

**BOARD OF COUNTY COMMISSIONERS**

**February 9, 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. The following members were absent: None

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

Invocation was given by Reverend George Cooks, First Macedonia Baptist Church, followed by the Pledge of Allegiance.

**Changes to the Agenda:**

**Addition #1: Z-6** - Requested by: County Attorney - Approve a Resolution in support of amending Section 287.055 Florida Statutes to allow Counties to consider costs and fees when selecting professionals under the Consultant's Competitive Negotiations Act.

**Change #1: F-6** - Correction of a typographical error - Once Source Construction Co. should be One Source Construction Co.

Mr. Baltz advised he received a request from Mosaic and the Tampa Bay Rays that agenda item Z-1 regarding BCC approval for the Tampa Bay Rays to partner with Mosaic on the naming rights for the stadium at Charlotte Sports Park be pulled from today's agenda in order for them to obtain additional community input.

**Deletion #1:** Regular Agenda, Agenda Item Z-1 - Parks, Recreation & Cultural Resources: Request the Board of County Commissioners' consideration of approval for the Tampa Bay Rays to partner with Mosaic on the naming rights for the stadium at Charlotte Sports Park. This agreement provides for the County to receive \$77,250 for stadium and maintenance operations. The \$77,250 shall grow 3% annually for the term of this agreement. The agreement between the Tampa Bay Rays and Mosaic is for a 15 year term. The name is to be Mosaic Field at Charlotte Sports Park.

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

*Chairman Starr* opined agenda item Z-1 should not be removed from the agenda because so many citizens were present to speak on the item. (*Consensus to call the Motion.*)

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

*Commissioner Cummings* stated he had no objections to the Board not making a decision today, but that all citizens present should have an opportunity to speak today. *Chairman Starr* indicated that the item would be pulled as the majority of the Commissioners agreed they did not want the item heard today. *Commissioner Cummings* clarified that since agenda item Z-1 had been pulled from the agenda, the public cannot speak to it at the first Citizens Input but can at the second Citizens Input. Attorney Knowlton concurred.

**Proclamations - Commissioner Bob Starr**

Arts and Humanities Council Artist of the Month, Ann Friauf, Proclamation the month of February, 2010.

**COMMISSIONER LOFTUS MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH, ANN FRIAUF, PROCLAMATION, THE MONTH OF FEBRUARY, 2010, SECONDED BY COMMISSIONER SKIDMORE.**

**MOTION CARRIED 5:0.**

The Proclamation was accepted by Ann Friauf.

Hazardous Materials Awareness Week, Proclamation, the week of February 14, 2010 through February 20, 2010.

**COMMISSIONER LOFTUS MOVED TO APPROVE HAZARDOUS MATERIALS AWARENESS WEEK, PROCLAMATION, THE WEEK OF FEBRUARY 14, 2010 THROUGH FEBRUARY 20, 2010, SECONDED BY COMMISSIONER SKIDMORE.**

**MOTION CARRIED 5:0.**

The Proclamation was accepted by Wayne Salade.

**Employee Recognition - County Administrator Roger Baltz and Chairman Starr**

**Five Years:** Glenda Anderson, Environmental & Extension Services; John Brennan, Utilities; Christine Broughman, Budget & Administrative Services; Joan Brown, Utilities; Joanna Colburn, Building Construction Services; Raymond Desjardins, Information Technology; Richard English, Information Technology; Evelyn Kennedy, Parks, Recreation & Cultural Resources; Jennifer Kern, Fire/EMS; Gayle Moore, Growth Management; Regina Riccardi, Utilities; Barry Strike, Human Services; Katherine "Kay" Tracy, Economic Development; Dale Vadnais, Utilities; Ronald Aubel, Utilities; Charles Witt, Utilities; **Ten Years:** Jeffrey Keyser, Public Works; Matthew Averbeck, Fire/EMS; David Benfield, Fire/EMS; Anthony File, Fire/EMS; **Fifteen Years:** Mark Machukas, Utilities; **Twenty Years:** Timothy Costello, Fire/EMS; **Twenty-Five Years:** Robert Mendenhall, Building Construction Services.

**Presentations - No items**

**Commissioner Cummings** suggested that Citizens Input - Agenda Items Only and Citizens Input - Any Subject be taken at the same time since so many citizens are here to speak on agenda item Z-1 and it had been pulled. (**Board Consensus to keep the agenda in its current order.**)

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

Roni Murray spoke to agenda item F-4.

