

**BOARD OF COUNTY COMMISSIONERS**

**January 26, 2010**

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

Members present were: Chairman Starr, Commissioner Cummings, Commissioner Loftus, Commissioner Skidmore, Commissioner Duffy, County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, Minutes Supervisor Manley, Minutes Secretary Cournoyer. The following members were absent: None

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

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

**Changes to the Agenda:**

**Deletion #1:** Delete R-4 - (4) **RECOMMENDED ACTION:** Set a public hearing for February 9, 2010, at 10:00 a.m. or as soon thereafter as may be heard to consider approving an Ordinance to abolish the South Punta Gorda Heights West MSBU. **BUDGETED ACTION:** None. Funding for recording fees is supplied by the South Punta Gorda Heights West Street and Drainage MSBU.

**Deletion #2:** Delete R-5 - (5) **RECOMMENDED ACTION:** Set a public hearing for February 9, 2010, at 10:00 a.m. or as soon thereafter as may be heard to consider approving an Ordinance adding territory to the South Punta Gorda Heights Streets and Drainage MSBU. **BUDGETED ACTION:** Recording fees of approximately \$44 are available in the South Punta Gorda Heights Streets and Drainage MSBU. Funding is supplied by the South Punta Gorda Heights Streets and Drainage MSBU.

**Change #1:** D-1: Requested by: Rays - **RECOMMENDED ACTION:** Re-approve the attached Amendment to the Charlotte Sports Park agreement between Charlotte County and the Tampa Bay Rays. This amendment provides that the Rays will assume year-round responsibility for the maintenance of the Stadium field and practice fields at the Charlotte County Sports Park. Though this Amendment had previously been approved by the Board of January 12, 2010, it is necessary to re-approve it due to changes the

**Rays** have made to Attachment "B" and to correct a scrivener's error in Attachment "C."

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Tricia Duffy**

Lemon Bay Fest: Englewood History with Zest! Proclamation the week of February 6, 2010 through February 13, 2010.

**COMMISSIONER LOFTUS MOVED TO APPROVE LEMON BAY FEST: ENGLEWOOD HISTORY WITH ZEST! PROCLAMATION, THE WEEK OF FEBRUARY 6, 2010 THROUGH FEBRUARY 13, 2010, SECONDED BY COMMISSIONER SKIDMORE.**

**MOTION CARRIED 5:0.**

The Proclamation was accepted by Linda Citro and Jennifer Perry.

**Employee Recognition - none**

**Presentations - none**

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

Jeff Proffitt, Greg Macomber, and Adrienne Renick spoke in opposition to agenda item Z-1.

Wayne Largent advised that he and two others would speak during agenda item Z-3 (Manasota Key) and would submit cards at that time.

James McCarthy and Jane McCarthy spoke in regard to agenda item Z-3.

Brian Bailey spoke in opposition to agenda item Z-1, Implementation Item #3 - Pest Management Division.

Midge O'Hara and Bob Hill spoke in regard to agenda item Z-2.

Ofer Nadel, Kris Peterson, Colin McTigue, Bonnie Robbins, Suzanne Graham, Phoebe Menzer, Brandon Popa, Ian Smith, Sean McCarthy, Carl Strong, Ken Tyner, Terrie Adams, Adam Wilson, Deb Sauline, and Ralph Bellon spoke in regard to agenda item Z-5.

Jack Landis spoke in regard to agenda items Z-3 and Z-4.

Michael Haymans spoke in opposition to Public Hearing Agenda (VI) items (1) and (2).

Silvia Ferracini presented handout material and spoke to agenda item Z-5.

## **II. COMMITTEE VACANCIES**

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

Affordable Housing Advisory Committee is seeking four members to serve on the committee. One residential home building representative, one home building industry representative, one not-for-profit representative, and one real estate professional. Terms are for two years.

Boca Grande Street & Drainage Advisory Committee is seeking three volunteers. Two regular three year terms effective February 27, 2010 and one alternate (two year term) effective immediately.

Construction Industry Licensing board - is seeking one volunteer to represent the "professional engineer" category. Must be licensed engineer and been a resident of Charlotte County for two years. Length of term: 4 years.

Englewood East Street & Drainage Advisory Committee is seeking four volunteers; three regular members for three year terms and one alternate member for a two year term.

Grove City Street & Drainage Unit Advisory Committee is seeking two volunteers; one to serve as a regular member and one volunteer to serve as the alternate member. All terms effective immediately.

Harbour Heights Street & Drainage Unit Advisory Committee is seeking three volunteers to serve three year terms effective February 13 2010. Must be a resident of the unit.

Lemon Bay Street & Drainage Advisory Committee is seeking three volunteers; two to serve as regular members and one volunteer to

serve as the alternate member. All terms effective immediately. Must own property and reside within the unit.

Little Gasparilla Island Community Planning Advisory Committee is seeking four volunteers; two to serve as Members-at-Large; one to serve as the representative from the Placida Beach Club Owner's Association and one to serve as the representative from the Little Gasparilla POA. These terms are effective immediately and shall expire January 2012.

Manasota Key Street and Drainage MSTU is seeking one volunteer to serve a three year term as a regular member and one volunteer to serve a two year term as the alternate member. Both terms effective immediately.

Mid-Charlotte Stormwater Utility Unit is seeking one volunteer to serve as the Suncoast Boulevard Street & Drainage Unit representative. The candidate shall be a resident of his/her respective unit.

