

**BOARD OF COUNTY COMMISSIONERS**

**January 11, 2011**

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

Members present were: Chairman Starr, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, Commissioner Skidmore, County Administrator Sandrock, County Attorney Knowlton, Chief Board Services White, Deputy Clerk Carleton. The following members were absent: None

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

Invocation was given by **Commissioner Starr**, followed by the Pledge of Allegiance.

**Changes to the Agenda:**

**Commissioner Starr** noted the last election where the Charter Review Committee recommended that the BCC Agenda be brought out seven (7) days in advance for the benefit of the public and asked that future changes be kept to a minimum so that the public can review the changes in advance.

**Addition #1:** Z-5 - Requested by: County Attorney's Office:  
Proclamation: Charlotte Symphony Orchestra Week

**Addition #2:** Z-6 - Requested by: County Attorney's Office:  
Proclamation: Martin Luther King, Jr. Day

**Addition #3:** Z-7 - Requested by: Budget and Administrative Services:  
Schedule a Strategic Focus Area meeting on Monday, February 7, 2011 at 1:00 PM at the Port Charlotte Beach Complex. This meeting is to review the existing Strategic Focus Areas and discuss the upcoming FY2011/12 Budget Process.

**Addition #4:** Z-8 - Requested by: Commission Office: Request the Board approve a Resolution and Lease Agreement with Englewood Community Care Clinic, Inc.

**Deletion #1:** J-2 - Requested by: Economic Development Office: Approve a Resolution designating specific processes and procedures for the analysis and recommendation of incentive applicants applying for County incentives through the Economic Development Incentive Program.

**Deletion #2:** J-3 - Requested by: Economic Development Office: Approve a Resolution that Project #2010074 be accepted as an applicant pursuant to the Charlotte County Economic Development Incentive Ordinance and the State's Qualified Target Industry (QTI) program and the Brownfield Redevelopment Bonus Program.

**Deletion #3:** F-5 - Requested by: Building and Growth Management: Accept the donation of lots as described on the attached list (see Exhibit "A") entitled Lot Donation to Charlotte County. The annual taxes collected by the County for all of the lots is \$489.81. Should the BCC accept these donations, the lot owners will pay any outstanding property taxes before the property is conveyed to the County.

**Deletion #4:** F-6 - Requested by: Building and Growth Management: Approve the attached Resolution authorizing the establishment of certain procedural requirements for the release of the County's interest in certain drainage, utility and canal maintenance easements.

**Change #1:** E-1 - Requested by: County Attorney's Office: Backup material replaced.

**Change #2:** D-1 - Requested by: Commission Office: Backup material replaced.

**Change #3:** R-1 - Requested by: Utilities: Backup material replaced.

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

**MOTION CARRIED 5:0.**

*Proclamations - Commissioner Christopher Constance*

*Arts and Humanities Council Artist of the Month - Fran Richardson Proclamation, January 11, 2011.*

**COMMISSIONER SKIDMORE MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH - FRAN RICHARDSON PROCLAMATION, JANUARY 11, 2011, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

*The Proclamation was accepted by Fran Richardson.*

The 50th Anniversary of the Charlotte County Cultural Center Proclamation, January 11, 2011.

**COMMISSIONER SKIDMORE MOVED TO APPROVE THE 50TH ANNIVERSARY OF THE CHARLOTTE COUNTY CULTURAL CENTER PROCLAMATION, JANUARY 11, 2011, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

The Proclamation was accepted by Rufus LaSalle and Jim Hageman.

Charlotte Symphony Orchestra Week Proclamation, January 9, 2011 through January 15, 2011.

**COMMISSIONER SKIDMORE MOVED TO APPROVE CHARLOTTE SYMPHONY ORCHESTRA WEEK PROCLAMATION, JANUARY 9, 2011 THROUGH JANUARY 15, 2011, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

The Proclamation was accepted by two unidentified representatives.

Martin Luther King, Jr. Day Proclamation, January 17, 2011

**COMMISSIONER DEUTSCH MOVED TO APPROVE MARTIN LUTHER KING, JR. DAY PROCLAMATION, JANUARY 17, 2011, SECONDED BY COMMISSIONER SKIDMORE**

**MOTION CARRIED 5:0.**

There was no one available to accept the Proclamation.

Employee Recognition - County Administrator Raymond J. Sandrock

**Five Years:** Jill Boyd, Community Services; Tracy Horner, Public Works; Arthur Markham, Purchasing; Elizabeth Robling, Utilities; Sandra Wright, Human Resources; Gary Zoia, II, Public Works; Joseph Zwierzynski, Utilities; **Ten Years:** James Anderson Jr., Building & Growth Management; Thomas Macchia, Public Safety; Bruce Morris, Utilities; Bruce Schellinger, Utilities; **Twenty Years:** Denise Caruthers, Utilities; **Twenty-Five Years:** Douglas Denison, Public Safety; Donald Purcell, Public Works; **Thirty Years:** Gordon Clay, Public Safety

*Presentations*

*Presentation of plaque to Charlotte County Utilities from the Florida Section of American Water Works Association, 2010, Achievement of Outstanding Water Distribution Service Award.*

*Rick Radcliffe, Chair-Elect, Florida Section, American Water Works Association, presented the Water Distribution Service Award to Jamie Huish, Operations Manager, and Steve Kipfinger, Utilities Superintendent.*