Joan Fischer commented on agenda item R-2.

**II. COMMITTEE VACANCIES**

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

Affordable Housing Advisory Committee is seeking two members to serve on the committee. One not-for-profit representative and one real estate professional. Terms are for three 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 Board of Adjustments and Appeals is seeking one member to serve as an alternate on the committee for a three year term. This committee meets the first and third Monday of each month at 8:30 a.m. in Murdock. Must be a resident of the county.

Englewood East Street & Drainage Advisory Committee is seeking three volunteers; two 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 Waterway Maintenance District Advisory Board is seeking two volunteers to serve as regular members for three year terms. Must reside in the unit.

Lemon Bay Street & Drainage Advisory Committee is seeking five volunteers 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.

Mid-Charlotte Stormwater Utility Unit is seeking one volunteer to serve as the Suncoast Boulevard Street & Drainage Unit representative. 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

Manchester Waterway Advisory Committee is seeking two members to serve on the committee. Must be residents and property owners of the unit. Terms are for three years.

Northwest Port Charlotte Street and Drainage Unit Advisory Committee is seeking two regular members and one alternate to serve on the committee. Regular member terms are for three years and the alternate is two years.

Placida Street & Drainage Advisory Committee is seeking one volunteer to serve as a regular member for a three year term, effective Feb. 12, 2010.

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.

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

**IV. CONSENT AGENDA**

**COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS F-3, F-4, F-7, F-9, SECONDED BY COMMISSIONER DUFFY.**

**MOTION CARRIED 5:0.**

**Clerk of the Circuit Court**

**A. Finance Division**

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

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 16, 2010 through February 1, 2010 in the amount of \$13,619,296.01.

**B. Minutes Division**

(1) **RECOMMENDED ACTION:** Approve Minutes for:

September 15, 2009, 9:00 a.m. Land Use Meeting

September 21, 2009, 9:00 a.m. Pre-Agenda Meeting

September 22, 2009, 9:00 a.m. Regular Meeting

September 24, 2009, 5:01 p.m. Budget Public Hearing

October 1, 2009, 6:00 p.m. Town Hall Meeting

October 12, 2009, 9:00 a.m. Pre-Agenda Meeting

October 13, 2009, 9:00 a.m. Regular Meeting

October 20, 2009, 9:00 a.m. Land Use Meeting

October 26, 2009, 9:00 a.m. Pre-Agenda Meeting

October 27, 2009, 9:00 a.m. Regular Meeting

November 9, 2009, 9:00 a.m. Pre-Agenda Meeting

November 10, 2009 9:00 a.m. Regular Meeting

BUDGETED ACTION: None

**Board of County Commissioners**

**C. Commission Office**

(1) RECOMMENDED ACTION: Approve the appointments to the Affordable Housing Advisory Committee. Ms. Rosanna Goode as the home building industry representative and Ms. Christine Cupp as the residential home building representative. Terms are effective immediately and are for three years. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Appoint Erik Howard to serve on the Construction Industry Licensing Board representing the professional engineer category. Length of term is four years. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Re-appoint Mr. Robert C. Aspery for an additional three year term on the Englewood East Street & Drainage Advisory Committee. Term is effective February 13, 2010 and expires February 13, 2013. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Re-appoint the following to the Little Gasparilla Island Community Planning Advisory Committee: Carey

Beychok as the Placida Beach Condo Association Representative; Barry Hurt as a Member-at-Large; Paul Holmes as the Little Gasparilla Property Owners Association Representative. These are two year terms effective immediately and shall expire January 22, 2012. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Re-appoint Mr. Scott Roberts to continue serving on the Placida Street and Drainage Advisory Committee for another three year term. His current term expires February 12, 2010 and the new term shall expire Feb. 12, 2013. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: On January 12, 2010, the Board of County Commissioners appointed Mr. Robert Kueny as a regular member of the Suncoast Waterway MSBU. It was later discovered that Mr. Kueny did not meet the residency requirement. It is therefore recommended that the Board terminate the appointment of Mr. Robert Kueny due to the residency issue and in his place re-appoint Mr. Edgar Hunt as a regular member. Both Mr. Kueny and Mr. Hunt have been advised of the matter and are in agreement with this recommended action. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: Re-appoint Mr. George Walker as a regular member to serve a three year term on the Town Estates Street & Drainage Unit Advisory Board. This term is effective immediately and expires Jan. 31, 2012. BUDGETED ACTION: None