MPO - Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) is seeking one individual 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 position is for a person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged in the county. Your letter or email of interest stating the position for which you are qualified to represent should be sent to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com

MPO Citizens Advisory is seeking one individual to voluntarily serve as a South County Representative. Send a letter or email of interest to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534. Email: office@ccmpo.com.

Northwest Port Charlotte Street and Drainage Unit Advisory Committee is seeking two regular members for three year terms and one alternate for a two year term to serve on the committee. Must be residents of the unit.

*Placida Street & Drainage Advisory Committee is seeking two volunteers as regular members to serve three year terms effective February 12, 2010.*

*Rotonda West Street & Drainage Advisory Committee is seeking two regular members and one alternate member. Terms effective February 2010.*

*South Gulf Cove Waterway Advisory Committee is seeking two volunteers to serve three year terms as regular members. Must live within the unit. Term is effective immediately.*

*South Bridge Waterway Municipal Service Benefit Unit is seeking two volunteers; one regular member and one alternate member. Must own property and live within the unit.*

*South Gulf Cove 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 an alternate member. Must be a resident of the unit.*

*Town Estates Street and Drainage Unit Advisory Board is seeking four volunteers to serve as regular members and one volunteer to serve as the alternate member. Must be residents of the unit. All terms effective immediately.*

**III. REPORTS RECEIVED AND FILED - None**

**IV. CONSENT AGENDA**

**COMMISSIONER CUMMINGS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT ITEMS E-1 AND F-2, SECONDED BY COMMISSIONER LOFTUS.**

**MOTION CARRIED 5:0.**

**Clerk of the Circuit Court**

**A. Finance Division**

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

*Memorandum #1 - Status of Contingency Reserves - FY 08/09*

*Memorandum #1A - Status of Contingency Reserves - FY 09/10*

Memorandum #2 - Total Disbursements for the Period January 5, 2010 through January 15, 2010 in the amount of \$8,549,578.53.

**B. Minutes Division**

RECOMMENDED ACTION: BUDGETED ACTION: None - Approve Minutes for:

September 4, 2009 BCC Public Pre Agenda

September 8, 2009 BCC Regular Meeting

September 10, 2009 First Budget Public Hearing

September 11, 2009 Joint Meeting BCC/City of PG

**Board of County Commissioners**

**C. Commission Office**

(1) RECOMMENDED ACTION: Approve the re-appointment of Ruth Bromberg to the Environmentally Sensitive Lands Oversight Committee. Length of term: 3 years. BUDGETED ACTION: None required.

(2) RECOMMENDED ACTION: Approve to appoint Dorothea Zysko to serve on the Environmentally Sensitive Lands Oversight Committee representing the "Business/Real Estate/Land Development" category. Length of term - three years. BUDGETED ACTION: None required.

(3) RECOMMENDED ACTION: Approve to change the Board of County Commissioners February 23, 2010 meeting at 9:00 a.m., in Room #119 to 6:00 p.m., in Room #119. This item is at the request of Board of County Commissioners. BUDGETED ACTION: None required.

(4) RECOMMENDED ACTION: Approve to appoint John M. Smith to serve a two year term as the alternate on the Deep Creek Street & Drainage Unit Advisory Committee. This is a two year term, effective immediately and shall expire January 2012. BUDGETED ACTION: None required.

(5) RECOMMENDED ACTION: Approve to appoint Cody Vaughan-Birch as the Member-at-Large, Mike Conlon as the Representative from the Port Charlotte Yacht Club, and William Dixon as the

Representative from the Punta Gorda Sailing Club to the Marine Advisory Committee. All are three year terms that shall expire December 31, 2012. BUDGETED ACTION: None required.

**D. Administration**

(1) RECOMMENDED ACTION: Re-approve the attached Amendment to the Charlotte Sports Park agreement between Charlotte County and the Tampa Bay Rays. This Amendment provides that the Rays will assume year-round responsibility for the maintenance of the Stadium field and practice fields at the Charlotte County Sports Park. Though this Amendment had previously been approved by the Board on January 12th, it is necessary to re-approve it due to changes the Rays have made to Attachment B and to correct a scrivener's error in Attachment C. BUDGETED ACTION: None

**Agreement 2006-053**

**E. County Attorney**

(1) RECOMMENDED ACTION: Approve the settlement of the lawsuit captioned American Consulting Engineers of Florida, LLC v. Board of County Commissioners of Charlotte County, and Charlotte County, a political subdivision of the State of Florida; Case No. 09-3866-CA, by a) Authorizing the Chair and County Attorney to execute the Settlement Agreement and Release as to the remaining "Placida" portion of the lawsuit; and b) Approve the contract between Giffels-Webster Engineering and Charlotte County for the Placida Road design, RFP#20090000177 generally referred to as the Placida Project. BUDGETED ACTION: None

**Chairman Starr** clarified the purpose of the item and said his selection was based on what was in the best interest of Charlotte County, opposed the previous contract, opined that it sets a precedent of the County settling, and explained his reason for pulling the item.

**COMMISSIONER SKIDMORE MOVED TO APPROVE AGREEMENT 2009-052, SECONDED BY COMMISSIONER CUMMINGS.**

**Commissioner Skidmore** agreed with **Chairman Starr's** comments and stated that there is no cost to taxpayers but it is holding up jobs.

