

BOARD OF COUNTY COMMISSIONERS

November 8, 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.**

Invocation was given by Deacon Sam Putleo, St. Maximilian Kolbe Catholic Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Requested by: Human Resources - Recognition - Government Academy Graduates.

Addition #2: Requested by: Commission Office - Z-1 - a) Approve ranking of proposals for RFP 12-029, State Lobbyist-Florida as follows: 1st - Bryant Miller Olive P.A. of Tallahassee, FL, 2nd - GrayRobinson, P.A. of Naples, FL, and 3rd - Nabors Goblins & Nickerson P.A. of Fort Myers, FL; b) Approve start of Negotiations; and c) Authorize the Chairman sign the contract after completion of negotiations to obtain the services of a Florida State Lobbyist.

Addition #3: Requested by: County Attorney's Office - Z-2 - Discussion of County Attorney's evaluation.

Addition #4: Requested by: Commission Office - Z-3 - Approve a Resolution in support of Senate Bill 818 relating to animal shelters and animal control agencies.

Change #1: Requested by: Budget and Administrative Services, Purchasing Division - F-1 - Modify amount of Change Order from \$32,510 to \$15,470, removing the areas for South Gulf Cove from the Change Order request. Revised total contract amount changed from \$191,411 to \$174,371.

Change #2: Requested by: County Attorney's Office - F-5 - Resolution has changed to include the language "at no cost to Habitat for Humanity, Inc." in point number 2.

Deletion #1: Move Agenda Item H-2 to the November 22, 2011 BCC Meeting.

COMMISSIONER CONSTANCE MOVED TO APPROVE CHANGES TO THE AGENDA WITH THE ADDITION OF DELETION #1, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Proclamations - Commissioner Christopher Constance

Arts and Humanities Council Artist of the Month - Linda Grashorn Proclamation, the month of November 2011

COMMISSIONER DEUTSCH MOVED TO PROCLAIM LINDA GRASHORN AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF NOVEMBER 2011, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Ms. Grashorn accepted the proclamation with thanks to the Commission.

Global Entrepreneurship Week Proclamation, the week of November 14, 2011 through November 20, 2011.

COMMISSIONER DEUTSCH MOVED TO PROCLAIM THE WEEK OF NOVEMBER 14, 2011 THROUGH NOVEMBER 20, 2011 AS GLOBAL ENTREPRENEURSHIP WEEK, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Tom Patton commented briefly on the importance of entrepreneurs and accepted the proclamation.

Pancreatic Cancer Awareness Month Proclamation, the month of November 2011

COMMISSIONER DEUTSCH MOVED TO PROCLAIM THE MONTH OF NOVEMBER 2011 AS PANCREATIC CANCER AWARENESS MONTH, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Employee Recognition - County Administrator Raymond J. Sandrock

Five Years: Tracey Ritter, Fiscal Services; **Ten Years:** Nathan Boyette, Public Safety; Paul Brereton, Public Safety; Randall Brown, Public Safety; Eric Harrison, Public Safety; Joshua Hirschy, Public Safety; William Holland, Public Works; Teresa Morrin, Public Works; Jeffery Morris, Public Safety; Dianne Quilty, Fiscal Services; Todd Schwalbe, Public Safety; Jeremy Scott, Public Safety; **Twenty Years:** Thomas Crocker, Public Safety; James Ryan, Public Safety; Beth Sawyer, Utilities; **Twenty-Five Years:** John Krevas, Public Works

Government Academy Graduates

Mr. Sandrock first read comments written by the graduates and then called them up to receive their award. **Commissioner Skidmore** thanked staff for their dedication to the Graduate Program and **Chairman Starr** thanked County employees for their participation.

Presentation

Presentation to the Board of County Commissioners from the Punta Gorda Horseman's Association.

Laura St. John, President of the Horseman's Association, presented an award to the Board of County Commissioners thanking them for their support of the organization. **Commissioner Constance** accepted the award and expressed thanks.