**D. Administration - No items.**

**E. County Attorney**

(1) RECOMMENDED ACTION: Adopt a Resolution permitting Lemon Bay High School Project Graduation parents to conduct a bucket brigade at the Intersection of State Highway 776 and Placida Road/Pine Road. BUDGETED ACTION: None

**Resolution 2010-007**

(2) RECOMMENDED ACTION: Set an Executive Session for February 9, 2010 at 2:00 p.m. in the Charlotte County Attorney's Office Conference Room to discuss strategy and related litigation expenditures concerning the lawsuit captioned Rotonda Project, LLC v. Charlotte County, Civil Case No. 07-4374. BUDGETED ACTION: None

(3) **RECOMMENDED ACTION:** Approve a Resolution in support of exempting documents or electronic files revealing the official cost estimate of county projects from the requirements of Section 119.07(1), Florida Statutes, the Public Records law.  
**BUDGETED ACTION:** None

**Resolution 2010-008**

**F. Budget and Administrative Services**

(1) **RECOMMENDED ACTION:** Cancel Budget Public Hearings on September 9, 2010 and September 23, 2010 and reschedule for Wednesday, September 15, 2010 and Wednesday, September 29, 2010.  
**BUDGETED ACTION:** None

(2) **RECOMMENDED ACTION:** Schedule Budget Workshops with the Board of County Commissioners to discuss the FY 2010/2011 budget process. **BUDGETED ACTION:** None

**Fiscal Services - No items.**

**Information Technology - No items.**

**Purchasing**

(3) **RECOMMENDED ACTION:** a) Approve ranking of firms for Request for Proposal #10-014, Construction Administration Services - ASR Well/Rotonda: 1st Malcolm Pirnie, Inc. located in Sarasota, FL; 2nd Johnson Engineering, Inc. located in Port Charlotte, FL, and 3rd DMK Associates located in Englewood, FL; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for professional engineering services during construction and certification of an Aquifer Storage and Recovery (ASR) well.  
**BUDGETED ACTION:** Amount Budgeted \$550,000 in CIP project Rotonda Reclaimed Water ASR Wells.

**COMMISSIONER SKIDMORE MOVED THAT THE TOP THREE (3) FIRMS GIVE PRESENTATIONS ON AGENDA ITEM F-3, SECONDED BY COMMISSIONER LOFTUS**

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

Kim Corbett advised the presentations could be placed on the February 23, 2010 agenda or on an agenda in March 2010. (**Board**

consensus that the presentations be placed on a March 2010 agenda.)

(4) **RECOMMENDED ACTION:** Approve a) Award Bid #10-082, Specialty Mowing-Landscape Maintenance, to John Eisele, Inc., of Rotonda West, FL, for the period from date of award up to and including September 30, 2010, at the unit prices listed on the tabulation sheet; and b) Authorize County Administrator to approve two one-year annual renewals at the same terms, prices, and conditions. This is an annual contract for specialty mowing and landscape maintenance of rights-of-way, easements, drainage facilities, medians, treescaped streets, Beach Road, and County-owned vacant lots. **BUDGETED ACTION:** None. Mowing and landscaping are budgeted in the appropriate MSBU/TU and the Transportation Trust fund. Funds are supplied from Gas Taxes, the Manasota Key Streets and Drainage MSTU, The Mid, South and West Charlotte Stormwater MSBUs, the Placida Streets and Drainage MSBU, the Rotonda West Streets and Drainage MSBU, and the Greater Port Charlotte Streets and Drainage MSBU.

**Commissioner Skidmore** explained his reason for pulling this item.

**COMMISSIONER SKIDMORE MOVED TO SEND AGENDA ITEM F-4 BACK FOR RE-EVALUATION FOR BETTER PRICING AND EFFICIENCIES, SECONDED BY COMMISSIONER DUFFY.**

**Commissioner Duffy** asked that staff look into the concern noted by the business owner who spoke at Citizens Comments regarding the decimal point error in her bid.

**Commissioner Skidmore** commented additionally about combining as many services as possible. **Commissioner Loftus** agreed. **Commissioner Cummings** pointed out that large contracts may make it more difficult to use local contractors, which has been a priority of this Board.