Jonathan Cole of Giffels-Webster Engineers responded to **Chairman Starr's** comments and stated that his firm had found a way to give a small portion of the project back to American Consulting without taking from the sub-consultants and thereby move the project forward.

**Chairman Starr** explained that the issue does not cost more money but opined it is important to bring the issue forward without just approving it, and wanted to be on record as saying that if Charlotte County is right it should stand up and say so.

**MOTION CARRIED 4:1. Chairman Starr OPPOSING.**

(2) **RECOMMENDED ACTION:** Approve motion to find all Bonds in compliance and in full effect at this time. **BUDGETED ACTION:** None.

(3) **RECOMMENDED ACTION:** Authorize commencement of legal action against Robert Chancey Sumner and the Florida Secretary of State to remove judgment liens filed by Mr. Sumner against Code Enforcement Board members and County staff from the central state database maintained by the Secretary of State and to enjoin Mr. Sumner from filing such documents in the future. **BUDGETED ACTION:** None.

**F. Budget and Administrative Services - No Items.**

**Fiscal Services - No Items.**

**Information Technology - No Items.**

**Purchasing**

(1) **RECOMMENDED ACTION:** Approve deletion of the property inventory items listed on the attached for the month of January, 2010. **BUDGETED ACTION:** None.

(2) **RECOMMENDED ACTION:** a) Approve ranking and start of negotiations for Request for Proposal #2009000371, Bio-Diesel Fuel System - East Port Water Reclamation Facility (WRF) with the sole submitting firm: BioFuelBox Corporation of Nashville, TN; and b) Authorize the Chairman to sign the contract after completion of negotiations for the design, management, construction, collection, distribution and/or purchase to beneficially utilize the Bio-Diesel fuel produced by the County. **BUDGETED ACTION:** None. Program is estimated by BioFuelBox to

save CCU \$500,000 per year and produce revenue of approximately \$200,000 to \$500,000 from fuel sales annually.

**Chairman Starr** commented on the benefits to the County. Terri Kesner and Jim Winter responded to **Chairman Starr's** concerns regarding the refining process, environmental impacts, and costs to Charlotte County. **Commissioner Loftus** asked about future uses, to which Mr. Winter responded.

**COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM F-2, SECONDED BY COMMISSIONER LOFTUS.**

**MOTION CARRIED 5:0.**

(3) **RECOMMENDED ACTION:** Approve Award Bid #10-081, El Jobean Boat Ramp, to the lowest responsive, responsible bidder, Keesling Construction, Inc., of Punta Gorda, FL for a total project cost of \$187,964. The purpose of this bid is to secure the services of an experienced, licensed contractor to furnish all materials, labor equipment, incidentals and associated site work to successfully complete construction of the El Jobean Boat Ramp. **BUDGETED ACTION:** \$480,000 is budgeted in El Jobean Boat Ramp CIP project.

(4) **RECOMMENDED ACTION:** a) Approve Award of Request for Proposal #09-352, Emergency Utility Repairs, to Forsberg Construction, Inc, of Punta Gorda, FL for the term of award date up to and including December 31, 2010; and b) Authorize County Administrator to approve two annual one-year renewals at the same prices, terms, and conditions. This is an annual contract for a firm to provide emergency-type services to Charlotte County Utilities in the repair of their underground pipelines and appurtenances. **BUDGETED ACTION:** FY 2010 Budget \$144,000. This expenditure to be funded by CCU Renewal/Replacement Fund.

(5) **RECOMMENDED ACTION:** Approve Change Order #1 to Bid #09-234, Dredging - Hayward Canal, for an additional 20 days and an additional \$15,784, for a revised total cost of \$117,277. This Change Order will facilitate the removal of material that is limiting the use of five branch waterways to members of the Hayward Waterway MSBU. **BUDGETED ACTION:** None. Budgeted in CIP project c390706 Hayward Canal Maintenance Dredging. Funding is supplied from the Hayward Canal Waterway Maintenance MSBU.

**Real Estate Services**

(6) **RECOMMENDED ACTION:** Approve Florida Power and Light Company's request to a ten-foot (10') wide utility easement in a certain portion of Parcel 1, Sections 19 and 20, Township 40 South, Range 23 East. The easement is to provide electrical service from a wooden power pole to a proposed transformer pad at the East Port Water Plant located off Loveland Boulevard (Property Appraiser Acct. No. 402319100001). **BUDGETED ACTION:** None.

**Resolution 2010-006**

**G. Building & Construction Services - No Items.**

**H. Economic Development**

(1) **RECOMMENDED ACTION:** Set a Joint Workshop for March 23, 2010 of the BCC/Charlotte Harbor CRA and the Charlotte Harbor CRA Advisory Committee at 2:00 p.m., or as soon thereafter as may be heard, to discuss the Charlotte Harbor CRA 2010 Work Plan. **BUDGETED ACTION:** None required.

**J. Environmental Services - No Items.**

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

**L. Growth Management - No Items.**

**M. Human Resources - No Items.**

**N. Human Services - No Items.**

**P. Parks, Recreation and Cultural Resources**

(1) **RECOMMENDED ACTION:** Approve the agreement with the Florida Department of Environmental authorizing the department to install, operate, and maintain an air quality monitoring site at GC Herring Park. **BUDGETED ACTION:** None; funding for this expenditure comes from FDEP.

