BOARD OF COUNTY COMMISSIONERS

September 14, 2010

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

Members present were: Chairman Starr, Commissioner Cummings, Commissioner Duffy, Commissioner Loftus, Commissioner Skidmore (absent until 9:50 A.M.), Interim County Administrator Sandrock, County Attorney Knowlton, Chief Board Services White, and Deputy Clerk Carleton. The following members were absent: None

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

Invocation was given by Pastor David Conklin, Grace Community Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: *Requested by: Administration - Z-1 - Change Requested Motion/Action to read: Discuss Board of County Commissioners' (BCC) departmental budget. Attached is a copy of the FY 09/10 BCC year to date expenditure report.*

Change #2: *Requested by: Commission Office - D-1 - Move to Regular Agenda, becomes item Z-3.*

Deletion #1: *Requested by: Purchasing - F-5.*

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

MOTION CARRIED 4:0.

Proclamations - Commissioner Tricia Duffy

American Business Women’s Day Proclamation, September 22, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE AMERICAN BUSINESS WOMEN’S DAY PROCLAMATION, SEPTEMBER 22, 2010, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 4:0.

The Proclamation was accepted by Marge Szmania, American Business Women's Association Member.

CC Fire & EMS Cancer Awareness Days Proclamation, September 27, 2010 and October 25th through October 27, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE CC FIRE & EMS CANCER AWARENESS DAYS PROCLAMATION, SEPTEMBER 27, 2010 AND OCTOBER 25TH THROUGH OCTOBER 27, 2010, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 4:0.

The Proclamation was accepted by Jay Nine and other representatives of Charlotte County Fire & EMS, followed by a brief video presentation.

Day of Remembrance for Murder Victims Proclamation, September 25, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE DAY OF REMEMBRANCE FOR MURDER VICTIMS PROCLAMATION, SEPTEMBER 25, 2010, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 4:0.

The Proclamation was accepted by Connie Ankney, Chapter Leader, SW Florida Parents of Murdered Children.

Constitution Week Proclamation, the week of September 17, 2010 through September 23, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE CONSTITUTION WEEK PROCLAMATION, THE WEEK OF SEPTEMBER 17, 2010 THROUGH SEPTEMBER 23, 2010, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 4:0.

The Proclamation was accepted by Debbie Harrington, Vice Regent, Charlotte Bay Chapter, Daughters of the American Revolution.

International Coastal Cleanup Day Proclamation, September 25, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE INTERNATIONAL COASTAL CLEANUP DAY PROCLAMATION, SEPTEMBER 25, 2010, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 4:0.

The Proclamation was accepted by Glenda Anderson.

Larry Starr Day Proclamation, September 14, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE LARRY STARR DAY PROCLAMATION, SEPTEMBER 14, 2010, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 4:0.

The Proclamation was accepted by Larry Starr.

Arts and Humanities Council Artist of the Month - Sandi Orgovan Proclamation, the month of September, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH - SANDI ORGOVAN PROCLAMATION, THE MONTH OF SEPTEMBER, 2010, SECONDED BY COMMISSIONER CUMMINGS.

MOTION CARRIED 4:0.

The Proclamation was accepted by Sandi Orgovan.

Employee Recognition - *Interim County Administrator Ray Sandrock*

Five Years: *Isabelle Charneau, Utilities; Michael Cox, Utilities; Thomas Dunn, Utilities; Jonathan Fox, Information Technology; Russell Geeck, Utilities; Brian Glazier, Public Works; Clayton Hotchkiss, Fire/EMS; Drew Johnson, Utilities; Richard Parry, Facilities; Richard Pino, Utilities; Jeffrey (Jeff) Reese, Information Technology; Deborah Skopec, Information Technology; Shane Styza, Fire/EMS; Salvatore (Sam) Tocco, Information Technology;* ***Ten Years:*** *James Layport, Jr., Public Works; Elizabeth (Liz) Parker, Tourism; Dorothy Sargent, Fire/EMS; Robert Schaitz, Facilities; Scott Staebler, Public Works;* ***Fifteen Years:*** *William Sayers, Public Works;* ***Twenty Years:*** *John Estill, Fire/EMS; Scott Heinis, Fire/EMS; Chris Lovegrove, Fire/EMS; Larry Starr, Fire/EMS (Retiring);* ***Twenty-Five Years:*** *David Mahon, Fire/EMS;* ***Thirty-Five Years:*** *George Dilena, Building Construction Services*

Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

K'Shana Haynie, on behalf of Roetzel & Andress, LPA, and Charles Moreno spoke in support of Agenda Item F-8.