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

(5) **RECOMMENDED ACTION:** a) Approve award of Bid #10-086, Sign Materials - Annual Contract to the lowest responsive, responsible bidder for each group: Group A - Rolled Materials to Custom Products Corporation of Jackson, MS; Group B - Pre-formed Thermoplastic Markings to Flint Trading Inc. of Thomasville, NC; Group C - Raised Pavement Markers to Ennis Paint Inc. of Ennis, TX at the unit prices indicated on the attached Bid Tabulation;

and b) Authorize the County Administrator to approve renewal options up to two (2) additional one-year periods, at the same prices, terms and conditions, by mutual consent. The contract period will be effective from date of award through and including December 31, 2010. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Approve award of Bid #10-101, Stillwater Youth House Renovation, to One Source Construction Company of Fort Myers, FL, for a total cost of \$209,104.00. BUDGETED ACTION: None. \$288,645 is available in Hurricane Housing Recovery grant project.

(7) RECOMMENDED ACTION: Approve File #10-152, Purchase of two (2) International Model 7600 SFA 6x4 Trucks from the Florida State Contract #070-700-09-1, Medium & Heavy Trucks with Navistar, Inc. of Duluth, GA, for \$98,378 each with a total cost of \$196,756. BUDGETED ACTION: Budget Amount \$200,000.

**Commissioner Skidmore** explained the reason for pulling the item. Mr. Baltz clarified that staff is proceeding with some of the recommendations, explained in further detail, commented that other areas are being reviewed, and that the item stood alone on its own merit as a cost-saving measure. **Commissioner Skidmore** inquired if staff tried to purchase the vehicles locally. Ms. Corbett responded that staff is unaware of anyplace locally for purchase.

**COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM F-7, SECONDED BY COMMISSIONER LOFTUS.**

**MOTION CARRIED 5:0.**

(8) RECOMMENDED ACTION: Approve award of Bid No. 09-291 Piper Road Project to the lowest responsive, responsible bidder: Bonness Inc. of Port Charlotte, FL for the total bid amount of \$7,343,644.89. BUDGETED ACTION: None. Budgeted in CIP project c410202 Piper Road/Enterprise Charlotte Airport Park.

(9) RECOMMENDED ACTION: Authorize staff to amend the definition of "Local Office" for any services requested via the Request for Proposal (RFP) process. The definition used in the Affidavit submitted in response to an RFP would be amended to expand the definition of a "Local Office" to encompass Charlotte County, Sarasota County and Desoto County. BUDGETED ACTION: None

**COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM F-9, SECONDED BY COMMISSIONER LOFTUS.**

*Commissioner Skidmore* explained his reason to deny this item. *Commissioner Duffy* pointed out problems that would arise as a result of denying the item. *Commissioner Skidmore* stated he is willing to delay this item for stakeholder discussion. *Commissioners Duffy* and *Loftus* suggested postponing the item in order to gather information from the stakeholders.

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

*Commissioner Duffy* requested clarification of the motion. *Chairman Starr* advised that the motion was for denial.

**COMMISSIONER LOFTUS MOVED TO HAVE ADMINISTRATION BRING AGENDA ITEM F-9 BACK FOR DELIBERATION, SECONDED BY COMMISSIONER DUFFY.**

**MOTION CARRIED 5:0.**

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

**Real Estate Services - No items.**

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

**H. Economic Development**

(1) **RECOMMENDED ACTION:** Approve the recommendation of the Charlotte County Industrial Development Authority to move the request for \$3,642,000 in Recovery Bonds forward. **BUDGETED ACTION:** None

**J. Environmental Services**

(1) **RECOMMENDED ACTION:** Approve a Resolution creating a Manatee Advisory Committee for Charlotte County. **BUDGETED ACTION:** None

**Resolution 2010-009**

**K. Facilities Construction and Maintenance**

(1) *RECOMMENDED ACTION*: Approve Facilities Management project recommendation for application to the American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) competitive grant for converting Fire Station #12 to solar power and replacing 9 sports fields with energy efficient lighting. *BUDGETED ACTION*: None at this time. Budget will be amended if grant is awarded. The grant application amount is \$984,000.00. \$287,000 is for Fire Station #12, \$697,000 is for Parks, sports field lighting. The matching funds include: Salary \$64,370, Fringe Benefits \$22,076, and costs incurred from Energy and Conservation Strategy \$49,600, for a total of \$136,046. These matching funds have already been budgeted and would have been incurred whether or not the grant funding was pursued. The matching funds were only included in this grant application in order to decrease the funding request and to increase the chances of winning the award.