I. CITIZENS INPUT

Jim Kelly spoke to Agenda Item G-1 related to painting traffic signals at the intersection of US 41 and Harbor Boulevard and urged the Board to approve the item.

Sharon Thomas spoke on behalf of the Animal Welfare League, expressed opposition to Agenda Item Z-3 (Senate Bill 818) at this time, and noted the bill is commendable since its intent is to save animals lives, but opined it falls short and should be revisited.

II. COMMITTEE VACANCIES

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

Edgewater North Waterway Advisory Committee is seeking four regular members with a term of three years; one alternate member with a two year term. Volunteers must reside within the district. Submit resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call (941) 575-3600; fax (941) 637-9265 or e-mail dawn.harrison@charlottefl.com

Greater Port Charlotte Street & Drainage is seeking two members; one regular member with a term of three years; one alternate member with a two year term. Volunteers must reside within the district. Submit resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call (941) 575-3600; fax: (941) 637-9265 or email dawn.harrison@charlottefl.com

Punta Gorda Community Redevelopment Agency is seeking one member. Appointee must be a Charlotte County resident and shall serve for a four (4) year term. The purpose of the Agency is to implement the policies, projects and programs contained in the Punta Gorda Downtown Redevelopment Plan. Submit request for appointment to Diane Gant, Charlotte County Commission Office, 18500 Murdock Circle, Room 536, Port Charlotte, FL 33948 or call 941-743-1300; fax 941-743-1310 or email: diane.gant@charlottefl.com

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

III. REPORTS RECEIVED AND FILED

IV. CONSENT AGENDA

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

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Finance Memoranda. BUDGETED ACTION: None
Memorandum #2 - Total Disbursements for the Period October 12, 2011 through October 26, 2011 in the amount of \$13,920,773.90.

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for:
September 13, 2011 9:00 a.m. Regular Meeting
September 13, 2011 1:00 p.m. Executive Session
BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: a) Change the status of Charles Dodd from a regular member to an alternate member with a term expiring on October 28, 2012; and b) Appoint Susan Killion to fill an unexpired term on the Rotonda West Street & Drainage MSBU Committee. The term will expire on February 13, 2013. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Neal Rietz to fill an expired term on the Boca Grande Streets and Drainage MSBU Committee. Mr. Rietz's term will be for three years, expiring on November 8, 2014. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Appoint Carol McGuire to fill an unexpired term on the South Gulf Cove Beautification MSBU Committee. The term will expire on November 16, 2013. BUDGETED ACTION: None

D. Administration

Administration

(1) RECOMMENDED ACTION: Approve cancellation of the December 20, 2011 Land Use Meeting, and the December 27, 2011 Regular Meeting of the Board of County Commissioners. BUDGETED ACTION: None

Public Information Office - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: Approve the setting of today's ECAP Enhancement Zone public hearing for 10:00 a.m. as advertised. BUDGETED ACTION: No action needed.

(2) RECOMMENDED ACTION: Authorize commencement of legal action against Wayne Thibodeau, Rose Thibodeau, and Russell Thibodeau to include seeking an injunction requiring compliance with County Codes. BUDGETED ACTION: No action needed.

F. Budget and Administrative Services

Budget and Administrative Services - No Items.

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(1) RECOMMENDED ACTION: Approve Change Order #1 to Contract #11-219 Specialty Mowing with Walker Service, Inc. in the amount of \$15,470 for a revised total amount of \$174,371. BUDGETED ACTION: No action needed. Budgeted in the Transportation Trust fund.

(2) RECOMMENDED ACTION: a) Approve award of Bid #11-328, Demolition - Commercial/Residential Structures Including Mobile Homes - Annual Contract, to the lowest responsive, responsible bidder, Avant Construction Inc. of Punta Gorda, Florida for the period from date of award through and including September 30,2012, at the unit prices specified on the attached bid tabulation; and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: No action needed. Amount budgeted in FY2012 - \$101,500.