Fred Baruth spoke in regard to Agenda Item N-1 and PH(1).

Barry Strike spoke to Agenda Item F-8.

Frank Wagner and Pat O'Connor spoke in regard to Agenda Item Z-2 and submitted petitions to the Board.

Tom Wendel spoke in regard to Agenda Item Z-2.

II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee is seeking three (3) volunteers to represent each of the following categories: Home Building Industry, For-Profit Provider and Charlotte County Essential Service Personnel. Volunteers must be residents of Charlotte County terms are from one to three years.

Children's Services Council is seeking one volunteer, must be a resident of Charlotte County and has maintained residency for 24 months. The Commissioners will nominate three names to the Governor and one will be selected by the Governor for appointment. Submit resume to: the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948, or call 941-743-1300, or e-mail BCC@charlottefl.com or fax 941-743-1310.

Construction Industry Licensing Board is seeking a volunteer to represent the mechanical contractor category. Volunteer must be a resident of Charlotte County for at least two years and be a licensed mechanical contractor. Length of term is until June, 2013.

Murdock Village Community Redevelopment Agency Advisory Committee is seeking one volunteer in the category of General Contractor. This is a three year term effective September 20, 2010 and expiring September 20, 2013. Please submit resume to the Charlotte County Commission office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax (941) 743-1310.

South Gulf Cove Community Plan Advisory Committee is seeking one volunteer. Must reside in or own property within the boundaries of the South Gulf Cove Community Planning Area. Term is to finish an unexpired term and to serve for two additional years, effective immediately, expiring Feb. 2013. Submit resume to the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax: (941)743-1310 or e-mail to BCC@charlottefl.com.

III. REPORTS RECEIVED AND FILED

Charlotte Harbor CRA Advisory Committee meeting Minutes for July 28, 2010.

IV. CONSENT AGENDA

(Commissioner Skidmore joined the meeting at 9:50 AM.)

COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS F-9, F-8, F-6, AND R-1, 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 August 17, 2010 through September 3, 2010 in the amount of $6,426,229.56.

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

08/17/10 9:00 AM BCC Regular/Land Use Meeting

08/23/10 9:00 AM BCC Pre-Agenda Meeting

08/24/10 9:00 AM BCC Regular Meeting

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Appoint Len M. Hazen to the South Bridge Waterway Advisory Committee. Length of term is three years. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Re-appoint Peter Taylor, as the Businessman Representative, and Kathy Damewood, as the Realtor, to the Code Enforcement Board. These terms are effective immediately and shall expire September 7, 2013. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve the following appointments to the Historical Advisory Committee: Judy Anderson, representing the Charlotte County Historical/Museum Society; Michael Haymans as the at-large representative and Barbara A. Fleshman as the Charlotte County Genealogical Society representative. All terms are effective immediately and will expire in September 2013. BUDGETED ACTION: None

D. Administration

Administration - No Items

Public Information Office - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: Request an extension of the previously approved Settlement Agreement between John and Barbara Reddin v. Charlotte County Case No. 07-3176-CA. BUDGETED ACTION: None

Amendment to Agreement 2010-008

(2) RECOMMENDED ACTION: Set an Executive Session for September 14, 2010 at 2:00 p.m. in the Charlotte County Attorney's Office Large Conference Room to discuss settlement options and related litigation expenditures concerning the lawsuits captioned Sabbia & Monti Trust v. Charlotte County, et al., Case No. 08-3534-CA and Veteran's Peachland Plaza v. Sabbia & Monti Trust, et al., Case No. 09-2318-CA. BUDGETED ACTION: None

F. Budget and Administrative Services

Budget and Administrative Services

(1) RECOMMENDED ACTION: Approve and authorize the Chairman to sign a Memorandum of Understanding between Charlotte County, Charlotte Behavioral Health Care, Inc., Charlotte County Court System, and an inclusive group of community partners to establish a Comprehensive Jail Diversion System. BUDGETED ACTION: None

Agreement 2010-037

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(2) RECOMMENDED ACTION: Approve the renewal of Agreement #02-184, Maintenance and Repair of 800 MHz Communication Infrastructure, to Motorola, extending the contract from October 1, 2010 through and including September 30, 2011, for an annual cost of $155,815.80. This Agreement provides for the maintenance and repair of the County's 800 MHz communication infrastructure. In accordance with the contract documents, the Contractor and the user department have agreed to extend said contract for one (1) year for an annual cost of $155,815.80. BUDGETED ACTION: No budget action required. $182,664 is budgeted for FY10/11 for the radio system infrastructure and repairs.

