

**BOARD OF COUNTY COMMISSIONERS**

**June 16, 2009**

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Duffy, Commissioner Cummings, Commissioner Starr, Commissioner Loftus, Commissioner Skidmore, County Administrator Baltz, Assistant County Attorney Browne, and Deputy Clerk Lansing. The following members were absent: None. The meeting was called to order at **9:00 AM**

The Invocation was given by **Chairman Duffy**, followed by the Pledge of Allegiance.

Changes to the Agenda: None

Proclamations - No Items

Employee Recognition - No Items

Award Presentations - No Items

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

E. Scott Heinis requested the Board approve the Fire Chief recommendations and not make organizational cuts.

Howard Shaw opined cuts are necessary related to Fire/EMS and the Sheriff Department.

Steven Brown spoke related to Charlotte 2050 and commended staff for its transparency.

**II. COMMITTEE VACANCIES**

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

Children's Services Council - is seeking volunteers, must be a resident of Charlotte County and maintaining residency for 24 months. The Commissioners will nominate three names to the Governor and one will be selected by the Governor for appointment.

Deep Creek Street and Drainage Unit - is seeking one volunteer to serve three year terms; effective July 8, 2009, and expiring July 31, 2012. Must own property and reside within the unit.

Englewood East Street and Drainage Advisory Committee - is seeking one volunteer to serve a three year term; effective immediately and expiring January 31, 2012. Must own property and reside within the unit.

Environmentally Sensitive Lands Oversight Committee - is seeking two volunteers who are residents and electors of the County to represent the environmental expertise category. One term is for three years and the other one is until January 23, 2010.

Grove City Street & Drainage Advisory Committee - is seeking four volunteers; one to serve a three year term effective immediately, expiring May 31, 2012; two volunteers to serve regular three year terms effective July 11, 2009, expiring July 11, 2012 and one volunteer to serve as the alternate for a two year term, effective immediately, expiring July 31, 2011. Must reside within the unit.

Gulf Cove Waterway Advisory Committee - is seeking two volunteers to serve three year terms; effective June 26, 2009, and expiring June 30, 2012. Must own property and reside within the unit.

Lemon Bay Street and Drainage Advisory Committee - is seeking two volunteers to serve as regular members, and one volunteer to serve as alternate member; effective immediately with term limits determined at first meeting. Must own property within and unit and reside within the unit.

*Placida Street & Drainage Advisory Committee - is seeking one volunteer to serve as the alternate for a two year term. Effective immediately. Must own property and live within the unit.*

*South Bridge Waterway Municipal Service Benefit Unit - is seeking two volunteers; one to serve as a regular member and one to serve as an alternate. Terms will be decided at first meeting. Must own property and live within the unit.*

*South Burnt Store Street & Drainage Advisory Committee - is seeking three volunteers; two volunteers to serve three year terms as regular members and one volunteer to serve a two year term as the alternate. The regular terms are effective June 26, 2009 and expire June 30, 2012; the alternate term is effective immediately. Must own property and live within the unit.*

*Town Estates Street & Drainage Unit Advisory Board - is seeking two volunteers to serve as regular members for three year terms; effective immediately and one volunteer to serve a two year term as the alternate, effective immediately. Must own property and live within the unit.*

*Tropical Gulf Acres Street & Drainage Unit Advisory Board - is seeking one volunteer to serve a two year term as the alternate. Must own property and live within the unit.*

**III. REPORTS RECEIVED AND FILED - No Items**

**IV. CONSENT AGENDA**

**Clerk of the Circuit Court**

- A. Finance Division - No Items
- B. Minutes Division - No Items

**Board of County Commissioners**

- C. Commission Office - No Items
- D. Administration - No Items

- E. County Attorney - No Items*
- F. Budget Office - No Items*
- G. Growth Management - No Items*
- H. Economic Development -No Items*
- J. Environmental Services - No Items*
- K. Facilities Construction and Maintenance - No Items*
- L. Purchasing - No Items*
- M. Human Resources - No Items*
- N. Human Services - No Items*
- P. Information Technology - No Items*
- Q. Parks, Recreation and Cultural Resources - No Items*
- R. Public Safety - No Items*
- S. Public Works - No Items*
- T. Real Estate Services - No Items*
- V. Tourism Development - No Items*
- W. Utilities - No Items*
- X. Building & Construction Services - No Items*
- Y. Other Agencies - No Items*

V. **REGULAR AGENDA**

Z. Regular Agenda

(Chairman Duffy polled the Board for ex parte disclosures and there were none) (Deputy Clerk Lansing administered the oath to prospective witnesses for this Quasi-Judicial petition)

(1) **Land Use: RECOMMENDED ACTION:** Approve a preliminary plat for Lemon Bay Partners Ltd, Placida Bay Estates First Re-plat, petition PP-09-03-04, with four conditions.