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

*Bill Henningsen spoke to Agenda Item Z-4, related to snipe signs on Port Charlotte right-of-ways.*

*Bill Dryburgh spoke in support of Agenda Item H-1 and gave testimony on Ann Dever.*

*Nadia Mahshie spoke to Agenda Item Z-4 related to signage permits for businesses.*

**II. COMMITTEE VACANCIES**

**Commissioner Starr** encouraged the public to apply for Committee vacancies and advised of the procedures to do so.

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

*Ackerman Waterway Advisory Committee is seeking three volunteers; two regular members, (one-three year term/one-one year term); and one alternate member for a term of two years. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com*

*Alligator Creek Waterway Advisory Committee is seeking two volunteers to serve a regular members for a three year term. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com*

*Construction Board of Adjustments and Appeals is seeking three members to serve on the committee. One licensed engineer and one licensed architect to serve as regular members and one alternate*

member. The alternate member must be a resident of the County and hold a current construction license. These terms are for three years. This committee meets the 1st and 3rd Monday of each month in Room 119 at 8:30 a.m.

Charlotte Harbor Community Redevelopment Agency Advisory Committee is seeking one volunteer to serve as the residential representative. Must reside within the Community Redevelopment Area. Effective immediately. Please submit resume to: Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call 941-743-1300 or fax to: 941-743-1310.

Charlotte Ranchettes Advisory Committee is seeking two volunteers; one regular member for a three year term and one regular member for a one year term. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: [msbu@charlottefl.com](mailto:msbu@charlottefl.com)

Greater Port Charlotte Street and Drainage Advisory Committee is seeking three volunteers; two regular members, (one-three year term/one-two year term) and one alternate member for a two year term. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: [msbu@charlottefl.com](mailto:msbu@charlottefl.com)

Grove City Street and Drainage Advisory Committee is seeking three volunteers; two regular members for a three year term and one alternate member for a two year term from date of appointment. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: [msbu@charlottefl.com](mailto:msbu@charlottefl.com)

Gulf Cove Street and Drainage Advisory Committee is seeking two volunteers to serve as regular members for a three year term. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: [msbu@charlottefl.com](mailto:msbu@charlottefl.com)

Gulf Cove Waterway Advisory Committee is seeking one volunteer to serve as a regular member for a three year term. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950

or call 941-575-3600; fax 941-637-9265; or e-mail:  
msbu@charlottefl.com

Little Gasparilla Island Committee is seeking three volunteers to fill terms expiring January 22, 2011. These are all two year terms. Please submit your resume to the Charlotte County Board of County Commissioners at 18500 Murdock Circle, Port Charlotte, FL 33948 or call 941-743-1300 or fax to 941-743-1310.

Manchester Waterway Advisory Committee is seeking three volunteers; two regular members for a term of three years and one alternate member with a term expiring two years from date of appointment. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com

Rotonda West Street and Drainage Advisory Committee is seeking three volunteers; two regular members, (one-three year term/one-two year term), and one alternate member for a two year term. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com

South Gulf Cove Street and Drainage Advisory Committee is seeking four volunteers; two regular members for a term of three years, one regular member for term of one year and one alternate member with a term expiring on January 13, 2012. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com

South Gulf Cove Waterway Advisory Committee is seeking on volunteer to serve as a regular member for a three year term. Volunteers must reside within the boundaries of the MSBU. Submit application to the Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call 941-575-3600; fax 941-637-9265; or e-mail: msbu@charlottefl.com

### **III. REPORTS RECEIVED AND FILED**

### **IV. CONSENT AGENDA**

**Commissioner Skidmore** pulled Agenda Items F-3, H-1, H-2; **Commissioner Constance** pulled Agenda Items A-2, E-1, F-4, J-1, and J-4.

**COMMISSIONER SKIDMORE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS F-3, H-1, H-2, A-2, E-1, F-4, J-1, AND J-4, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

*Commissioner Skidmore stated that he meant to pull F-1 instead of F-3.*

**COMMISSIONER SKIDMORE MOVED TO RE-OPEN THE CONSENT AGENDA, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**COMMISSIONER SKIDMORE MOVED TO REMOVE AGENDA ITEM F-3 AND PULL AGENDA ITEM F-1 ON THE CONSENT AGENDA, SECONDED BY COMMISSIONER DEUTSCH**

**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 09/10*

*Memorandum #1A - Status of Contingency Reserves - FY 10/11*

*Memorandum #2 - Total Disbursements for the Period December 7, 2010 through December 28, 2010 in the amount of \$12,283,937.56*

*Memorandum #3 - Quarterly Report Unclaimed Excess Money*

*Memorandum #4 - Excess Funds on Tax Deed Applications*

*(2) RECOMMENDED ACTION: Approve the unanimous recommendation of the County Finance Committee to move forward with the refinancing of selected utility debt issues to provide an economic gain in aggregate and provide other benefits such as updating of critical bond covenants that benefit rate payers of the utility in a continuous effort to maintain rates or reduce the need in the future for rate increases. BUDGETED ACTION: None at this time. Reduction in future debt service will be reflected in the budgets of the years affected.*

**Commissioner Constance** explained why he wanted to highlight the item, referenced the Finance Committee meeting held two weeks prior, applauded the efforts of Tommy White and the staff of Raymond James, and commented on the retiring of debt from a series of bonds from 2001.