Real Estate Services

(3) RECOMMENDED ACTION: Approve the Resolution authorizing the fee simple acquisition of Lot 110, Rotonda West - Oakland Hills for the purposes of providing an expansion site for Charlotte County Utilities' wastewater lift station #812. BUDGETED ACTION: No action needed. Amount budgeted in FY2012 is \$15,000. Funding is in approved CIP c350603, Wastewater Lift Station CIP, Renewal and Replacement Fund.

Commissioner Skidmore questioned if the County is expected to pay the Association fee. Attorney Knowlton responded.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-386 AND AGREEMENT 2011-048, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(4) RECOMMENDED ACTION: Approve the attached Resolution authorizing the release of a portion of a twenty-foot (20') wide utility and drainage easement, located in Port Charlotte Subdivision, Section Ninety-Three, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute a County Deed releasing said portion of said easement. (Owners: Alan S. and Nancy L. Kehlmann) BUDGETED ACTION: None

Resolution 2011-387

(5) RECOMMENDED ACTION: Approve the attached resolution authorizing the Senior Division Manager of the Real Estate Services Division to execute the necessary documents required for the conveyance of two residential properties acquired from the dissolved Housing Corporation of Charlotte County, Inc. to Charlotte County Habitat for Humanity, Inc. BUDGETED ACTION: No action needed. Recording fees of \$123.40 will be funded by the SHIP grant.

Resolution 2011-388

G. Community Development

(1) RECOMMENDED ACTION: Approve and authorize the Chairman to sign an agreement between the Florida Department of Transportation and Charlotte County allowing for the County to fund \$17,600 for decorative black painting of new traffic signal installations at the US 41/Harbor Boulevard intersection. BUDGETED ACTION: No action needed. Budget is available in the Transportation Trust Fund.

The Commissioners expressed their concerns related to the cost of painting and maintaining the mast arms. Dan Quick and Ray Sandrock responded to several inquiries. Board discussion ensued.

COMMISSIONER DUFFY MOVED TO APPROVE AGREEMENT 2011-049, SECONDED BY COMMISSIONER DEUTSCH

(No Vote Taken)

Jim Fendrick and Mr. Quick responded to additional inquiries. **Chairman Starr** expressed his disappointment with Sun Newspaper reporting and opined it is often negative and misleading. There was additional Board discussion.

COMMISSIONER SKIDMORE MOVED TO TABLE UNTIL NOVEMBER 15, 2011 LAND USE MEETING (DATE CERTAIN), SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(2) RECOMMENDED ACTION: Authorize and approve bond release to Southwest Land Development in the amount of \$339,563.94 for improvements associated with Airport Commerce Center. BUDGETED ACTION: No action needed.

Resolution 2011-389

(3) RECOMMENDED ACTION: Approve a Certification of a Sending Zone, CSZ-11-06-01, for Peace River Island, LLC, who is requesting the certification of 86 units of density. BUDGETED ACTION: None

Commissioner Constance questioned the certification. Mr. Quick responded to related inquiries. **Commissioner Duffy** commented on transfer of density and the reduction of platted lots and noted we now have a density bank.

COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2011-390, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

(4) RECOMMENDED ACTION: Approve the DRC-PD-10-01pp Final Detail Plan Resolution permitting G2 Pro Ventures, L.L.C. to construct the El Jobean Resort Development located at 14100 Myakka Avenue. BUDGETED ACTION: No action needed.

Resolution 2011-391

(5) RECOMMENDED ACTION: Approve and authorize the Chairman to sign an amendment to the existing Developer's Agreement between Benderson Development Company, L.L.C. and Charlotte County pertaining to proposed road and drainage improvements to Rampart Boulevard. BUDGETED ACTION: No action needed. Budgeted in approved CIP Project c410742, Rampart Blvd Widening.

Amendment to Agreement 2008-010

H. Community Services

Parks and Natural Resources

(1) RECOMMENDED ACTION: Approve extending terms for two Parks & Recreation Advisory Board members: Katherine Ariens, District 2, extend term to November 2013. Fred Pazona, At Large, extend term to November 2013. BUDGETED ACTION: None

Recreation - No Items.

