY COMMISSIONER DEUTSCH**

**Commissioner Constance** and **Commissioner Duffy** spoke in support.

**MOTION CARRIED 5:0.**

**VI. PUBLIC HEARING AGENDA - No Items**

**VII. PRESENTATION - No Items**

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

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

**X. CITIZEN INPUT - ANY SUBJECT**

Louis Macri spoke to Agenda Item F-5, mentioned essential services, and expressed concerns.

Joe Blais discussed beautification in Chadwick Park and Englewood Beach.

Bob Jason commented on grants and mentioned the purchase of the Bank of America building.

**AA. County Administrator:**

Mr. Sandrock provided an update on the active ownership concept with the Water Authority.

**BB. County Attorney:**

Attorney Knowlton gave an update on the Babcock Water Use Permit, indicated interviews for the Department of Health Director would be starting in November, advised there would be an additional opening for a Community Representative, suggested putting the item on the next Agenda, and responded to Board inquiries.

**CC. Economic Development Director**

Tom Patton discussed the Innovation to Industry (I to I) Contest, noted opportunities for technology-related businesses, and described the award.

**DD. Commissioner Comments:**

**Commissioner Duffy** discussed retention pond issues, noted changes that would result in cost savings, expressed concern with fences surrounding ponds, opined the need to re-examine policies related to retention ponds, responded to Mr. Macri's comments, and commended Mr. Sandrock for his efforts with the Water Authority. **Commissioner Deutsch** noted his attendance at the Green Futures Expo and the Energy Options Conference, mentioned Musclemania, and congratulated Security Officer, Chuck Johnson, for winning two top prizes. **Commissioner Constance** applauded the attendance of the Commissioners at the Green Futures Expo, commended Tom Patton for the Energy Options Conference, noted the list of Legislative Representatives, and suggested it be discussed further on Monday, October 17, at the Strategic Planning Meeting. **Commissioner Skidmore** also commended Mr. Patton, commented on Water Authority policies, mentioned his attendance at the Water Authority Meeting, opined the need to look further into the Building Code for removing trees on private property, described possible changes, and suggested giving Administration direction to review amendments to the Code. **Commissioner Duffy** discussed further.

**BOARD OF COUNTY COMMISSIONERS - EXECUTIVE SESSION**

**October 11, 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, Commissioner Duffy, Commissioner Deutsch, and Commissioner Skidmore. Also in Attendance were County Attorney Knowlton and Deputy Clerk Lansing. The Executive Session was called to order at **11:15 AM**.

County 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, announced the purpose of the session is to discuss settlement negotiations or strategy related to litigation expenditures concerning the civil lawsuits captioned Sabbia & Monti Trust v. Charlotte County, et al., Case No. 08-3534-CA and Veteran's Peachland Plaza v. Sabbia & Monti Trust, et al., Case No. 09-2318-CA., and noted the following would be in attendance: **Chairman Starr, Commissioner Constance, Commissioner Duffy, Commissioner Deutsch, Commissioner Skidmore,** County Administrator Sandrock, Assistant County Attorney Philip Fairman, Assistant County Attorney Derek Rooney, and herself.

**EXECUTIVE SESSION RECESS: 11:15 AM - 11:55 AM**

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

**ADJOURNED: 11:57 AM**

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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