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

(4) RECOMMENDED ACTION: a) Award RFP 10-245, Comprehensive Self-Insurance Program-Third Party Administration Services, to Preferred Governmental Claims Solution (PGCS) located in Lake Mary for the period from October 1, 2010 up to and including September 30, 2011, with option to renew for two additional one-year terms at the terms and conditions; and b) Authorize the Administrator to approve two additional one-year renewals. This is a comprehensive program of self-insurance to cover third party administration services for the County's workers' compensation, property and liability exposures. BUDGETED ACTION: Proposed FY 2011 Budget Amount is $130,000.

(6) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #10-269, Engineers of Record - CCU, with 10 top-ranked firms as listed below for the term from date of execution of Contract up to and including December 31, 2013; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contracts; and d) Authorize the County Administrator to approve renewal of two additional one-year terms, at the same terms and conditions, by mutual consent. BUDGETED ACTION: FY 10 - Engineering Services under $300,000 are budgeted in various CIP projects, Engineering, and Contract Services (annual report, water and wastewater regulatory reports etc.), as needed.

***Chairman Starr** explained why he pulled the item and suggested hiring someone in-house in order to save money. **Commissioner Loftus** commented on the Library of Engineers and stated it was appropriate to move the item forward due to the nature of the proposal. **Commissioner Skidmore** pointed out that the proposed work cannot be done in-house and expressed concerns regarding bringing an engineer on staff.*

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA F-6, SECONDED BY COMMISSIONER LOFTUS.

Ms. Kesner fielded Board inquiries regarding the upgrading of the water modeling software and leak detector software.

Commissioner Cummings *commented on the details of what was actually being approved.*

MOTION CARRIED 5:0.

(7) RECOMMENDED ACTION: a) Award Bid #10-272 Taxi-Cab Services to two firms, Ameditrans, Inc. of Port Charlotte and Astor & Company, Inc. of Port Charlotte at the rate of $3.00 per trip plus $1.25 per mile for the term October 1, 2010 up to and including September 30, 2011; and b) Authorize the County Administrator to approve two additional one-year renewals at the same prices, terms, and conditions, by mutual consent. This is for taxi-cab services for transportation disadvantaged residents of Charlotte County. BUDGETED ACTION: None

(8) RECOMMENDED ACTION: a) Approve award of Bid #10-283, Transit Contract Drivers and Bus Washer, to Ameditrans, Inc, of Port Charlotte, FL, at the unit prices listed below for the term October 1, 2010, through and including September 30, 2011; and b) Authorize County Administrator to approve renewal of two (2) additional one-year terms, at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: None

Commissioner Duffy *commented on information received on the opportunity to achieve savings in relation to Sunshine Ride and Dial-A-Ride, indicated two bids were received, and asked Kim Corbett about the previous company being required to provide financial statements, if Ameditrans had a transit background, and the number of employees that would be taken on.*

Vikki Carpenter and Kim Corbett fielded Board inquiries regarding training and prerequisites for new employees, CDL licensing requirements, safety issues for citizens, the impact on service by staff, and transition to a company without health insurance.

Ms. Corbett read into the record that the contractor shall pay a minimum of 50% of a company provided health care plan and two weeks' vacation after two years' employment and a vested pension plan after five years of employment. ***Commissioner Skidmore*** *inquired about the whole sale change from public to private on Sunshine Ride. Ms. Carpenter responded in detail.*

Commissioner Skidmore *expressed concern for people using Sunshine Ride who need to get to a doctor, mentioned details of the Fixed Route System from a year ago, and commented on the effect of the bid award on the success of the Hospital District.* ***Commissioner Loftus*** *expressed concern with the delivery of service to the citizens in need and asked about penalties for non-performance. Ms. Corbett responded in detail.*