**Agreement 2010-004**

**Q. Public Safety**

(1) *RECOMMENDED ACTION*: Approve Modification to the Emergency Management Preparedness Base Grant in the amount of \$59,417. *BUDGETED ACTION*: None at this time. Federal Award funds will be allocated in the current Emergency Management budget through the upcoming carryovers. Funding is provided through this Federal portion.

**Amendment to Grant 2009-062**

**R. Public Works**

(1) *RECOMMENDED ACTION*: Set a public hearing for February 9, 2010, at 10:00 a.m. or as soon thereafter as may be heard to consider amending an Ordinance to reduce the speed limit on Elmira Boulevard, between Beacon Drive and Kings Highway, to 35 miles per hour (mph). *BUDGETED ACTION*: The cost to replace all of the signs is approximately \$200, with continued annual maintenance of \$20 per sign. Funding is supplied from the Greater Port Charlotte Streets and Drainage MSBU.

(2) *RECOMMENDED ACTION*: Set a public hearing for February 9, 2010, at 10:00 a.m. or as soon thereafter as may be heard to consider approving an Ordinance to create an Advisory Board for the Peace River Shores Street and Drainage MSBU. *BUDGETED ACTION*: None. Funding for recording fees is supplied by the Peace River Shores Streets and Drainage MSBU.

(3) *RECOMMENDED ACTION*: Set a public hearing for February 9, 2010, at 10:00 a.m. or as soon thereafter as possible, to consider amending an Ordinance to include adjacent properties to the Airport Commerce Center into the Punta Gorda Non-Urban Street and Drainage MSBU. *BUDGETED ACTION*: None. Funding for recording fees is supplied by the Punta Gorda Non Urban Streets and Drainage MSBU.

(6) *RECOMMENDED ACTION*: Approve and authorize the Chairman to sign a renewal of the Cooperative Service Agreement with the United States Department of Agriculture (USDA) to reduce the population of the invasive black spiny-tailed iguanas on Gasparilla Island. *BUDGETED ACTION*: The FY10 budget contains funding for this agreement in the Boca Grande Streets and Drainage fund. Funding is supplied from the Boca Grande Streets and Drainage MSBU.

**Annual Renewal to Agreement 2009-004**

**S. Tourism Development - No Items.**

**T. Utilities - No Items.**

**U. Other Agencies - No Items.**

**RECESS: 10:30 AM - 10:40 AM**

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

(1) County Attorney - **RECOMMENDED ACTION:** Consider approval of an ordinance restricting consumption or possession of open containers of alcoholic beverages on public property and public right-of-way.

Attorney Knowlton explained the purpose of the agenda item and indicated that it is essentially the same as the Sarasota Ordinance.

Michael Haymans spoke in opposition of agenda item VI(1).

Charlotte Ventola stated that the issue is a personal privilege and commented on prohibition having been repealed.

Amity Chandler stated that the Open Container Ordinance is a working document that can be modified, commented on infringing on rights of others, and spoke in support of the agenda item.

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

**MOTION CARRIED 5:0.**

There was extensive Board Discussion.

Sheriff Cameron stated there are no laws governing public drunkenness, that the counties must regulate those activities, commented on community blight, on addressing an ongoing problem that is escalating, public drinking, and that the Open Container Ordinance is the first step in dealing with community blight and public drinking, not homelessness.

**Commissioner Loftus** asked about a public drunkenness ordinance versus the open container ordinance, to which Sheriff Cameron responded. **Commissioner Skidmore** opined this does not address community blight and inquired about having a public drunkenness

ordinance. Attorney Knowlton explained that what currently is in the Florida Statutes is disorderly intoxication. **Commissioner Cummings** opined the disorderly part is the problem. Board discussion ensued.

**COMMISSIONER DUFFY MOVED TO APPROVE ORDINANCE 2010-003, WITH MODIFICATIONS NOTED ON THE RECORD, SECONDED BY COMMISSIONER SKIDMORE.**

**MOTION CARRIED 3:2. COMMISSIONER CUMMINGS, COMMISSIONER LOFTUS OPPOSING.**

(2) Parks, Recreation and Cultural Resources - **RECOMMENDED ACTION:** Consider approval of an ordinance amending Chapter 1-11, Parks and Recreation, restricting the use of alcohol in county parks and recreational facilities.

Michael Koenig explained the purpose of the agenda item.

Mike Brown inquired as to restrictions.

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

**MOTION CARRIED 5:0.**

Attorney Knowlton commented on the exceptions to the ordinance that one must go through the process for rental of a county facility.

**Commissioner Loftus** asked if the ordinance would prohibit fishermen from drinking a beer while fishing on a pier. Attorney Rooney responded affirmatively and commented on the intent of the ordinance and indicated some modifications may be brought back at a later time.

Board discussion ensued.

Attorney Rooney recommended avoiding cherry picking, stated problems experienced in the park will be addressed, that, presently, restrictions are across-the-board, and that other modification concerns will be addressed after further review and evaluation of each facility.

**COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM VI(2), SECONDED BY COMMISSIONER LOFTUS.**

**Commissioner Duffy** clarified that drinking in all parks can currently be done without the ordinance and that a boater on the water can drink but would have to stop drinking when they reach the pier. Attorney Rooney responded affirmatively.