Libraries and Historical - No Items.

J. Economic Development

(1) RECOMMENDED ACTION: Approve a Resolution recommending Project #2011011 be approved as a qualified applicant for the Brownfield Redevelopment Bonus Refund Program pursuant to 288.107 Florida Statutes, and provide for the financial support requirement via Ad Valorem Tax Exemption. BUDGETED ACTION: No action needed. Project #2011011 will seek Board approval for participation in the Economic Development Ad Valorem Tax Exemption Program for the proposed project.

Resolution 2011-392

(2) RECOMMENDED ACTION: Approve a Resolution describing the proposed economic development incentive package for Project #2011011. BUDGETED ACTION: No action needed.

Resolution 2011-393

(3) RECOMMENDED ACTION: Appoint Tom King, SUPERTRAK, Inc., to the Charlotte County Industrial Development Authority. BUDGETED ACTION: Not required.

(4) RECOMMENDED ACTION: Approve the nomination of Tony Welch of Fawcett Hospital to serve on the Southwest Florida Workforce Development Board. BUDGETED ACTION: None

K. Facilities Construction and Maintenance

(1) RECOMMENDED ACTION: Approve a Resolution authorizing the Chairman to sign and execute a three year Lease between Senior Friendship Centers and Charlotte County for the Rebecca Neal Owens Center. BUDGETED ACTION: None

Resolution 2011-394; Agreement 2011-050

L. Human Resources - No Items.

M. Human Services - No Items.

N. Public Safety - No Items.

P. Public Works - No Items.

Q. Tourism Development - No Items.

R. Utilities - No Items.

S. Other Agencies - No Items.

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

(1) Conduct the final public hearing to authorize the revisions to the Enterprise Charlotte Airport Park (ECAP) Enhancement Zone to include one county-owned parcel.

Debrah Forester presented the item, noted it was the second of two Public Hearings, and responded to inquiries.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-396, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

RECESS: 10:05 AM to 10:20 AM

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - a) Approve ranking of proposals for RFP 12-029, State Lobbyist-Florida as follows: 1st - Bryant Miller Olive P.A. of Tallahassee, FL, 2nd - GrayRobinson, P.A. of Naples, FL, and 3rd - Nabors Giblins & Nickerson P.A. of Fort Myers, FL; b) approve start of negotiations; and c) authorize the Chairman sign the contract after completion of negotiations to obtain the services of a Florida State Lobbyist.

COMMISSIONER SKIDMORE MOVED TO TAKE THE RFP IN TOTALITY FOR STATE ADVOCACY ON BEHALF OF CHARLOTTE COUNTY AND SET PRESENTATIONS FOR NOVEMBER 22, 2011 IN B-106 IN ACCORDANCE WITH THE LAW. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER SKIDMORE MOVED TO APPROVE BRYANT MILLER OLIVE, P.A. AS OUR TALLAHASSEE LOBBYIST AS PER THE RFP TO APPROVE THE RANKINGS AND START THE NEGOTIATIONS AND TO APPROVE THE AUTHORIZATION TO SIGN THE CONTRACT, SECONDED BY COMMISSIONER CONSTANCE

Commissioner Skidmore expressed concern that the top firm represent both Manatee and Sarasota Counties, requested assurance that Charlotte County gets its fair share on a State level, and asked that Administration have some measured performance to define and delineate the success of the advocacy. **Commissioner Deutsch** spoke in opposition. **Commissioner Duffy** responded to related concerns. Board discussion ensued. **Commissioner Constance** requested information from Mr. Sandrock related to federal monies. **Chairman Starr** voiced frustration with the process and spoke in opposition to the Motion. **Commissioner Duffy** gave historical data related to the previous lobbyist hired, commented on the Animal Control Bill, and suggested doing a test case for one year.