Chairman Starr *commented on getting the lowest bidder, the costs to the taxpayers, the savings over three years, the experience of the company, the number of employees, the discussion at Pre-Agenda regarding the impact of services, and the need for Sunshine Ride.*

Commissioner Cummings *commented on the bid details for Sunshine Ride and Dial-A-Ride, expressed concerns regarding jeopardizing the funding of the program, and commented on the legal requirements for bids.* ***Commissioner Loftus*** *commented on the appropriateness of questions asked by the Board and stated that information needs to be vetted as much as possible.* ***Commissioner Duffy*** *commented on achieving a balance between savings and safety, on the lack of experience of Ameditrans, on the meeting she had with the owner, and stated she would file staff's recommendations and expect the same level of service and safety as was had with Dial-A-Ride in the past.*

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM F-8, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

(9) RECOMMENDED ACTION: Approve Amendment #19 to Contract 99-169, Combined Parks & Recreation Projects, Group I Parks in the not to exceed amount of $110,885. Compensation for the revised professional services falls within the balance of the original fee allocation for Amendment #18 for no net increase in for professional services compensation over the original Phase III services amount. This contract is for North County Regional Park. BUDGETED ACTION: None

Commissioner Loftus *explained why he pulled the item, commented on it being a sales tax project from 2002, on the scope of the project being changed to a ball field that would generate revenue, and spoke in support.*

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

Commissioner Duffy *pointed out the financial benefits to the citizens and explained that the project had been changed to the*

creation of a baseball field at no additional cost. ***Chairman Starr*** *expressed concern with the cost of the project, commented on the availability of other facilities for the sports teams, and spoke in opposition.*

Commissioner Skidmore *commented on the resulting scenarios if the project is or isn't approved, opportunities for elimination of field maintenance, and uses of sales tax money.*

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

(10) RECOMMENDED ACTION: Approve the change of membership interest of the parties for Contract #08-121, Methane Gas Collection - Landfill. BUDGETED ACTION: None

Real Estate Services - No Items.

G. Building and Growth Management

(1) RECOMMENDED ACTION: a) Acceptance of EPA grant award for $25,000 to plan the creation of an urban wetland in Port Charlotte to address urban water quality issues; and b) Approve budget amendment 10-A55 in the amount of $25,000. BUDGETED ACTION: Approve budget amendment #10-A55 in the amount of $25,000.

(2) RECOMMENDED ACTION: Approve staff review and recommendation that Babcock Property Holdings, LLC has complied with the annual review requirement of the Babcock Ranch Development Agreement. BUDGETED ACTION: None

Agreement 2006-013

(3) RECOMMENDED ACTION: Approve the DRC-PD-98-1(MM)4 Major Modification Resolution authorizing Community Blue Heron Pines Joint Venture to develop Blue Heron Pines-North Parcel, Phase I located at 29201 Jones Loop Road. BUDGETED ACTION: None

Resolution 2010-080

(4) RECOMMENDED ACTION: Approve a Final Plat for Waste Management, Inc. of Florida, Petition #FP-10-04-03. Waste Management, Inc. of Florida has applied for a Preliminary Plat for a single lot industrial subdivision, called EcoGreen, consisting of a single industrial lot in Section 19, Township 40S, Range 23E, in Charlotte County, Florida. The site, consisting of 13.4 acres, more or less, is located at 25515 Old Landfill Road, in the Port Charlotte area, in Commission District I. BUDGETED ACTION: None

H. Community Services

Parks and Natural Resources - No Items.

Recreation - No Items.

Libraries and Historical

(1) RECOMMENDED ACTION: Approve a grant agreement application with the Florida Department of State for State Aid to Libraries Program FY 2011. Authorize the Chair to sign the State Aid to Libraries Grant Agreement for FY 2011. BUDGETED ACTION: None

Grant 2010-040

J. Economic Development - No Items.

K. Facilities Construction and Maintenance - No Items.

L. Human Resources - No Items.

M. Human Services - No Items.

N. Public Safety

(1) RECOMMENDED ACTION: Set a public hearing for September 28, 2010, at 10:00 a.m., or as soon thereafter as may be heard, to amend the purpose of the Little Gasparilla Island Fire Unit to include rescue services. BUDGETED ACTION: No budget action required.