Mr. Koenig commented on approval to be granted when permits are applied for and that they have the ability to customize the event based on the requirement of the customer. **Commissioner Duffy** requested that the process be easy and the fee be minor. Mr. Koenig explained the process, costs, and future possible charges for alcohol use.

There was Board Discussion on permitting process.

Attorney Rooney stated that a full ban and to look at the issue is all that can be offered today. Mr. Koenig addressed permitting concerns expressed by **Commissioner Cummings**.

**COMMISSIONER SKIDMORE REQUESTED THE MOTION BE CALLED: APPROVED: 5/0. Commissioner Duffy** asked that Sheriff Cameron be allowed to comment. **COMMISSIONER SKIDMORE WITHDREW HIS REQUEST FOR THE MOTION TO BE CALLED.** Sheriff Cameron addressed concerns expressed by **Commissioner Duffy**, commented on aligning the alcohol ordinances, and urged that the Board support the ordinance.

**COMMISSIONER SKIDMORE REQUESTED THE MOTION BE CALLED: APPROVED: 5/0.**

**MOTION CARRIED 3:2. CHAIRMAN STARR, COMMISSIONER DUFFY OPPOSING.**

**V. REGULAR AGENDA**

**Z. Regular Agenda**

(1) Environmental and Extension Services - **RECOMMENDED ACTION:** Discussion and direction regarding Environmental & Extension Services reorganization and efficiency plans to obtain \$536,358 in savings, and increase operational efficiencies. Three options are presented for consideration.

Jim Thomson explained the three proposals in the agenda item.

**Commissioner Cummings** stated he agrees with bringing the hauling in-house but not the other two proposals. **Commissioner Skidmore**

asked if the actions could be separated and inquired as to why the issue has come before the Board, to which Mr. Baltz responded.

**COMMISSIONER SKIDMORE MOVED TO APPROVE OPTION #1, SECONDED BY COMMISSIONER CUMMINGS.**

**Commissioner Loftus** stated he was not in support of the motion, that all three options are cost savings to the community, and that he would like to institute all three options.

**Commissioner Duffy** agreed the issue should not come before the Board. Mr. Baltz said the Board would have to approve expenditures, explained why the issue is being brought before the Board, and commented on administrative issues that can be handled.

**MOTION CARRIED 5:0.**

**COMMISSIONER LOFTUS MOVED TO HAVE THE OTHER TWO OPTIONS BE AT THE DISCRETION OF THE COUNTY ADMINISTRATOR, SECONDED BY COMMISSIONER DUFFY.**

**Commissioner Skidmore** asked Mr. Baltz if he wanted the Board to ratify the plan. Mr. Baltz explained what he was looking for from the Board. **Commissioner Skidmore** stated that he does not agree with the recommendation, explained why, and that he does not recommend moving forward on the other two items. **Commissioner Duffy** commented on flexibility and cost savings. **Commissioner Cummings** requested that it be on the record that his concerns go far beyond public safety issues.

**MOTION CARRIED 3:2. COMMISSIONER CUMMINGS, COMMISSIONER SKIDMORE OPPOSING.**

(3) Commission Office - RECOMMENDED ACTION: Discussion and results of The South Manasota Key Association survey.

**Commissioner Skidmore** explained the purpose of requesting this item be placed on the agenda. Steve Stump, Bob Carroll and Wayne Largent provided history and gave a PowerPoint presentation.

(4) Commission Office - RECOMMENDED ACTION: Discussion and direction of the Manasota Key Advisory Board.

**Commissioner Skidmore** explained the item, proposed the BCC allow Growth Management, Attorney Rooney and County Attorney staff to go back, re-create By-laws with consultation from those on the Key, make sure to include the full-time residents, business owners, come up with term dates and expiration limits, and bring it back to the Board for formal ratification.

**COMMISSIONER SKIDMORE MOVED TO HAVE GROWTH MANAGEMENT, ATTORNEY DEREK ROONEY & COUNTY ATTORNEY STAFF WORK WITH RESIDENTS AND BUSINESS OWNERS TO RE-CREATE BY-LAWS WITH TERMS AND EXPIRATION DATES AND BRING BACK TO THE BCC FOR FORMAL RATIFICATION, SECONDED BY COMMISSIONER LOFTUS.**

**MOTION CARRIED 5:0.**

(2) Commission Office - **RECOMMENDED ACTION:** Discussion of the Little Gasparilla Island Fire and Rescue plans.

**Commissioner Skidmore** explained why he requested the items be brought to the Board.

**COMMISSIONER SKIDMORE MOVED TO MOVE FORWARD WITH A "501C-3 USEPA" PLAN AND BRING IT BACK TO THE BCC FOR APPROVAL, SECONDED BY COMMISSIONER LOFTUS.**

Tara Musselman stated that with the consensus of the Board, staff will move forward, do a legal request to have the Ordinance created, and set a public hearing for the second meeting in February to hold it for the first meeting in March.

**MOTION CARRIED 5:0.**

(5) Building Construction Services **RECOMMENDED ACTION:** Discussion and direction regarding the requirements for a Swimming Pool and Spa Cleaner Certificate of Competency and potential alternatives.

Jim Evetts explained the purpose of the item, reviewed the five options furnished to the Board by memorandum, and commented on staff recommendations.

Board discussion ensued.

