

**BOARD OF COUNTY COMMISSIONERS**

**November 21, 2011**

A Pre-Agenda meeting in preparation of the November 22, 2011 Regular Meeting was held at the Murdock Administration Complex in Room B-106, Port Charlotte, Florida.

Members present were: Chairman Starr, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, Commissioner Skidmore, County Attorney Knowlton, County Administrator Sandrock, Assistant County Administrator Shoemaker, and Minutes Supervisor Manley. The following members were absent: None. The meeting was called to order at **9:00 AM**.

Kelly Shoemaker advised that the annual selection of Chair and Vice-Chair would be done at the November 22, 2011 Meeting.

There was Board Discussion held on the following items:

**Purchasing: F-5, F-6, F-7**

**Community Development: G-3 (Pulled from Agenda)**

**Community Services: H-1**

**Utilities: R-2**

**Regular Agenda: Z-1 (Added to Agenda)**

**ADJOURNED: 9:20 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**

**County Commissioners**

Bob Starr, District 1, Chairman  
Tricia Duffy, District 5, Vice-Chairman  
Christopher Constance, District 2  
Robert Skidmore, District 3  
Stephen R. Deutsch, District 4

**County Administrator**

Raymond J. Sandrock  
**County Attorney**  
Janette S. Knowlton  
**Clerk of the Circuit Court**  
Barbara T. Scott

Regular Meeting  
11/22/2011 9:00 AM  
18500 Murdock Circle, Room 119

The Charlotte County Commission meeting room is accessible to the physically disabled. If you need assistance, please contact our office at 941-743-1392. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Desk.

**9:00 A.M. Call to Order and Roll Call**

**Invocation** - Pastor Cesar Olivero, St. James Episcopal Church

**Pledge of Allegiance**

County Attorney to conduct this portion of the meeting for the purpose of electing a Chairman and Vice-Chair of the Board of County Commissioners.

**Changes to the Agenda:** See last page

**Proclamations/Awards**

- I. **Citizen Input - Agenda Items Only**
- II. **Committee Vacancies**
- III. **Reports Received and Filed**
- IV. **Consent Agenda**
- V. **Regular Agenda**
- 10:00 A.M. VI. **Public Hearing**
- VII. **Presentation**
- VIII. **Public Workshop**
- IX. **Board Workshop**
- X. **Citizen Input - Any Subject**

**Proclamations** - Commissioner Robert Skidmore

Charlotte County Chamber of Commerce Christmas Parade Day  
El Jobean Community Christmas Parade and Festivities Day  
Pearl Harbor Remembrance Day  
Shop Charlotte Month

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

Employees of the Month for October are Mary Ann Grey and Julia Galofre.

- I. **CITIZEN INPUT - Agenda Items Only**
- II. **COMMITTEE VACANCIES**

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

**The 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. *Please send request for appointment and resume to: Roxann Read at [roxann.read@charlottefl.com](mailto:roxann.read@charlottefl.com) or fax to 941-743-129.*

**III. REPORTS RECEIVED AND FILED**

Informational County Investment Reports and Interest on Investments.

**IV. CONSENT AGENDA**

**Clerk of the Circuit Court**

**A. Finance Division**

**(1) RECOMMENDED ACTION:** Approve the Clerk's Memorandum. **BUDGETED ACTION:** None required.

**B. Minutes Division**

**(1) RECOMMENDED ACTION:**

9/15/11 5:01 PM First Budget Public Hearing  
9/20/11 9:00 AM Land Use/Regular Meeting  
9/26/11 9:00 AM Pre-Agenda Meeting  
9/27/11 9:00 AM BCC Regular Meeting  
9/27/11 1:00 PM Executive Session  
9/28/11 1:00 PM BCC/North Port Joint Meeting  
9/29/11 5:01 PM Final Budget Public Hearing  
**BUDGETED ACTION:** None required.

**Board of County Commissioners**

**C. Commission Office - No Items.**

**D. Administration**

**Administration - No Items.**

**Public Information Office - No Items.**

**E. County Attorney**

**(1) RECOMMENDED ACTION:** Approve an amendment to Resolution 2002-185 which established a Negotiating Committee consisting of the County Attorney and Risk Manager and authorize them to settle all County Court matters and any claims/actions against the County in an amount not to exceed \$50,000. **BUDGETED ACTION:** No action needed.

**(2) RECOMMENDED ACTION:** a) Approve contract with Diane K. Kiesling for hearing officer services related to the Utilities, Inc. of Sandalhaven rate case; and b) Approve budget transfer #12-02 in the amount of \$20,000. **BUDGETED ACTION:** Approve budget transfer #12-02 in the amount of \$20,000. Funding is from the Utility Regulatory Fund. The cost of securing the services of a hearing officer for the Sandalhaven rate case is estimated at \$20,000.00, to be funded from the Utility Regulatory Fund.