Steven Ellis presented the proposed preliminary plat and its conditions and paralleled visual slides.

Attorney Haymans represented the applicant, explained the timeline, and noted they accepted the conditions.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER SKIDMORE MOVED TO APPROVE THE PRELIMINARY PLAT FOR PETITION PP-09-03-04 WITH FOUR CONDITIONS AS NOTED ON THE RECORD, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

**Commissioner Cummings** asked if this item was moved with an ordinance and Assistant County Attorney Brown advised none was required.

(2) **Growth Management: RECOMMENDED ACTION:** Approve an ordinance adopting petition PA-09-01-01.

(ORD2009-027)

Jie Shao presented the proposed ordinances for (Z-2) Petition No. PA-09-01-01 and (Z-3) Petition No. Z-09-03-02, provided their timelines, noted staff recommended approval, and paralleled visual slides.

(Chairman Duffy polled the Board for ex parte disclosures and Commissioner Skidmore mentioned he may have received an email) (Deputy Clerk Lansing administered the oath to prospective witnesses and was later advised Commissioner Skidmore did not have an ex parte email)

Attorney Berntsson encouraged approval of the plan amendment and rezoning.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER SKIDMORE MOVED TO ENACT AN ORDINANCE AND ADOPT PETITION PA-07-05-35 (INCORRECT MOTION WAS READ INTO THE RECORD AND LATER WITHDRAWN), SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

**COMMISSIONER SKIDMORE MOVED TO ENACT ORDINANCE #2009-027 AND ADOPT PETITION PA-09-01-01, SECONDED BY COMMISSIONER LOFTUS**

**(3) Land Use: RECOMMENDED ACTION: Approve an ordinance adopting petition Z-09-03-02.**

**(ORD2009-028)**

Ms. Shao announced there was confusion with the motion. Attorney Brown indicated the second motion should be withdrawn and a new motion should be read back into the record.

**COMMISSIONER SKIDMORE MOVED TO APPROVE ENACT ORDINANCE #2009-028 AND ADOPT PETITION Z-09-03-02, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 5:0.**

**RECESS: 9:27 AM - 9:32 AM**

Chairman Duffy asked the Board to vote on the motion on the floor to approve the plan amendment.

**MOTION CARRIED 5:0.**

(4) Administration **RECOMMENDED ACTION**: Discussion and direction regarding additional reductions to the FY09/10 Fire/EMS proposed budget: 1) Additional organizational reduction recommendations and 2) International Associations of Firefighters letter.

Mr. Baltz explained the topic and noted recommendations include no fire station closings. Chief DiDio gave a lengthy presentation of new reduction recommendations to date, paralleled backup paperwork and visual slides, and answered Board questions. **Commissioner Starr** initiated Board discussion. Mr. Baltz gave a brief summary of the how the reductions will impact the community.

**COMMISSIONER LOFTUS MOVED TO APPROVE Z-4 (1) ADDITIONAL ORGANIZATIONAL REDUCTION RECOMMENDATIONS, SECONDED BY COMMISSIONER STARR**

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

Mr. Baltz pointed out the second part of this item is a letter from Local 2546, referenced page 2 related to tentative wage ratification, and explained the Board can wait until the ratification vote is taken or accept these changes conditional upon ratification approval.

**COMMISSIONER LOFTUS MOVED TO APPROVE THE CHANGES CONDITIONAL UPON THE RADIFICATION AND EXTEND THE CONTRACT FOR ONE (1) YEAR - Z-4 (2) INTERNATIONAL ASSOCIATIONS OF FIREFIGHTERS LETTER, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 5:0.**

**RECESS: 10:05 AM - 10:17 AM**

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

**IX. BOARD WORKSHOP AGENDA - 10:00 A.M.**

(1) Growth Management Staff and the County's consultant, Glatting Jackson, will present and seek direction from the Board about key policy issues within the revised Future Land Use Element.