**Commissioner Loftus** suggested using the Health Department for regulating the certification for cleaning pools. **Commissioner Duffy** recommended a new category for pool cleaning only, to

follow Option 4, to design and administer the tests, and require liability insurance, especially for transportation of chemicals. **Commissioner Cummings** asked if there was a classification for pool cleaners only, commented further on tests, and stated preference is option one "Do Nothing." Mr. Evetts responded affirmatively.

**COMMISSIONER CUMMINGS MOVED TO APPROVE OPTION 1, SECONDED BY COMMISSIONER SKIDMORE.**

**MOTION FAILED 2:3.**

**Commissioner Skidmore** requested further clarification on Option Two, which Mr. Evetts explained. Board discussion ensued on reasonable requirements to regulate general pool cleaning, legal requirements, and various licenses.

**COMMISSIONER LOFTUS MOVED TO REQUIRE POOL CLEANERS TO GET A COUNTY LICENSE, TRAINING BY THE HEALTH DEPARTMENT, THREE YEARS' EXPERIENCE, PROOF OF LIABILITY INSURANCE AND/OR WORKMEN'S COMPENSATION, SECONDED BY COMMISSIONER DUFFY.**

Assistant County Attorney Kira Honse fielded Board questions regarding possible licensing requirements.

Attorney Knowlton clarified the motion made by **Commissioner Loftus**. **Commissioner Skidmore** commented on difficulties involved in the motion and asked Scott Schermerhorn from the Health Department if they were interested in instituting the requirements. Mr. Schermerhorn replied the Health Department could perform what the BCC requests but encouraged looking at the State tests instead.

**Commissioner Cummings** stated that the appearance of the motion is to have all existing requirements the same but change which test is taken, commented on what Sarasota County Health Department requires, and offered further comments.

**Commissioner Duffy** inquired to **Commissioner Loftus** if he would consider adding commercial insurance, liability coverage, and a 4 or 16-hour course to the motion.

**COMMISSIONER LOFTUS MOVED TO AMEND TO INCLUDE AUTO COMMERCIAL LIABILITY AND A FOUR-HOUR COURSE, SECONDED BY COMMISSIONER SKIDMORE.**

**Commissioner Duffy** clarified with the Health Department whether to have a 4-hour or 16-hour course. Mr. Schermerhorn commented on the differences between a national certification and a simple county-administered test.

**Commissioner Loftus** stated his concern is the testing and is willing to go with the 16-hour course. Mr. Schermerhorn stated the Health Department would have to create a test, involving six months of time and costs. Erin Mullen-Travis explained how Charlotte County is notified if a contractor's insurance policy is canceled.

Attorney Knowlton clarified that the motion requires personal liability insurance, Workers' Compensation, commercial auto insurance, general liability insurance, a 16-hour Health Department test, and three years experience. **Commissioner Duffy** agreed and made additional comments.

**Commissioner Skidmore** made other recommendations and opined there is no reason to create a new process.

Attorney Knowlton suggested leaving things the way they are except to omit certain things.

**COMMISSIONER LOFTUS WITHDREW HIS MOTION.**

**COMMISSIONER SKIDMORE MOVED TO REMAND THE ISSUE TO STAFF AND DO NOTHING, SECONDED BY COMMISSIONER LOFTUS.**

**COMMISSIONER SKIDMORE REQUESTED THE MOTION BE CALLED: APPROVED: 4/0.**

**MOTION CARRIED 5:0.**

Mr. Baltz requested Board direction as to what it is requiring from staff on the issue. **(Board Consensus was no action.)** **Commissioner Duffy** stated that she is not satisfied with the end result. **Commissioner Skidmore** suggested she work with staff for a plan. **Chairman Starr** agreed the Board needs to talk with staff independently.

(6) Commission Office - **RECOMMENDED ACTION:** Select by ballot one volunteer to serve on the Construction Industry Licensing Board representing the "general contractor" category. Length of term is four years.

Mr. Baltz read the following votes by ballot into the record:  
Rex Goulding-5 votes.

**COMMISSIONER CUMMINGS MOVED TO APPROVE REX GOULDING TO SERVE ON THE CONSTRUCTION INDUSTRY LICENSING BOARD, SECONDED BY COMMISSIONER LOFTUS.**

**MOTION CARRIED 5:0.**

**RECESS: 1:20 PM - 2:05 PM**

(1) Environmental and Extension Services - **RECOMMENDED ACTION:** Presentation updating the Board of County Commissioners on the status of the Countywide Scrub-jay Habitat Conservation Plan [HCP].

Andy Stevens and Dr. Reed Bowman provided a PowerPoint overview on the biology of the Florida Scrub-jay, their distribution in Charlotte County, the Federal Endangered Species Act, current regulations, the make-up of a Habitat Conservation Plan, and where we are on the development of Charlotte County's Scrub-jay Habitat Conservation Plan (HCP).

**Commissioner Duffy** requested clarification that the Habitat Conservation Plan is to protect the bird and once the economic analysis is achieved, citizens would not have to pay mitigation fees. Dr. Bowman clarified.

Andy Stevens added additional clarification and commented on funding costs.

**Commissioner Cummings** commented on having a Habitat Conservation Plan, the best way to handle it, the costs involved, negotiating lower rates, and developers' fees.