- (3) **RECOMMENDED ACTION:** Approve contract with Special Counsel, Adams & Reese LLP, to defend the County in the Andress Family Florida LLP et al. v. Charlotte County matter, Case No. 10-0639CA.  
**BUDGETED ACTION:** None

**F. Budget and Administrative Services**

**Budget and Administrative Services**

- (1) **RECOMMENDED ACTION:** Approve Budget amendments and transfers. Amendments and transfers which impact various funds are required to complete the Fiscal Year 2010/11 budget closing process. **BUDGETED ACTION:** Approval of Budget Amendments and transfers referenced on Attachment A. Funding is provided from available budget balances in various funds.
- (2) **RECOMMENDED ACTION:** a) Determine Utilities, Inc. of Sandalhaven's Rate Application as sufficient and complete, with all required Minimum Filing Requirements (MFRs) met; and b) Vote to withhold consent to the implementation of Utilities, Inc. of Sandalhaven's requested rate increase, thereby suspending the proposed rates, and authorize County staff and rate consultant to complete their review of the requested increase and further investigate background information as appropriate. **BUDGETED ACTION:** No action needed. Funds are provided in the Utility Regulatory Fund.

**Fiscal Services - No Items.**

**Information Technology - No Items.**

**Purchasing**

- (3) **RECOMMENDED ACTION:** Approve Change Order #1 to Contract #11-074, Paving Program FY10/11 with APAC Southeast Inc. in the amount of \$157,958.17, for a revised contract amount of \$5,983,477.07 with an additional 30 calendar days added to the contract term. This is for Paving Program FY10/11, originally approved by the Board on March 22, 2011. This change is requested and funded by the Punta Gorda Non-Urban MSBU and consists of paving 1.4 miles of additional roadways in accordance with the original contract prices, terms and conditions. **BUDGETED ACTION:** No action needed. Budgeted in approved CIP project C411116 PGNU Paving. Funds are supplied from the Punta Gorda Non-urban Streets and Drainage MSBU.
- (4) **RECOMMENDED ACTION:** Approve deletion of the property inventory items listed on the attached for the month of November, 2011. **BUDGETED ACTION:** None
- (5) **RECOMMENDED ACTION:** a) Approve Award of Bid #12-017, Tree Trimming and Removal - Annual Contract, at the unit prices bid to Dennis' Tree Service of Punta Gorda, FL. Term of contract shall be from date of award through and including December 31, 2012; and b) Authorize the County Administrator to approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent, to trim and remove trees damaged as the result of any major disaster at various locations within Charlotte County on an "as required" basis. **BUDGETED ACTION:** No action needed. Operational trimming will be charged to the affected department.
- (6) **RECOMMENDED ACTION:** a) Approve amendment #2 to the Utility and Infrastructure Easement Agreement with GES-Port Charlotte, LLC; b) Approve amendment #3 to the Site Lease Agreement; c) Approve the Access Easement Agreement; and d) Authorize the Chairman to sign the amendments and the Agreement. **BUDGETED ACTION:** None
- (7) **RECOMMENDED ACTION:** a) Approve Amendment #4 to Contract #06-283R, Design/Build-Human Services Bldg., with Mathews/Taylor Construction, LLC for the Guaranteed Maximum Price of

\$561,153.36; and b) Authorize Chairman to sign Amendment. This is for the build-out of additional space in the Human Services Building which is currently under construction. **BUDGETED ACTION:** No action needed. This amount is budgeted in the approved FY11/12 CIP Project c191201.

#### Real Estate Services

- (8) **RECOMMENDED ACTION:** Approve the Board of County Commissioners authorize the Chairman to execute the attached "Termination of Lease Agreement" between Charlotte County and the Florida Department of Juvenile Justice. **BUDGETED ACTION:** No action needed.

#### G. Community Development

- (1) **RECOMMENDED ACTION:** Set the public hearing for adoption of a Resolution approving Petition # NOPC-11-07-19, Babcock Ranch Community, for December 13, 2011 at 10:00 AM or as soon thereafter as it may be heard. **BUDGETED ACTION:** None
- (2) **RECOMMENDED ACTION:** Approve a Certification of a Sending Zone to sever 46 units of density from Thornton Key Preserve. All 46 units of this property are located in the Coastal High Hazard Area. Conservation Charlotte purchased this property in order to provide preservation of the many environmental resources located on the property. Any money made from the sale of these units must be returned to the Conservation Charlotte fund. **BUDGETED ACTION:** No action needed.
- (3) **RECOMMENDED ACTION:** Request Commission Chair signature on support letter for application for Technical Assistance from Smart Growth America. The Community Development Department is applying for technical assistance to review land use codes and the Green Building Ordinance for sustainable developments in Parkside. **BUDGETED ACTION:** No action needed, this is a free service at no cost to the County.

#### H. Community Services

##### Parks and Natural Resources

- (1) **RECOMMENDED ACTION:** Approve the attached contract with Charlotte Harbor Environmental Center, Inc. (CHEC) to provide environmental programs and services to Charlotte County's Cedar Point Environmental Center (Park), including workshops and guided trail walks at multiple facilities, wading trips, youth programs, etc. **BUDGETED ACTION:** No Action Needed - Amount Budgeted in FY12 is \$32,400. Funding for this expenditure comes from General Fund, Community Services, Environmental Lands Mgmt. account.