**COMMISSIONER CONSTANCE MOVED TO APPROVE AGENDA ITEM A-2, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**B. Minutes Division**

(1) *RECOMMENDED ACTION: BUDGETED ACTION: None*

11/23/10 9:00 AM BCC Regular Meeting.

Board of County Commissioners

**C. Commission Office**

(1) *RECOMMENDED ACTION: Approve reappointments to the Agricultural and Natural Resources Advisory Committee - Andy Dodd, Dan Ryals and Harry "Orrin" Webb. These members have been nominated by the committee to serve another four year term. BUDGETED ACTION: None*

(2) *RECOMMENDED ACTION: Appoint Eddie Hale to the Charlotte Harbor-Community Redevelopment Area Advisory Committee as a Resident Representative. This appointment fills the vacancy left by the resignation of Evelyn Loeffler. BUDGETED ACTION: None*

(3) *RECOMMENDED ACTION: Appoint Katherine Ariens as the District 2 Representative on the Parks and Recreation Advisory Committee. This is a three year term that shall expire January 11, 2014. BUDGETED ACTION: None*

**D. Administration**

Administration

(1) *RECOMMENDED ACTION: Approve Charlotte County's 2011 Federal Legislative agenda. BUDGETED ACTION: None*

(2) *RECOMMENDED ACTION: Approve appointment of Lorah Steiner as Director of Charlotte County Tourism. BUDGETED ACTION: Funds are budgeted.*

Public Information Office - No Items.

**E. County Attorney**

(1) **RECOMMENDED ACTION:** Approve a resolution amending the bylaws of the Marine Advisory Committee, providing for the creation of an executive committee of the members and for a pre-agenda process.  
**BUDGETED ACTION:** None

**Commissioner Constance** explained why he pulled the item and asked if anyone in the audience wanted to speak for or against reinstating the Pre-Agenda for the Marine Advisory Committee. **Chairman Starr** acknowledged he was the Liaison for the Committee, commented on the clarification of parameters in making Sunshine viable meetings for the Committee, mentioned the vote was unanimous, mentioned the use of meeting space, the keeping of records, costs involved, and meeting attendance. **Commissioner Constance** voiced that all members are eligible to attend the Committee's Pre-Agenda meeting, to set the agenda, and that the article had been updated with regard to the quorum.

**COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2011-002, SECONDED BY COMMISSIONER DEUTSCH**

**Commissioner Skidmore** inquired about the number of members attending the Pre-Agenda meeting. **Chairman Starr** responded. Attorney Knowlton indicated that the Bylaws had been revised to reflect the formation of an Executive Committee who would be holding the Pre-Agenda, and Section 3.06 of the Bylaws had been amended to provide that two members of the Executive Committee are required in order to have a quorum for the Pre-Agenda. **Commissioner Skidmore** inquired about holding the Pre-Agenda at the end of the Regular Meeting. Attorney Knowlton stated that if the Pre-Agenda is not approved, there would be discussion at the end of the Regular meeting regarding the next Agenda and that the Members could email the Chair regarding the addition of items.

**Commissioner Deutsch** expressed concern for the reasons why the Committee wants to add the Pre-Agenda. **Chairman Starr** responded with the reasons why. Grace Amodeo came forward, advised that the general public is invited to the meeting, and gave additional detail regarding the importance of the item.

**MOTION CARRIED 5:0.**

**F. Budget and Administrative Services**

Budget and Administrative Services

(1) **RECOMMENDED ACTION:** Schedule two public hearings in January 2011 to allow Citizen input concerning the upcoming Charlotte County Budget. The first meeting will be held at Murdock Administration Center, Room 119, 6:00 p.m. on January 31, 2011; the second meeting will be at Lemon Bay High School Auditorium, 6:00 p.m. on February 2, 2011. **BUDGETED ACTION:** None

**Commissioner Skidmore** explained the Second Public Hearing on February 2nd is currently scheduled at Lemon Bay High School where there will be a cost involved and requested the Board direct Administration to use the Tringali Center where there will be no cost.

**COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM F-1 WITH THE CONDITION THAT THE TRINGALI CENTER BE USED INSTEAD OF LEMON BAY HIGH SCHOOL IN ORDER TO NOT INCUR AN EXPENSE, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(2) **RECOMMENDED ACTION:** Set Budget Workshops and Public Hearings for FY 2011/2012 as set forth on the attached schedule. **BUDGETED ACTION:** None

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(3) **RECOMMENDED ACTION:** Approve deletion of the property inventory items listed on the attached for the month of January, 2011. **BUDGETED ACTION:** None

(4) **RECOMMENDED ACTION:** a) Approve ranking of firms for Request for Proposal #10-330, Design - Greater Port Charlotte Water Control Structures with the following firms: 1st - Johnson Engineering, Inc. of Port Charlotte, FL; 2nd - Kimley-Horn and Associates, Inc. of Sarasota, FL.; and 3rd - Giffels-Webster Engineers, Inc. of 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 for the design and permitting of six (6) water control structures in Greater Port Charlotte. **BUDGETED ACTION:** None. Budgeted in CIP project c390304, Greater Port Charlotte Drainage Control Structure Replacement.