**Chairman Starr** questioned if there had been challenges to the Federal Government's authority to regulate an indigenous species in the State of Florida. Mr. Bowman and Mr. Stevens responded to **Commissioner Duffy's** inquiry to the number of acres required per Scrub-jay families. **Commissioner Cummings** provided a brief history of how Charlotte County became involved in the Habitat Conservation Plan.

**IX. BOARD WORKSHOP AGENDA - 2:00 PM**

(7) Budget & Administrative Services RECOMMENDED ACTION: Update BCC on Economic Stimulus Funding.

Jason Stoltzfus gave a PowerPoint presentation updating the status of the American Recovery and Reinvestment Tax Act of 2009 (ARRA), of related opportunities that the County has pursued, and information about programs the County may be able to benefit from if the second Stimulus Bill (Jobs Bill) is enacted.

**Commissioner Loftus** commented on ARRA grants and energy grants, and clarified with Mr. Stoltzfus that staff is looking into those opportunities. **Commissioner Skidmore** inquired about spent money vs. distributed and recovery zone bonds. Mr. Stoltzfus responded in detail.

Chief Deputy Board Services Tommy White pointed out that every time the Federal Government extends unemployment, it is for the private sector.

Mr. Baltz commented on stimulus and grant money being a priority, asked Mr. Stoltzfus about grants falling into correct population categories. Mr. Stoltzfus responded in detail. **Commissioner Loftus** further commented on the issue having been communicated to the legislators.

(8) Commission Office - RECOMMENDED ACTION: Discussion of Peace River/Manasota Regional Water Supply Authority representation.

**Commissioner Cummings** explained why he requested this item be placed on the agenda, indicated his recommendation is that the Board take a firmer stand with the Peace River/Manasota Regional Water Supply Authority, commented on three focus points: to move the Water Authority back to an equity basis; hire a new executive director; SWFWMD policies need to be changed; and commented on appealing to Sarasota and Manatee Counties.

**Chairman Starr** opined the Board needs to look at the Water Authority agenda prior to the meeting and provide input to **Commissioner Loftus**, the Charlotte County representative.

**Commissioner Duffy** commented on giving input to **Commissioner Loftus**, getting a timeline from Mr. Baltz, on expenditures, that **Commissioner Loftus** is conscious of the budget, and **Commissioner Loftus'** ability to represent Charlotte County.

**Commissioner Cummings** commented on policy and the best way to approach it. **Chairman Starr** commented that the representative needs input from the Board. **Commissioner Cummings** suggested going through the Water Authority packets and compare them to what staff provides.

**Chairman Starr** pointed out that at least three Commissioners are interested in participating in the process. **Commissioner Loftus** stated water has no political boundaries and that his efforts have always been with the interest of Charlotte County in mind.

**Commissioner Skidmore** opined the importance of decisions made at the Water Authority, disagreed there are no political water boundaries, commented that regionalism should be embraced where possible but keep Charlotte County first, agreed that the Board should review the Water Authority agenda, give input to **Commissioner Loftus**, include Terri Kesner in decisions, encouraged taking advantage of the knowledge that **Commissioner Cummings** has regarding blended rates, and agreed the Board could be more aggressive with the Water Authority and SWFWMD policies. Board Discussion ensued.

Mr. Baltz clarified that Charlotte County Utilities (CCU) produces a memo regarding Water Authority agenda, stated he would circulate both to every Commissioner, and commented on timing to give **Commissioner Loftus** input.

**Commissioner Loftus** and Mr. Baltz reviewed the procedure preceding a Water Authority meeting.

**Chairman Starr** commented on having dialogue and input to the agenda of the Water Authority, and requested the agenda be formulated in time for discussion at the Commission meeting so that direction can be given to the representative.

Attorney Knowlton suggested ways to give direction to **Commissioner Loftus** to direct the Water Authority to change the agenda policy so that the BOCC will be able to review it. **Commissioner Loftus** acknowledged he would bring the matter forward to the Water Authority. **(Consensus.)** **Commissioner Cummings** commented further on the Water Authority agenda process.

**Commissioner Cummings** commented on creating a vision for the Authority and presenting it to the representative. **Commissioner Loftus** suggested the Water Authority and SWFWMD come before the

Board before changing the initiative. **Chairman Starr** commented on the intent of the Board regarding the Water Authority initiative.

(9) Administration - RECOMMENDED ACTION: Board of County Commissioners to select a representative to represent Charlotte County on the Peace River Water Authority Pipeline per the Mediation Settlement Agreement.

**COMMISSIONER SKIDMORE MOVED TO APPROVE CHAIRMAN STARR AS THE REPRESENTATIVE ON THE PEACE RIVER WATER AUTHORITY PIPELINE, SECONDED BY COMMISSIONER CUMMINGS.**

**MOTION CARRIED 5:0.**

**X. CITIZEN INPUT - ANY SUBJECT**

Mike Brown inquired about signage being erected to direct travelers down Veterans Boulevard in order to assist businesses and commented on the possible use of the Deep Creek preserve owned by SWFWMD for Scrub-jay mitigation.

Attorney Michael Haymans referenced the San Casa issue from the January 12, 2010 meeting, commented on documentation he presented, and indicated that nothing has been placed in the record that would change the decision the BOCC made.

**VII. PRESENTATION AGENDA - No Items.**

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

**AA. County Administrator:**

Mr. Baltz explained that the proposed vendor for the skate park has elected not to execute the contract and will have staff review options. **Commissioner Skidmore** urged staff to work with the Englewood Rotaries in an effort to keep the park open.