P. Public Works

(1) RECOMMENDED ACTION: Approve and authorize the Chairman to execute a renewal agreement with the United States Department of Agriculture (USDA) to provide Iguana control in the Charlotte County portion of Boca Grande. The MSBU Advisory Committee has requested and approved funding for this contract. The attached agreement replaces the agreement currently in effect by providing that the one year term of the agreement runs from the beginning of the fiscal year instead of the calendar year. BUDGETED ACTION: None. Funded in the Boca Grande Streets and Drainage MSBU.

Agreement 2009-004

Q. Tourism Development - No Items.

R. Utilities

(1) RECOMMENDED ACTION: Set a Public Hearing for September 28, 2010 at 10:00 a.m., or as soon thereafter as may be heard, to consider amending the current CCU Rate Resolution by eliminating the scheduled 3% increase to FY11 Water & Sewer Rates. BUDGETED ACTION: None

Chairman Starr *explained why he pulled the item, stating that he wanted the public to know that the Board would be discussing the 3% increase in water rates at the public hearing.*

COMMISSIONER DUFFY MOVED TO APPROVE AGENDA ITEM R-1, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

(2) RECOMMENDED ACTION: Authorize Board Chairman to execute attached letter to Peace River Manasota Regional Water Supply Authority (Authority) that Charlotte County will not be participating in the Authority's upcoming Utility System Refunding Revenue Note, Series 2010 (Bond) issuance to pay for Charlotte County's portion of the cost overages attributed to the Regional Expansion Program (REP) project, per the request of Mr. Pat Lehman, Executive Director of the Authority. BUDGETED ACTION: None

Agreement 2010-038

S. Other Agencies - No Items.

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

(1) County Administration - RECOMMENDED ACTION: Conduct a Public Hearing to consider the application of Little Gasparilla Island Fire & Rescue, Inc. for a certificate of public convenience and necessity to provide non-emergency advanced life support and basic life support ambulance service for Little Gasparilla Island.

Kelly Shoemaker presented the item and recommended approval of the request.

Commissioner Cummings *pointed out that Little Gasparilla is an isolated island not connected by a bridge, explained the difference when looking at Certificate of Needs' issues, and stated there needs to be a reason why the certificate is granted when other certificates have not been granted in the past.*

Rob Berntsson spoke on behalf of Little Gasparilla Island Fire and Rescue and requested approval.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE PUBLIC HEARING #1, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 5:0.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Administration - RECOMMENDED ACTION: Discuss Board of County Commissioners' (BCC) departmental budget. Attached is a copy of the FY 09/10 BCC year to date expenditure report.

Commissioner Cummings *commented that the Board should focus on issues as opposed to individuals.* ***Commissioner Loftus*** *agreed with* ***Commissioner Cummings'*** *comments.* ***Chairman Starr*** *explained why he put the item on the agenda, that the Commissioners are only accountable to the voters, mentioned the Sunshine Law, and opined that it is irresponsible for the Board to have no policy with respect to Commissioner spending.* ***Commissioner Skidmore*** *expressed concerns related to economic development and the creation of jobs. Board discussion ensued regarding issues with budget restrictions, travel expenses incurred by Commissioners, and controls of the Board.*

Commissioner Duffy *gave an explanation and description of the Commissioner Certification Program, commented on the costs involved, and spoke in favor of all Commissioners taking the course.*

Commissioner Cummings *commented on the annual budget cycle and the use of county vehicles.*

Mr. Sandrock explained that a vehicle pool had been implemented through the Facilities Department with a log sheet, stated that it was an efficiency cost savings idea in order to eliminate some of the vehicles, and commented that the log does not include who is going to be in the vehicle. There was Board discussion regarding enhancement of the Program by including who will be in the vehicle and reasons for the events.