\$595,000 is budgeted for engineering in FY11. The project total is \$41,608,000.

**Commissioner Constance** explained the reasons for the item along with getting input from staff. Kim Corbett fielded inquiries by **Commissioner Constance** regarding the scope of the item, the Capital Improvement budget amount, when the project was started, its importance, the order of items, and the amount of items completed per year.

**COMMISSIONER CONSTANCE MOVED TO APPROVE AGENDA ITEM F-4, SECONDED BY COMMISSIONER DEUTSCH**

**Chairman Starr** expressed concerns related to the expense involved and stated he needed more information.

**Commissioner Constance** asked staff about tabling the item in order to do an educational workshop in two weeks. Kim Corbett explained the Request for Proposal (RFP) guidelines, time constraints, and stated that the item could be tabled.

**COMMISSIONER CONSTANCE MOVED TO AMEND TO TABLE AGENDA ITEM F-4 FOR FURTHER EDUCATION, SECONDED BY COMMISSIONER SKIDMORE**

Ms. Corbett fielded Board inquiries regarding the RFP process related to 60 days versus 90 days, pricing estimates, the number of structures completed within the past two years, price comparisons with other counties, price decreases in water control structures, estimates of lower percentages from four years ago, price comparisons between water control structures in Charlotte County versus other counties, the Midway widening project, project costs, and price negotiations.

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

Real Estate Services - No Items

**G. Building and Growth Management - No Items.**

**H. Community Services**

Parks and Natural Resources

(1) **RECOMMENDED ACTION:** Approve renaming Oyster Creek Regional Park to Ann Dever Memorial Regional Park as requested by the Parks and Recreation Advisory Board. **BUDGETED ACTION:** None

*Commissioner Skidmore* expressed appreciation for the contributions of Ann Dever, mentioned Bill Dryburgh's comments, and spoke in favor of the item.

**COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM H-1, SECONDED BY COMMISSIONER DUFFY**

*Chairman Starr* agreed with *Commissioner Skidmore's* comments and gave additional testimony on Ms. Dever. Mr. Dever, Ann Dever's husband, came forward and thanked the Commission for the honor on behalf of his family and himself.

**MOTION CARRIED 5:0.**

(2) **RECOMMENDED ACTION:** Approve submission of the application for the Section 6 Cooperative Endangered Species Conservation Fund titled "Development of a Habitat Conservation Plan for Charlotte County, Florida Phase II - Economic Analysis to Determine Funding Alternatives". **BUDGETED ACTION:** Budgeted in the CIP project Environmental Lands, c370401. Funding is provided by a grant from the Department of Interior (if awarded) and by the .05 Environmentally Sensitive Lands millage. The total project cost is \$126,700. Estimated grant amount is \$95,025 with \$31,675 match from the County.

*Commissioner Skidmore* commented on current issues with scrub jays, mentioned the frustrations of residents, advised of a plan that Andy Stevens is working on with County-owned land, recognized staff for their efforts, and spoke in support.

**COMMISSIONER SKIDMORE MOVED TO APPROVE GRANT 2011-001, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Recreation - No Items.

Libraries and Historical - No Items.

**J. Economic Development**

(1) **RECOMMENDED ACTION:** Approve the use of interest in the amount of \$17,162.33 earned on funds in the Incentive Account for the payment of the mitigation study done on Charlotte County Industrial Development Authority (IDA) property and allow the use of future interest on IDA incentive funds to be used for IDA expenses or incentives as needed. **BUDGETED ACTION:** None

*Commissioner Constance* explained why he pulled the item.

**COMMISSIONER CONSTANCE MOVED TO APPROVE AMENDMENT TO AGREEMENT 2009-034 STRIKING OUT THE LANGUAGE ALLOWING USE OF FUTURE INTEREST ON IDA INCENTIVE FUNDS TO BE USED FOR IDA EXPENSES OR INCENTIVES AS NEEDED, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(4) **RECOMMENDED ACTION:** Approve proposed revisions to Resolution #2010-038 authorizing the Charlotte County Industrial Development Authority to commit the local match for Florida's Qualified Target Industry Tax Refund Incentive (QTI) Program. **BUDGETED ACTION:** None

*Commissioner Constance* explained he needed more information as to the source of funding for the IDA and requested Gordon Burger give oversight to the item. *Commissioner Skidmore* suggested the existing oversight be detailed, mentioned IDA functions are bid independently, commented on a statute that says the IDA has to be somewhat independent of government, and mentioned that everything comes back to the Board for approval.

**COMMISSIONER CONSTANCE MOVED TO TABLE AGENDA ITEM J-4, SECONDED BY COMMISSIONER DUFFY**

Attorney Knowlton advised that \$500,000 has been transferred to the IDA. *Commissioner Duffy* agreed with *Commissioner Skidmore's* comments, spoke in support of allowing two weeks in order for Mr. Burger to review the item, and to bring it back on the January 25th meeting. *Commissioner Deutsch* asked for confirmation on the amount of local match. *Chairman Starr* confirmed the amount.

**MOTION CARRIED 5:0.**

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

**L. Human Resources - No Items.**

**M. Human Services - No Items.**

**N. Public Safety**

(1) **RECOMMENDED ACTION:** Approve Budget Amendment #11-A07 in the amount of \$72,220 to allocate grant funds in the FY10/11 Emergency Management budget. **BUDGETED ACTION:** Approval of Budget Amendment #11-A07, in the amount of \$72,220.