Mr. Baltz commented on meeting with Kitson & Partners regarding the water use permit for Babcock Ranch, their inquiries regarding funding process, when they will see a reimbursement, and that he will speak to each commissioner individually.

Mr. Baltz commented on workshop from last week and on a list of Board desired workshops as follows: Social Programs provided by

Human Services and others in the county. (**Consensus to have communication in conjunction with the Budget process, but not necessarily a separate workshop.**) There was brief Board discussion.

Mr. Baltz addressed the request by **Commissioner Loftus** to prepare for a water, wastewater and reclaimed water workshop. **Commissioner Skidmore** commented that he would rather see staff prepare financial forecast to lessen the debt of the utilities, work through the Clerk's office, and bring it to the BCC at their offices. **Commissioner Loftus** and **Chairman Starr** commented on Manchester Waterway funding.

**Commissioner Cummings** stated he is not interested in a workshop to juggle the debt structure. Mr. White stated that some of the old debt cannot be extended any further but the short-term debt needs to be re-financed this year; commented on the plan for borrowing in the current year; indicated that monies previously borrowed were already built into the rate structure; but that he is not certain of the plans for the new monies.

Mr. Baltz stated he had a second meeting with the City of Punta Gorda regarding economic incentive ideas but it is not ready to be brought back to the Board at this time.

**BB. County Attorney: None**

**CC. Commissioner Comments:**

**Commissioner Skidmore** commented on meeting with Mr. Weaver related to developing his property and possibly donating part of his road to the development of Winchester, and asked if there was any interest in having staff vent the process. (**Consensus for staff to talk with Mr. Weaver and bring discussion back to the Board.**)

**Commissioner Skidmore** commented on Office Depot and purchasing scams, and asked Mr. Baltz to give a status update in the future. Mr. White said staff would take care of it. **Commissioner Skidmore** talked about Enterprise Charlotte coming to West County, encouraged business owners to get involved, and discussed the award of the Placida and Edgewater Contracts. (**Consensus to evaluate all prospects.**)

**Commissioner Skidmore** commented on wants vs. needs, opined that Pre-Agenda is costly and could be done without the body sitting together on Monday and again on Tuesday, recommended going without Pre-Agenda for two or three months on a trial basis.

**Commissioners Duffy** and **Loftus** stated they prefer Pre-Agenda to continue. **Chairman Starr** agreed with trying not having it for a while. **Commissioner Duffy** does not want to tie up staff time independently when they could meet collectively with the BOCC prior to a meeting.

**Commissioner Loftus** commented on the San Casa matter; indicated he received information after voting that would change his mind; and asked that the BOCC bring it back for re-consideration.

**COMMISSIONER LOFTUS MOVED TO RECONSIDER THE SAN CASA MATTER AND BRING IT BACK AS A PUBLIC HEARING AT AN APPROPRIATE TIME, SECONDED BY COMMISSIONER DUFFY.**

**Commissioner Cummings** stated that the motion to re-consider eliminates the decision previously made. **Commissioner Skidmore** believes that the motion would be an injustice to those that were present on January 12th. **Commissioner Duffy** opined the Board was given inaccurate information and believes the matter should be re-addressed. Attorney Knowlton advised the matter must be done at the next regular meeting unless erroneous information was given. **Commissioner Loftus** clarified the appropriateness of the motion. Attorney Knowlton responded that the motion undoes the previous decision and someone will have to bring it back to the Board. **Commissioner Skidmore** said the motion voids a previous action. **Commissioner Loftus** asked if he could include that in his motion. Attorney Knowlton said the item would have to be re-advertised as it was Quasi-Judicial.

**Commissioner Skidmore** inquired about the motion on the floor and the reasons. **Commissioner Loftus** stated he had just received information from the attorney that would have changed his mind. **Commissioner Skidmore** questioned whether reconsideration is warranted. **Commissioner Cummings** commented on the quasi-judicial decision and expressed his concerns on the matter, stated that his reasons were listed in the motion he made that day and nothing has changed his mind. **Commissioner Duffy** opined clear proof of classification at the particular time was not received and should be re-addressed with better clarification.

**Commissioner Loftus** requested getting a ruling from the County Attorney and expressed concern about nullifying the vote. Attorney Knowlton stated that the Motion to re-consider just undoes what was done at the last Board meeting unless another motion is made to bring it back at another time and it will be re-advertised for another public hearing.

**COMMISSIONER LOFTUS CLARIFIED THAT THE MOTION IS TO RE-CONSIDER AND TO BRING IT BACK AS A PUBLIC HEARING AT AN APPROPRIATE TIME. COMMISSIONER DUFFY AGREED AS TO THE SECOND. MOTION FAILED 2:3.**

**Commissioner Duffy** reported on statistics received at the Public Safety Counsel and Juvenile Justice Counsel meetings.

**Commissioner Duffy** advised that when discussing the open container ordinance this morning the Board did not vote to do the cleanup of the Parks and Recreation; and inquired about no overnight camping in the county. Attorney Knowlton stated that item is still being worked on with the Sheriff's Office and has not yet been brought back. Board discussion ensued.

*Commissioner Cummings* commented further on doing away with Pre-Agenda.

ADJOURNED: 5:10 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

gm