##### Recreation

- (2) **RECOMMENDED ACTION:** Approve stadium improvements listed. This is an annual process between the County and the Rays per the Charlotte Sports Park Agreement. **BUDGETED ACTION:** No action needed. Amount budgeted in FY12 \$200,000.

##### Libraries and Historical - No Items.

#### J. Economic Development

- (1) **RECOMMENDED ACTION:** Authorize staff to submit an application to Livability Solutions for free technical assistance to implement smart growth principals in Charlotte County with the focus on Parkside and Charlotte Harbor Community Redevelopment Areas and authorize the Chairman to sign a letter of support. **BUDGETED ACTION:** No action needed.

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

L. Human Resources - No Items.

M. Human Services - No Items.

N. Public Safety - No Items.

P. Public Works

- (1) **RECOMMENDED ACTION:** Approve and execute Arthropod Control Budget Amendment 12-A03 to adjust the Local Mosquito Control Certified budget as required by the Florida State Department of Agriculture to carry over unspent Fiscal year 2010/2011 budgeted funds to Fiscal Year 2011/2012 as required by Florida Administrative Code 5E-13. **BUDGETED ACTION:** Approve budget amendment 12-A03 in the amount of \$233,822. Funds are supplied from general revenues. Funds are supplied from General Revenues.

Q. Tourism Development - No Items.

R. Utilities

- (1) **RECOMMENDED ACTION:** Approve Cooperative Funding Application between the Southwest Florida Water Management District (SWFWMD) and Charlotte County for one continuation project, as required each year by SWFWMD to continue funding for projects approved and initiated in previous years. **BUDGETED ACTION:** No action needed. Funding will be provided by a SWFWMD grant and has been budgeted in the appropriate CIP.
- (2) **RECOMMENDED ACTION:** Set a public hearing to be held on Tuesday, December 13, 2011 at 10:00 a.m., or as soon thereafter as may be heard, to consider the adoption of a resolution of intent to use the uniform method for collecting non-ad valorem assessments for the North Shore Drive & Harper Avenue Wastewater Expansion MSBU, and the US 41 Utility Expansion MSBU. **BUDGETED ACTION:** None. This item has no impact on the FY 11/12 budget. However, if approved and the MSBUs are created, revenues and expenditures will be budgeted in the FY 12/13 budget in the appropriate MSBU fund.

S. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

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

- (1) County Attorney - **RECOMMENDED ACTION:** Continue a Public Hearing to approve an Ordinance amending Chapter 1-10 of the Charlotte County Code regulating fortunetellers, clairvoyants, palmists, taxicab vehicles and drivers.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Anyone wishing to address the Board during this portion of the meeting must state his/her name for the record and may address his/her comments to items that were or were not discussed during the meeting. Each citizen will be allowed no more than three minutes to express his/her opinion.

**AA. County Administrator:**

**BB. County Attorney:**

**CC. Economic Development Director:**

**DD. Commissioner Comments:**

Bob Starr, District 1, Chairman  
Tricia Duffy, District 5, Vice-Chairman  
Christopher Constance, District 2  
Robert Skidmore, District 3  
Stephen R. Deutsch, District 4

**Board of County Commissioners  
Schedule of Future Closures/Hearings/Workshops**

Tuesday, November 22, 2011, 9:00 a.m., Board of County Commissioners Regular Meeting, Murdock Administration Building, Room #119

**Thursday, November 24, 2011, All County Building Closed in Observance of Thanksgiving Day**

**Friday, November 25, 2011, All County Building Closed in Observance of Thanksgiving Holiday**

Friday, December 2, 2011, 9:00 a.m., **CANCELLED Joint Meeting**, Board of County Commissioners and City of Punta Gorda, Murdock Administration, Building, Room #119

Tuesday, December 13, 2011, 9:00 a.m., Board of County Commissioners Regular Meeting, Murdock Administration Building, Room #119

Tuesday, December 20, 2011, 9:00 a.m., **CANCELLED** Board of County Commissioners Land Use Meeting, Murdock Administration Building, Room #119

**Friday, December 23, 2011, All County Building Closed in Observance of Christmas Holiday**

**Monday, December 26, 2011, All County Building Closed in Observance of Christmas Holiday**

Tuesday, December 27, 2011, 9:00 a.m., **CANCELLED**, Board of County Commissioners Regular Meeting, Murdock Administration Building, Room #119

**Monday, January 2, 2012, All County Building Closed in Observance of New Year's Day**

Tuesday, January 10, 2012, 9:00 a.m., Board of County Commissioners Regular Meeting, Murdock Administration Building, Room #119

**Monday, January 16, 2012, All County Building Closed in Observance of Martin Luther King Jr. Day**

Tuesday, January 17, 2012, 9:00 a.m., Board of County Commissioners **Land Use Meeting**, Murdock Administration Building, Room #119

Tuesday, January 24, 2012, 9:00 a.m., Board of County Commissioners Regular Meeting, Murdock Administration Building, Room #119