**Grant 2010-004**

**L. Growth Management - No items.**

**M. Human Resources - No items.**

**N. Human Services - No items.**

**P. Parks, Recreation and Cultural Resources - No items.**

**Q. Public Safety**

(1) *RECOMMENDED ACTION*: Approve Amendment #2 to the Frequency Reconfiguration Agreement (FRA) between Nextel South Corporation and Charlotte County. *BUDGETED ACTION*: None required. 100% of funding is provided by Nextel South Corp.

**Amendment #2 to Agreement 2009-013**

(2) *RECOMMENDED ACTION*: Set a public hearing for February 23, 2010, at 6:00 p.m. or as soon thereafter as may be heard to consider an Ordinance amending provisions of the County's Animal Control Code. *BUDGETED ACTION*: None

**R. Public Works**

(1) *RECOMMENDED ACTION*: Set a public hearing for February 23, 2010, at 6:00 p.m. or as soon thereafter as may be heard, to consider approving an Ordinance adding Woodland Estates aka Harborside Woods to the Burnt Store Village Street and Drainage MSBU. *BUDGETED ACTION*: None. Funding for recording fees is supplied by the Burnt Store Village Streets and Drainage MSBU.

(2) *RECOMMENDED ACTION*: Set a public hearing for February 23, 2010, at 6:00 p.m. or as soon thereafter as may be heard, to consider creating an MSBU for Pirate Harbor Street and Drainage issues. *BUDGETED ACTION*: None. Funding for recording fees is supplied by the South Burnt Store Streets and Drainage MSBU.

(3) *RECOMMENDED ACTION*: Set a public hearing for February 23, 2010, at 6:00 p.m. or as soon thereafter as may be heard to consider approving an Ordinance to remove Pirate Harbor and Woodland Estates aka Harborside Woods from the South Burnt Store Street and Drainage MSBU. *BUDGETED ACTION*: None. Funding for recording fees is supplied by the South Burnt Store Streets and Drainage MSBU.

**S. Tourism Development - No items.**

**T. Utilities - No items.**

**U. Other Agencies - No items.**

**V. REGULAR AGENDA**

**Z. Regular Agenda**

(2) *Commission Office*: Select by ballot one person to serve as the At-Large Representative on the Little Gasparilla Island Community Planning Advisory Committee, vacated by the resignation of Rande Ridenour. This is a two year term effective immediately and expiring on January 22, 2012.

Mr. Baltz read the following votes by ballot into the record: Dan Butler-5 votes; Michael Anderson-0 votes.

**COMMISSIONER SKIDMORE MOVED DAN BUTLER TO SERVE AS THE AT-LARGE REPRESENTATIVE ON THE LITTLE GASPARILLA ISLAND COMMUNITY PLANNING ADVISORY COMMITTEE, SECONDED BY COMMISSIONER LOFTUS.**

**MOTION CARRIED 5:0.**

(3) Commission Office: Select by ballot one person to serve a three year term as a regular member of the Manasota Key Street & Drainage MSTU and one person to serve a two year term as the alternate member on this committee. Both terms effective immediately with the regular member's term expiring January 9, 2013 and the alternate's term expiring January 23, 2012.

Mr. Baltz read the following votes by ballot into the record: Lynwood R. Dahl-2 votes as Member, 3 votes as Alternate Member; B.J. Galbraith-3 votes as Member, 2 votes as Alternate Member.

**COMMISSIONER LOFTUS MOVED B.J. GALBRAITH AS MEMBER AND LYNWOOD R. DAHL AS ALTERNATE MEMBER OF THE MANASOTA KEY STREET & DRAINAGE MSTU, SECONDED BY COMMISSIONER CUMMINGS.**

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

(4) Commission Office: Select by ballot three members to serve on the Northwest Port Charlotte Waterway Advisory Committee. Terms are for three years and all volunteers meet the criteria for serving on the committee.

Mr. Baltz read the following votes by ballot into the record: Renee Larson-5 votes; Ron Larrivee-5 votes; Christopher Ken Snowden-2 votes; Joseph Fabini-2 votes; Paul Pilch-1 vote.