Attorney Knowlton advised the policy is already in the Administrative Code but is not explicit about what individuals will be in the vehicle, proposed adding language to the log

sheet requiring identification of individuals in the vehicle, adding a statement prohibiting people from receiving the keys until the log is filled out, and addressed inquiries from ***Commissioner Cummings*** *regarding possible consequences and violations.* ***Commissioner Cummings*** *suggested that if a violation is deemed to have occurred, then there should be prohibition from the use of vehicles in the pool for a certain period of time.* ***Commissioner Loftus*** *expressed appreciation for Administration establishing the pool, commented that it is a cost effective measure, and commented on the amount of mileage he had accrued in the past four years.*

Commissioner Skidmore *commented on the convenience of the vehicle pool, expressed concern with the perception of commissioner travel, commented on the lack of training available for commissioners, and praised the Florida Association of Counties training programs.*

Attorney Knowlton clarified the direction of not releasing the keys to vehicles, adding the identity of other people in vehicles, and prohibition for violation. ***BOARD CONSENSUS.*** ***Commissioner Duffy*** *pointed out that she had never driven a county vehicle and that she drives her own car and pays her own mileage.* ***Commissioner Cummings*** *commented on the benefits that commissioners receive and pointed out that a lot of those benefits have been cut from staff.*

RECESS: 11:05 AM to 11:15 AM

(2) Commission Office - RECOMMENDED ACTION: Discussion regarding Englewood Beach Concessions.

Commissioner Skidmore *requested polling the idea of the food service cart at Englewood Beach, commented on new ideas versus raising taxes, spoke in opposition to moving forward with beach concessions, spoke in favor of doing limited mobile concessions, and suggested having a conversation with Englewood Beach restaurant owners.*

COMMISSIONER SKIDMORE MOVED TO REQUEST THAT COUNTY STAFF FORMALLY ENDS NEGOTIATIONS FOR ENGLEWOOD BEACH CONCESSIONS AND TO NOT PURSUE THE ISSUE ANY FURTHER, SECONDED BY COMMISSIONER CUMMINGS.

Commissioner Cummings *stated that he had opposed the issue previously because he did not think the County should be competing with local businesses but that he would support the motion and suggested looking into ice vending and other revenue opportunities.*

MOTION CARRIED 5:0.

Kelly Shoemaker clarified the Board's direction, advised that the County has had, on a monthly or seasonal basis, the ability to do small concessions carts up until the present and requested being able to continue the carts given the Board had cancelled the contract. ***Commissioner Skidmore*** *responded that the idea should be halted for thirty (30) days and then revisited and mentioned the people who had signed the petition may not be opposed to limited concessions.* ***Chairman Starr*** *asked Ms. Shoemaker if she had vending contracts. Ms. Shoemaker responded affirmatively.* ***Commissioner Duffy*** *inquired about the hot dog vender mentioned at the Pre-Agenda Meeting and clarified that Ms. Shoemaker was looking for direction to continue with month by month vending contracts.* ***BOARD CONSENSUS for the County to continue month by month small vending contracts.***

(3) RECOMMENDED ACTION: Approve appointment of Teresa Kesner as Director of Charlotte County Utilities. BUDGETED ACTION: Available funds are budgeted.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM Z-3, SECONDED BY COMMISSIONER SKIDMORE.

Commissioner Loftus *clarified the number of people who applied for the position and asked if a committee had been set up to interview them. Mr. Sandrock responded in detail and commented on his recommendation for Ms. Kesner.* ***Commissioner Skidmore*** *spoke in favor of Mr. Sandrock's recommendations for Ms. Kesner and praised Ms. Kesner for her job performance.*

Commissioner Duffy *agreed with* ***Commissioner Skidmore****, expressed concern with getting utility rates down, and supported the recommendation.* ***Chairman Starr*** *also spoke in support of the recommendation for Ms. Kesner.*

MOTION CARRIED 4:1. COMMISSIONER LOFTUS OPPOSING.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Marvin Dunlevy requested rescinding the MSBU in South Gulf Cove and gave reasons why.

Douglas Tucker spoke in regard to flags not being at half-staff at the baseball game on the anniversary of 9/11.

Mr. Sandrock commented on emails received on the subject of flags being at half-staff, indicated he had asked staff to let him know the process, commented the Facilities Department is supposed to be notified when flags are to be at half-staff, but was not notified this time, indicated staff had followed through and confirmed the procedure.

Grace Amodeo expressed concern with discussions held at the meeting and addressed ***Commissioner Skidmore's*** *comments regarding campaigning.*

Howard Shaw spoke in support of the appointment of Ms. Kesner and felt that Mr. Sandrock should be the full-time administrator.