Jim Fendrick said the presentation will parallel visual slides and focus on the Future Land Use Element related to the Smart Charlotte 2050 process, explained staff will seek Board direction associated with key policy issues, and asked Francis Marino to begin the presentation. Board discussion followed. Mr. Fendrick noted upcoming workshops and gave the future timeline.

**X. CITIZEN INPUT - ANY SUBJECT**

Richard Woodruff commented on platted lands.

**AA. County Administrator:**

Mr. Baltz asked if the Board wishes to view a bid presentation for the Event Center. The Commissioners provided Board consensus to view the presentation. Related Board discussion followed.

**BB. County Attorney: None**

**CC. Commissioner Comments:**

**Commissioner Starr** opened Board discussion related to impact fees that have affected his district. **Chairman Duffy** mentioned the initial consequences of going paperless. **Chairman Duffy** commented on renovating the Commission office to increase efficiencies. The Board discussed the issue further. There was Board consensus to keep the existing floor plan.

**RECESS: 11:40 AM - 2:00 PM**

(Assistant County Administrator Shoemaker replaced County Administrator Baltz for the remainder of the meeting)

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

(1) **Purchasing RECOMMENDED ACTION:** a) Presentations to the Board of County Commissioners from the top three ranked firms, as determined by the Professional Services Committee, for Request for Proposal #09-177 Placida Road Design to establish ranking; b) Approve start of negotiations; and c) Authorize the

**Chairman to sign the contract after completion of negotiations to obtain the services of a professional engineer to provide design services for the Placida Road project.**

Kim Corbett described the Request for Proposal (RFP) process for the Placida Road Design and noted the order of presentations.

American Consulting Engineers of Florida LLC of Port Charlotte provided their presentation, paralleled visual slides, and responded to Board questions.

Giffels-Webster Engineers, Inc. provided their presentation, paralleled visual slides, and responded to Board questions.

Johnson Engineering, Inc. of Port Charlotte provided their presentation, paralleled visual slides, and responded to Board questions.

Ms. Corbett explained the ballot process again and noted the lowest score on the ballot is the top ranked firm. **Commissioner Cummings** initiated Board discussion which was followed by Board votes being passed to Ms. Shoemaker for a tally.

**RECESS: 3:34 PM - 3:48 PM**

Ms. Shoemaker read the following results into the record: Giffels-Webster Engineering, Inc. ranked first with 7 points, Johnson Engineering, Inc. ranked second with 11 points, and American Consulting Engineers of Florida LCC ranked third with 12 points. Ms. Corbett requested Board approve the ranking as read into the record, the start of negotiations for RFP #09-177 Placida Road Design, and authorize the Chair to sign the contract after completion of negotiations to obtain a professional engineer to provide design services for the Placida Road project.

**COMMISSIONER SKIDMORE MOVED TO APPROVE THE RANKING AS READ INTO THE RECORD, APPROVE THE START OF NEGOTIATIONS FOR RFP #09-177 PLACIDA ROAD DESIGN, AND AUTHORIZE THE CHAIR TO SIGN THE CONTRACT AFTER COMPLETION OF NEGOTIATIONS TO OBTAIN THE SERVICES OF A PROFESSIONAL ENGINEER TO PROVIDE DESIGN SERVICES FOR THE PLACIDA ROAD PROJECT, SECONDED BY COMMISSIONER LOFTUS**

**Commissioner Cumming** indicated this is the second time in a row that the Board has reversed the order of the Professional Services Ranking Committee recommendations and placed the top ranked firm at the bottom, mentioned both winning firms had their employees stand up as part of their presentation, opined why this system is politically motivated, and announced he predicted this was going to happen. **Commissioner Skidmore** disagreed, said he based his decisions on the quality of the presentations, cost control measures, and project familiarity, and announced he cannot be swayed by employees being stood up against the back wall. **Commissioner Loftus** agreed with **Commissioner Skidmore** and resented the comment. **Chairman Duffy** also announced her resentment to the implication that this process is political, opined this is a very fair process, and explained this Board wants to do things better than they were done in the past. **Commissioner Starr** said we have to do our due diligence, opined this is a very good system, and announced he based his decisions on what he perceived to be the best for the taxpayers.

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

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

**ADJOURNED: 3:55 PM**

Signature on file in Commission Minutes  
Chairman

**ATTEST:**

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

**By: Signature on file in Commission Minutes  
Deputy Clerk**

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