**Grant 2010-024**

**P. Public Works - No Items.**

**Q. Tourism Development - No Items.**

**R. Utilities**

(1) *RECOMMENDED ACTION:* a) Approve the 2011-2012 Charlotte County 20-year projected water demands for submittal to the Peace River/Manasota Regional Water Supply Authority (Authority), and b) Request that Exhibit C, New Water Supply Demand table in the Master Water Supply Contract, be updated with this year's future projections. *BUDGETED ACTION:* None

**S. Other Agencies - No Items.**

**RECESS: 10:15 AM to 10:25 AM**

**V. REGULAR AGENDA**

**Z. Regular Agenda**

(1) *Utilities - Presentation of Charlotte County Utilities' 2010-2015 Strategic Plan.*

*Terri Kesner gave a PowerPoint presentation on the Strategic Plan per packet material and outlined Strategic Planning Model, Strategic Plan Methodology, Strategic Goals, Mission, Vision, and Core Operating Values.*

*Ms. Kesner fielded Board inquiries related to replacing failed septic systems with a central sewer system, performance measurement based on complaints, customer service, vision and strategy to reduce costs, low pressure sewer system costs, utilization of ideas exchanged, emergency repairs, the Capital Improvement Program (CIP) Budget, the success of the Strategic Plan in its goal achievement, grant programs with Southwest Florida Water Management District (SWFWMD), automated metering system costs, the use towers, bottled water, and community outreach to schools.*

*Mr. Sandrock addressed inquiries made by **Commissioner Skidmore** as to what the BCC can do to support Charlotte County Utilities (CCU), pointed out that many costs are controlled by the Water Authority, mentioned major Capital Improvement Projects (CIP's) being done by*

the Water Authority that could impact Charlotte County, commented on Exhibit C under the Consent Agenda used by the Water Authority, stated that staff would like to modify it, and commented on the importance of revisiting Exhibit C due to the possibility of additional costs to Charlotte County.

(2) Commission Office - Discussion regarding Board consensus on the Peace River/Manasota Regional Water Authority agenda items.

**Chairman Starr** commented on the County's membership in the Water Authority, acknowledged **Commissioner Skidmore** as the Board Member that sits on the Water Board, proposed that the other four Commissioners become more involved with the Peace River/Manasota Water Authority process, commented on the amount of debt incurred by the Utility, requested a discussion regarding the monthly Water Board Meetings, requested having the Water Authority provide the BCC with an Agenda prior to the Water Authority Meeting for review of expenditures by the BCC at its Meeting, and in turn give direction to its Representative as to what the desired action should be on the Water Board.

**Commissioner Deutsch** expressed concerns with **Chairman Starr's** request due to the overlapping of meetings. **Commissioner Skidmore** commented on the goal of repairing communication and the relationship with the Water Authority, re-opening Exhibit C as the primary goal of the Commission due to unrealistic projections, mentioned the Agenda being available six (6) days prior to the Water Authority Meeting, the importance of staff recommendations by Ms. Kesner and Mr. Sandrock, commented on the need to build a Coalition with other Water Authority Members, stated his goal to inform the Commission via memo of actions made at the Water Authority Meeting, commented on the possibility of sending a letter to the Water Authority outlining concerns, and expressed concerns in regard to providing an Agenda too early because of different meeting schedules.

**Chairman Starr** mentioned being the Alternate to the Water Authority Board, expressed concerns regarding making decisions to spend large amounts of money without input from the Commission, proposed sending a letter to the Water Authority requesting to have Meeting Agendas in time for review by the BCC and the Water Authority in order to provide input to Representatives, and mentioned the inability of Commissioners to respond to a memo due to it being a violation of the Sunshine Law. **Commissioner Constance** agreed with **Chairman Starr's** concerns.

**COMMISSIONER CONSTANCE MOVED TO REQUEST THE PEACE RIVER/MANASOTA WATER AUTHORITY AGENDA BE PROVIDED TO THE BOARD OF COUNTY**

**COMMISSIONERS (BCC) FOR REVIEW IN TIME FOR DISCUSSION BY THE BCC,  
SECONDED BY COMMISSIONER SKIDMORE**

**Commissioner Duffy** encouraged all the Commissioners to attend the Water Authority meetings in order to be more involved before making the request and spoke in opposition to the motion.

**Commissioner Deutsch** expressed further concerns in regard to coordinating the calendar with the meetings. **Chairman Starr** repeated the motion for clarification. **Commissioner Skidmore** pointed out there are four members on the Board, that individually each Member is powerless, and commented that he will be attending the Water Authority meetings unless the Commission directs him otherwise.

**COMMISSIONER DEUTSCH MOVED TO CALL THE QUESTION: 4/1 APPROVED.  
(COMMISSIONER DUFFY DISSENTING)**

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

(3) Commission Office - Discussion regarding Joint Meeting with Sarasota County and the Charlotte County Airport Authority.