AA. County Administrator:

Mr. Sandrock commented on Murdock Village activities and the land swap from the previous week, indicated they have a dedicated team in place, that the intention is to move quickly, mentioned discussions with Bruce Laishley regarding the water park opportunity, and passed on Mr. Laishley's gratitude to the Board for playing an important part in the activities the previous week. ***Commissioner Duffy*** *mentioned that people in the community and on Bruce Laishley's team were impressed with Mr. Sandrock's role. Mr. Sandrock gave an update on Charlotte Sports Park and reminded the Board of the first Budget Public Hearing the following night.*

BB. County Attorney: none

CC. Commissioner Comments:

Commissioner Skidmore *thanked John Jackson, Kelly Shoemaker, and Mike Koenig, and others for their outstanding efforts with the JM Berlin Skatepark, congratulated Ms. Kesner for her appointment, and praised Mr. Sandrock for the job he is doing.*

Commissioner Loftus *thanked Mr. Sandrock for the job he is doing, for moving forward with the wilderness group and Bruce Laishley's group, and commented on the importance of job creation.*

Commissioner Duffy *commented on the CCU rate increase, local parking fines, the County's use of the State's fine, mentioned she had received information from Attorney Knowlton, proposed amending the County's parking ordinance to provide for a smaller*

county fine for parking violations, and to include the provision that the disposition of these fines are governed by Florida State Law 316.1967 which provides for a maximum fine of $100 plus court costs; if the violator elects to go to court, but is found in violation, the violator will be responsible for paying the fine levied by the Court plus court costs. ***BOARD CONSENSUS to move forward on amending the parking ordinance.*** *Attorney Knowlton acknowledged that they would move forward with the issue and work with Administration to come up with an appropriate fine amount.*

Commissioner Duffy *commented on campaign signs, requested looking at the ordinance to add structure to the guidelines, mentioned Lee County's ordinance, and commented that there should be a requirement that the candidate get permission from businessowners. Attorney Knowlton advised that she contacted Lee County and confirmed that the candidate must submit a list of sign locations where they have permission.* ***Chairman Starr*** *opined that the campaign sign policy in place is sufficient, should be enforced, and commented on the placement of signs in the right-of-ways.* ***Commissioner Loftus*** *spoke in favor of looking into Lee County's ordinance.* ***Commissioner Cummings*** *expressed concern with the election laws.*

Commissioner Duffy *commented on encumbents and code compliance, stated she would continue to talk to the Supervisor of Election about the issue, and addressed suggestions made by a citizen from Sharkey's regarding Englewood Beach.*

Chairman Starr *commented on Punta Gorda's possible sale of liquor prior to Noon on Sunday and indicated he would support a public hearing to begin to approach Sunday liquor sales before Noon.* ***BOARD CONSENSUS to hold a public hearing to approach Sunday liquor sales before Noon on Sunday****.* ***Chairman Starr*** *commented on the feral cat problem in Charlotte County, proposed having a contract by the Commission with a veterinarian to spay, neuter, and chip any cat brought in, commented that volunteers would adopt a colony to go and feed the cats, commented on damage that is done by feral cats, asked for Board direction, and commented on the health hazards.*

Commissioner Cummings *commented on the purpose of the County's animal control process as opposed to the program described by* ***Chairman Starr****.* ***Commissioner Duffy*** *mentioned speaking with the people from EARS and spoke in support.* ***Commissioner Loftus*** *stated he needed more information before making a decision.*

Chairman Starr *gave an update on the Joint Meeting with Marine Advisory, Beaches and Shores, and Parks and Recreation, stated that the Boards voted to suggest to the BCC that the state and*

federal methods of collecting at the beaches be utilized, commented on boot drives by people from the east coast collecting for servicemen organizations, proposed refusing the check that is given by the organizations to the County, mentioned having spoken to Attorney Knowlton on the subject, and suggested prohibiting all types of the activity.

Commissioner Loftus *commented that information needs to get out to the public as to what the organizations from the east coast are using the money for.* ***Commissioner Duffy*** *commented on helping citizens to be aware that the money does not stay in Charlotte County and on getting people off of intersections because of safety concerns. Attorney Knowlton advised that intersections cannot be banned altogether because they are a public forum and commented that it is up to the Sheriff to enforce it.* ***Commissioner Duffy*** *expressed concern about the need to talk to the State about the issue.* ***Chairman Starr*** *stated he would support it.* ***Commissioner Cummings*** *opined that it is up to the traffic officer's discretion to decide if someone is obstructing traffic.*

RECESS: 12:15 PM to 2:00

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
sfc