**COMMISSIONER CUMMINGS MOVED RENEE LARSON AND RON LARRIVEE TO SERVE AS MEMBERS ON THE NORTHWEST PORT CHARLOTTE WATERWAY ADVISORY COMMITTEE, SECONDED BY COMMISSIONER SKIDMORE.**

**MOTION CARRIED 5:0.**

**COMMISSIONER CUMMINGS MOVED JOSEPH FABINI TO SERVE AS MEMBER ON THE NORTHWEST PORT CHARLOTTE WATERWAY ADVISORY COMMITTEE, SECONDED BY COMMISSIONER SKIDMORE.**

**MOTION CARRIED 5:0.**

(5) Commission Office: Select by ballot three (3) people to serve on the Harbour Heights Street and Drainage Unit Advisory Committee as regular members. All terms are effective February 13, 2010 and shall expire February 13, 2013.

Mr. Baltz read the following votes by ballot into the record: Joan Hayes-4 votes; Joseph Ginter-3 votes; David Steele-3 votes; William Moyer-2 votes; James Snyder-2 votes; Theodore Kruger-1 vote.

**COMMISSIONER LOFTUS MOVED JOAN HAYES, JOSEPH GINTER, AND DAVID STEELE TO SERVE AS MEMBERS ON THE HARBOUR HEIGHTS STREET AND DRAINAGE UNIT ADVISORY COMMITTEE, SECONDED BY COMMISSIONER SKIDMORE.**

**MOTION CARRIED 5:0.**

(6) County Attorney: Approve a Resolution in support of amending Section 287.055 Florida Statutes to allow counties to consider costs and fees when selecting professionals under the Consultant's Competitive Negotiations Act.

Attorney Knowlton explained the purpose of the item. **Commissioner Skidmore** pointed out the issue has been a legislative priority of the Board for years.

**COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2010-010, SECONDED BY COMMISSIONER LOFTUS.**

**MOTION CARRIED 5:0.**

**RECESS: 9:55 AM - 10:10 AM**

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

(Commissioner Skidmore was not present for this portion of the meeting.)

(1) Public Works: Conduct a public hearing to consider amending an ordinance to reduce the speed limit on Elmira Boulevard, between Beacon Drive and Kings Highway, to 35 miles per hours (mph).

Gary Grossman presented the item and commented on requests from residents related to this item.

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

**MOTION CARRIED 4:0.**

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2010-004,  
SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 4:0.

(2) Public Works: Conduct a public hearing to consider approving an Ordinance to create an Advisory Board for the Peace River Shores Street and Drainage MSBU.

Dawn Harrison presented the item.

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

MOTION CARRIED 4:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2010-005,  
SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 4:0.

(3) Public Works: Conduct a public hearing to consider amending an Ordinance to include adjacent properties to the Airport Commerce Center into the Punta Gorda Non-Urban Street and Drainage MSBU.

Dawn Harrison presented the item.

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

MOTION CARRIED 4:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2010-006,  
SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 4:0.

VII. PRESENTATION AGENDA - No items

VIII. PUBLIC WORKSHOP AGENDA - No items

IX. BOARD WORKSHOP AGENDA -No items

X. CITIZEN INPUT - ANY SUBJECT

The following citizens spoke regarding Tampa Bay Ray's request for the Board to consider approval to re-name the Charlotte Sports Park "Mosaic Field": Bill Dryburgh, Gail Gils, Tess Canja, Jim Story, an unidentified citizen, Stephen Deutsch, Gary Willecke, Ruth Bromberg, Rita Hower, Joan Fischer, Clarke Keller, Percy Angelo, Linda Carbone, Stephanie Belknap.

(Commissioner Skidmore was present for the remainder of the meeting.)

**AA. County Administrator:**

Mr. Baltz commented on action taken for the Building Department to have a presence in **Commissioner Skidmore's** San Casa office, open Monday from 10AM to 4PM, reminded the Board that February 20, 2010 is the Annual Government Day at the Town Center Mall, and mentioned that staff is working in conjunction with the City of Punta Gorda on possibly moving the chiller unit behind the old Courthouse to provide parking space and landscaping.

**BB. County Attorney:**

Attorney Knowlton advised that the Open Container Ordinance went into effect February 2, 2010, that staff is working on the aggressive panhandling ordinance and no camping ordinance, and that those items would be brought back to the Board.