**COMMISSIONER SKIDMORE MOVED TO HAVE A JOINT MEETING UP TO TWO TIMES A YEAR WITH THE CHARLOTTE COUNTY AIRPORT AUTHORITY, TO MEET ONE TIME IN THE NEWLY CONSTRUCTED AIRPORT AUTHORITY CHAMBERS IN THE CITY OF PUNTA GORDA, AND MEET THE OTHER TIME IN MURDOCK, SECONDED BY COMMISSIONER DEUTSCH**

**Commissioners Deutsch and Constance** commented on repairing relations with the Airport Authority.

**MOTION CARRIED 5:0.**

**Commissioner Skidmore** requested that the Board meet at least once every two years with Sarasota County due to the amount of infrastructure projects that affect both Counties, such as the widening of US 41, River Road, and the Water Authority.

**COMMISSIONER SKIDMORE MOVED TO MEET AT LEAST ONCE EVERY TWO YEARS WITH SARASOTA COUNTY EITHER IN CHARLOTTE COUNTY OR JACARANDA IN VENICE, SECONDED BY COMMISSIONER DEUTSCH**

**Commissioner Duffy** mentioned that the Commission had met with Sarasota County in Venice three years ago and spoke in favor of meeting with them again. **Commissioner Skidmore** stated that he would like to have the meeting with Sarasota County placed on the calendar. **Commissioner Constance** spoke in favor of the motion.

**MOTION CARRIED 5:0.**

(4) Commission Office - Discussion regarding Sign Ordinance.

**Commissioner Skidmore** requested that Jeff Ruggieri look into instituting a volunteer code program, requested the Sheriff look into having an inmate labor crew to pick up snipe signs, commented on the importance of enforcement, on the economic recovery of small businesses related to temporary sign permits, stated that under the current County Code a temporary sign permit can only be held two out of twelve months, and requested that the length of time for sign permits be expanded from two to four times a year.

**COMMISSIONER SKIDMORE MOVED TO EXPAND THE LENGTH OF TIME FOR TEMPORARY SIGN PERMITS FROM TWO TO FOUR TIMES A YEAR AND INSTRUCT STAFF TO LOOK AT A POSSIBLE FIX FOR LANDSCAPING, SECONDED BY COMMISSIONER DEUTSCH**

**Commissioner Skidmore** made reference to the sign permit for the Susan Benoit Medical Center in Englewood, mentioned the failed permit of Berlin Signs due to not being a landscape planter, receiving an email from Berlin Signs regarding Boca Boats, and requested that staff look into amending the Code.

**Commissioner Deutsch** commented on a previous conversation with a business that had a temporary sign and spoke in support of the Motion. **Chairman Starr** asked Attorney Knowlton the proper procedure in handling two separate ordinances. Attorney Knowlton advised that the current action amounts to getting consensus opinion directing staff to bring back an Ordinance to the Commission.

**Commissioner Duffy** commented on her experience riding with code enforcement officers in November, abuse of the temporary sign ordinance, mentioned meeting with Mr. Sandrock and Mr. Ruggieri, mentioned having suggested sending warning letters to businesses who are disobeying the Ordinance, and proposed allowing the Zoning Department to complete their work on the Sign Ordinance and then return to the Board with recommendations on temporary signage.

**Commissioner Skidmore** indicated that Mr. Ruggieri supports the change, commented on enforcement as a separate issue, and expressed concern with penalizing small businesses that are obeying the law. Mr. Ruggieri addressed inquiries by **Commissioner Duffy** regarding the length of time for temporary signs and his recommendation for increase to four times a year. **Commissioner Constance** spoke in support of changes occurring in the Zoning Department.

COMMISSIONER CONSTANCE, SECONDED BY COMMISSIONER DEUTSCH, TO CALL THE QUESTION: 5/0 APPROVED

**MOTION CARRIED 5:0.**

(5) County Attorney's Office - Proclamation: Charlotte Symphony Orchestra Week (SEE PROCLAMATIONS)

(6) County Attorney's Office - Proclamation: Martin Luther King, Jr. Day (SEE PROCLAMATIONS)

(7) Budget and Administrative Services - Schedule a Strategic Focus Area meeting on Monday, February 7, 2011 at 1:00 p.m. at the Port Charlotte Beach Complex. This meeting is to review the existing Strategic Focus Areas and discuss the upcoming FY2011/12 Budget Process.

**COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM Z-7, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

**Commissioner Duffy** noted that February 7 is a Monday, not a Friday as written.

(8) Request the Board approve a Resolution and Lease Agreement with Englewood Community Care Clinic, Inc.

**COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-003 AND AGREEMENT 2011-001, SECONDED BY COMMISSIONER CONSTANCE**

Dan Gallagher presented the proposed Lease Agreement and Resolution and addressed inquiries by **Commissioner Skidmore** regarding the amount charged to the Virginia B. Andes Clinic. **Commissioner Duffy** recalled that the clinic was originally at no cost when it relocated to the Family Services Center. **Commissioner Skidmore** explained it was a free clinic with volunteer doctors at no cost to the taxpayers and commented on its location and hours of operation.

**COMMISSIONER SKIDMORE MOVED TO CHARGE ONE DOLLAR PER YEAR TO ENGLEWOOD COMMUNITY CARE CLINIC, INC., SECONDED BY COMMISSIONER DUFFY**

**Commissioner Constance** commented on the essential services provided by the Clinic and spoke in support. Attorney Gallagher asked if the Motion was to approve the Resolution and the Lease Agreement.

Attorney Knowlton advised that both could be done in one Motion and discussion ensued regarding the hours of operation for the Clinic.