COMMISSIONER CONSTANCE MOVED TO AMEND THE PREVIOUS MOTION MADE BY COMMISSIONER SKIDMORE TO HAVE RANKINGS OF FIRMS. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

Kim Corbett responded to related inquiries. **Commissioner Skidmore** explained why he was not in favor of having presentations. Board discussion continued.

MOTION FAILED 2:3.

(2) County Attorney's Office - Discussion of County Attorney's evaluation.

Chairman Starr summarized the results of the evaluation questionnaire for Attorney Knowlton giving her a rating of excellent, extended congratulations, and commended the County Attorney's staff. **Commissioner Duffy** suggesting developing a new evaluation tool to make it more closely aligned with Mr. Sandrock's evaluation.

COMMISSIONER SKIDMORE MOVED TO ACCEPT THE EVALUATION FOR ATTORNEY JANETTE KNOWLTON, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Attorney Knowlton thanked the Board for its kind words and support.

(3) Commission Office - Approve a Resolution in support of Senate Bill 818 relating to animal shelters and animal control agencies.

Attorney Knowlton provided an overview of the Item. **Commissioner Skidmore** spoke in support.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-395, SECONDED BY COMMISSIONER CONSTANCE

Commissioner Constance provided his understanding of the Bill.

MOTION CARRIED 4:1. COMMISSIONER DUFFY OPPOSING.

Commissioner Duffy opined she did not have enough information.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Louis Macri requested the Board reconsider the decision on Placida Road and expressed concerns with the Board not performing its fiscal responsibility.

Bob Jason commended the Board for its decision on Agenda Item Z-1.

AA. County Administrator:

Mr. Sandrock asked Karen Huff to come forward. Ms. Huff gave detail related to the Florida Power & Light Rebate Program. **Chairman Starr** commended Ms. Huff and her staff. **Commissioner Constance** thanked Mr. Sandrock for his efforts.

BB. County Attorney: None

CC. Economic Development Director:

Tom Patton thanked the Board for its vote on the Cheney Brothers incentive, clarified misinformation related to the project, mentioned the number of jobs to be created, indicated a press release would be issued when the project is completed, and noted \$1.2 Million worth of tax abatements.

DD. Commissioner Comments:

Commissioner Deutsch noted Veterans Day on November 11th and addressed Citizens Input comments. **Commissioner Duffy** announced upcoming Veterans Day activities, commended the Veterans Appreciation Committee, suggested Charlotte County make its position known in Tallahassee relative to having a redistricting representative, indicated she would take the lead on the issue, gave her understanding of the Motion made for Placida Road, expressed concern with delaying the project for fifteen (15) to twenty (20) years, mentioned Gasparilla Road, discussed fundraising issues related to Parkside, thanked Bruce Lashley for his efforts related to Cheney Brothers, highlighted the proposed project, and gave detail related to making the project a test case for permitting. **Commissioner Constance** recognized Veterans Day, responded to public comments, provided an explanation for his vote on Agenda Item Z-1 regarding the Lobbyist, indicated the issue would be brought back in six (6) months, mentioned conversations with Tommy White related to the State Infrastructure Bank, noted the upcoming Burnt Store Road Summit, and commented on the Art Sensation event. **Commissioner Skidmore** thanked staff who participated in the event for Missy Christie, encouraged people to participate in the FAME event, responded to related comments, discussed the West Coast Inland Navigation District's (WCIND) meeting in relation to funding for a Comprehensive Waterway Management Plan, and gave an update on trestle issues. Board discussion ensued. **Commissioner Duffy** indicated she would bring trestle concerns to the Regional Planning Council Meeting. **Chairman Starr** commented on Veterans Day events, responded to concerns related to redistricting, and suggested sending a Resolution or letter to the local delegation on the Redistricting Committee. Board discussion ensued. **Commissioner Constance** spoke in support of sending a letter or Resolution. **Chairman Starr** responded to comments related to Placida Road and expressed concerns.

ADJOURNED: 11:40 AM

Chairman

ATTEST:

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

By: _____
Deputy Clerk

sfc