**CC. Commissioner Comments:**

**Commissioner Skidmore** outlined the Charlotte Sports Park item as a contractual obligation, commented on the original financing of the stadium, and explained origin of monies.

**Commissioner Loftus** provided an update on the February 3, 2010 Water Authority meeting, advised that the Water Authority agenda would be provided to the BOCC in time for Commissioners to review it prior to the next Water Authority meeting (March 3, 2010), and stated that the Water Authority would like to give a tour of the plant and reservoir when the BOCC can do so.

**Commissioner Duffy** provided a follow-up to the renewable energy workshop, commented on a new program called PACE being worked on by legislators in Tallahassee, explained its purpose, function, and financial benefits to businesses, and proposed adopting a

resolution in support of PACE. **Commissioner Loftus** spoke in favor of supporting the legislation. **Commissioner Skidmore** responded that he would like to gather more information to determine risks and suggested a memorandum be submitted and brought back to the Board. **Chairman Starr** agreed.

**Commissioner Duffy** requested Board Consensus to begin working on the legislation. **Commissioner Skidmore** requested more information before involving staff time. (**Board Consensus to get more information on the item.**)

**Commissioner Duffy** asked for input from the Board as to what direction to take with naming rights of the stadium, questioned how revenues would be acquired if the Rays cannot come up with other sponsors, and suggested the Sierra Club or any other environmental organization give it consideration.

**Commissioner Cummings** and **Chairman Starr** commented on the Tampa Bay Rays consideration of selling naming rights to Mosaic of the Charlotte Sports Stadium. **Commissioner Cummings** provided some phosphate industry history. **Chairman Starr** indicated that naming the stadium after Mosaic is wrong for Charlotte County; opined someone else would step forward; and that he would assist in making the pitch.

(**Deputy Chief Board Services White was not present for the remainder of the meeting.**)

**Chairman Starr** commented on septic tank fees and requested direction from the County Attorney to move forward with setting Charlotte County fees at the minimum fee that State Statute requires for all septic tanks. **Commissioner Loftus** stated that the Board of Health set the fees and requested having them reviewed. **Commissioner Duffy** agreed and opined that the ATU situation should be addressed as well. **Chairman Starr** opined that direction was given at a previous meeting on the ATU ordinance; that the County Attorney is working on the issue; and commented on the BCC's ability to set fees. Attorney Knowlton clarified two things being asked for, one being legislative change for two years and the other being reduction in fees. (**Board Consensus**)

**Commissioner Starr** expressed additional concerns with impact fees and requested giving direction to County Attorney and staff as to how fees are applied. **Commissioners Loftus, Skidmore** and **Duffy** agreed. **Commissioner Cummings** expressed concern only that

the impact fees get paid, not who pays it. **Chairman Starr** agreed with **Commissioner Cummings'** comments and added that impact fees should be fair. **(There was Board Consensus to look into impact fees.)** **Chairman Starr** apologized for not responding to many emails regarding Mosaic due to the large volume received.

**RECESS: 11:30 AM - 2:00 PM**

**BOARD OF COUNTY COMMISSIONERS - EXECUTIVE SESSION**

**February 9, 2010**

An Executive Session was held this date at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following were in attendance: **Chairman Starr, Commissioner Cummings, and Commissioner Loftus.** Also in Attendance were County Attorney Knowlton and Minutes Supervisor Manley. The Executive Session was called to order at 2:00 PM.

Attorney Knowlton announced the opening of the public portion of the Executive Session, advised the attorney/client portion of the Executive Session would be held in the County Attorney's Conference Room, noted the Executive Session is pursuant to Section 286.011 (8) Florida Statutes, and the purpose is to discuss strategy and related litigation expenditures concerning the lawsuit captioned Rotonda Project, LLC v. Charlotte County, Civil Case No. 07-4374; and that the following would be in attendance: **Chairman Starr, Commissioner Cummings, Commissioner Loftus, Commissioner Skidmore, Commissioner Duffy,** County Administrator Baltz, Assistant County Attorney Philip Fairman, and herself.

**RECESS: 2:07 PM - 2:30 PM**

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The Executive Session was reconvened and closed in Room 119 with Chairman Starr, Commissioner Cummings, Commissioner Duffy, County Attorney Knowlton and Minutes Supervisor Manley present.

ADJOURNED: 2:32 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