**COMMISSIONER SKIDMORE MOVED TO AMEND TO APPROVE RESOLUTION 2011-003 AND AGREEMENT 2011-001 AT ONE DOLLAR PER YEAR AND TO AMEND THE LEASE AGREEMENT OR THE RESOLUTION, WHICHEVER IS NECESSARY TO ALLOW MR. SANDROCK TO BE ABLE TO BE THE SIGNATORY FOR ANY SUBSTANTIAL HOUR CHANGES, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**RECESS: 11:52 AM - 11:57 AM**

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

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

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

**IX. BOARD WORKSHOP AGENDA - No Items.**

**X. CITIZEN INPUT - ANY SUBJECT**

Terry Lynn spoke on behalf of the Charlotte County Veterans' Council in support of a proposed ordinance regulating fundraising by questionable groups.

Marty Moorhead spoke on behalf of the Muscular Dystrophy Association in regard to the use of funds raised in Charlotte County and addressed issues regarding the Iris Roberts Act.

Gary Wilcher, on behalf of Charlotte County Fire/EMS, thanked the Commissioners for their help with collections.

Tami Cash spoke on behalf of the Englewood Animal Rescue Sanctuary (EARS) in regard to feral cat issues and the Trap, Neuter, Release Program.

**AA. County Administrator:**

Mr. Sandroock gave an update on filling the position of Economic Development Director, mentioned there had been two interview sessions, mentioned the recent charter amendment, proposed having a discussion regarding options to move forward, and outlined the options as follows: 1) to continue for a while with the current situation of the Interim Director; 2) for the Board to get directly

involved in the interview/decisionmaking process; or 3) to direct Administration to use the External Interview Committee and make final recommendations to the Board.

**Commissioner Skidmore** asked Attorney Knowlton if a discussion of the options would fall into the guidelines of an Executive Session. Attorney Knowlton advised that it does not. **Commissioner Skidmore** proposed holding a Public Workshop to discuss options on hiring the Economic Development Director. **Chairman Starr** spoke in support.

**COMMISSIONER SKIDMORE MOVED TO HOLD A PUBLIC WORKSHOP TO DISCUSS OPTIONS ON HIRING THE ECONOMIC DEVELOPMENT DIRECTOR, SECONDED BY COMMISSIONER DEUTSCH**

**Commissioner Constance** proposed appointing Mr. Sandrock as Interim Economic Development Director until a decision is made. Board discussion ensued.

**COMMISSIONER DEUTSCH CALLED THE QUESTION: 5/0 APP**

**MOTION CARRIED 5:0.**

Mr. Sandrock advised of an upcoming trip to Washington, DC with the Legislators February 16-18, during the week of President's Day, and looked for direction as to whether to hold the Pre-Agenda Meeting on Friday, February 18th or to cancel the Pre-Agenda Meeting altogether.

**COMMISSIONER SKIDMORE MOVED TO CANCEL THE BCC PRE-AGENDA MEETING FOR FRIDAY, FEBRUARY 18, SECONDED BY COMMISSIONER CONSTANCE**

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

Mr. Sandrock requested a discussion on the Placida Road widening with a focus on concurrency, explained Senate Bill 360, mentioned meetings with Public Works and Planning, commented on Placida Road being a sales tax project, and recommended placing on the Agenda for the next meeting a review of options for Placida Road and to redirect funds toward Gasparilla Road for prioritization.

Dan Quick and Jim Fendrick stated they would be happy to address the current status of Placida Road at a future meeting. Jim Fendrick explained the meaning of Concurrency and commented on the level of capacity and congestion with respect to Rt. 771.

**BB. County Attorney:**

Attorney Knowlton advised of a one-year nationwide ban on the sale and distribution of Synthetic Marijuana and the introduction of a Bill in the Florida Senate banning same, indicated the Enterprise Charlotte Economic Council (ECEC) will be requesting a Joint Meeting with the Commissioners and the Industrial Development Authority (IDA) to discuss Economic Development, advised the public of the new Agenda timelines under Charter Review, and commented the timelines will be strictly enforced, especially with Proclamations.

**CC. Commissioner Comments:**

**Commissioner Skidmore** thanked the veterans in the audience for their service to the country.

**Commissioner Skidmore moved to re-open the meeting for possible discussion and direction on an Ordinance banning roadside collections. (Attorney Knowlton advised that a motion to re-open is not required.)**

**Commissioner Skidmore** commented on the use of funds collected by different organizations and groups, encouraged the public to give to organizations that benefit veterans and to verify the benefit to local citizens, commented on two ordinances from other areas being reviewed by Attorney Knowlton that allow for collection by public safety personnel off duty for the Muscular Dystrophy Association (MDA) Boot Drive, spoke in support of an exemption for public safety personnel, spoke in opposition to a permit process, and encouraged the public to tell organizations they are not welcome if collecting funds for use elsewhere.

**Commissioner Constance** recognized Lorah Steiner, the new Director of Tourism, addressed the importance of the position, commented on the Englewood Community Care Clinic, recognized the efforts of the doctors involved with the Clinic, recognized Mary Kay Burns of the Health Department, and welcomed Bob Harrington, the new Director for the Metropolitan Planning Organization (MPO).

**Commissioner Duffy** gave an update on December's Regional Planning Council meeting, mentioned Amendment 4, commented on the railroad crossings at Burnt Store Road, mentioned concerns regarding the cost of widening, commented on communications with Mr. Neeves of Seminole Gulf Railroad, and requested the item be put on the Agenda for the January 25th meeting for discussion.

**Commissioner Skidmore** indicated that Dan Quick had not received any response from Seminole Gulf and commented that Mr. Neeves should not be subjected to the BCC process until staff has received more information. **Commissioner Constance** and **Chairman Starr** concurred and gave reasons why.

**Commissioner Duffy** indicated she had received the cost analysis and had forwarded it to the other Commissioners, explained the costs involved, commented on the number of lanes involved, and inquired whether she had the authority to place an item on the Agenda. Attorney Knowlton responded affirmatively but pointed out that three Commissioners are opposed to the item. **Chairman Starr** expressed concern with the lack of options available to the Board.

**Commissioner Skidmore** indicated he had received **Commissioner Duffy's** email and had forwarded it to Dan Quick, commented on justification of the price, and asked Mr. Quick to come forward. Mr. Quick explained the County bid process requirements and expressed concerns with the breakdown of costs. **Commissioner Deutsch** suggested giving the people at Seminole Gulf one more chance to provide the requested information so that an intelligent decision can be made and in order to facilitate a more productive discussion.

Mr. Quick fielded Board inquiries regarding the number of lanes involved, sidewalks, the Right of Way, and the presence of a berm and median. **Commissioner Duffy** pointed out the complexity of the project, encouraged people to call and ask questions, and spoke in support of resolving the issue.

**Commissioner Deutsch** recalled discussion on a land transfer from the previous Spring and inquired about the status of the Murdock property transfer. Mr. Sandrock responded that the Murdock Land Swap will be brought to the Board on January 25. **Commissioner Constance** asked why the Land Swap was being done and expressed concerns. **Commissioner Deutsch** explained the reasons for the Land Swap.

Attorney Knowlton advised that staff is vetting the Proposal and will bring to the Board a 30-day Notice on January 25. Board discussion ensued regarding the Land Swap.

**Commissioner Duffy** pointed out that the proposed water park is part of a resort being constructed by private investors, addressed concerns by **Commissioner Constance**, mentioned Celebration near Orlando, and commented on reasons for supporting the Land Swap.

**Commissioner Constance** commented on the amount of acreage involved with the Land Swap, expressed concern about rushing the project, that

staff has enough time to review the information, and stated that he is not fully against the project. **Commissioners Deutsch** and **Skidmore** addressed concerns of **Commissioner Constance**. Board discussion ensued. Attorney Knowlton advised that although the actual Land Swap has not come before the Board, that staff has been actively working on it.

**Commissioner Deutsch** commented on the feral cat issue, mentioned the Trap, Neuter, Release Program, expressed concerns with the timeline for holding cats, and proposed having discussions with three groups on the issue.

**Chairman Starr** expressed concerns with solicitations on roadways, proposed having an ordinance to prohibit it, mentioned the public's right to free speech, expressed concern for public safety, and asked for direction from the Board. **Commissioner Duffy** agreed, commented on people claiming to be veterans, expressed concern with safety issues, proposed stopping all collections, mentioned the Muscular Dystrophy Association (MDA) Drive, and spoke in support of having a total ban on collections.

**BOARD CONSENSUS TO GIVE ATTORNEY KNOWLTON DIRECTION TO DO AN ORDINANCE FOR A COMPLETE BAN ON ROADWAY COLLECTIONS WITHOUT FAVORING ONE GROUP OVER ANOTHER. (Chairman Starr, Commissioner Skidmore, Commissioner Duffy, Commissioner Deutsch, Commissioner Constance)**

**Commissioner Deutsch** asked if the direction was for a complete ban. Attorney Knowlton recommended an outright ban with no group being favored over another, commented on two ordinances from other areas, and mentioned a ban on designated roads in St. Pete as a possible option. **Commissioner Deutsch** asked about having a permitting process for Charlotte County taxpayers. Attorney Knowlton responded affirmatively as long as one group is not favored over another. Board discussion ensued. Attorney Knowlton indicated the Sheriff supports an outright ban but not a permit process. **Commissioner Constance** asked for clarification on the scope of the direction given.

**Chairman Starr** explained the Animal Welfare League's process for feral cats and the costs to the County, provided population statistics for feral cats, explained the Trap, Neuter, Return Program, mentioned Englewood Animal Rescue Sanctuary (EARS), commented on the health hazards involved, on the role of the Crossroads Organization on Bermont Road, explained the Trap, Neuter, Release Program, mentioned the participating veterinarians, proposed that the County pay for spay/neutering, gave reasons why, mentioned University of Florida, and advised of his contributions and the creation of a new steering committee. **Commissioner Duffy** agreed and

spoke in favor. **Commissioner Deutsch** inquired about the costs per cat for each program. **Chairman Starr** responded.

**Commissioner Skidmore** proposed having the Budget and Administration Departments review the item and inquired about the bid process related to choosing participating veterinarians. Attorney Knowlton indicated she would check on the requirements. **Commissioner Deutsch** proposed doing a Request for Proposal (RFP), inquired if the County could contract with the Animal Welfare League to carry out the process, and expressed concerns. **Chairman Starr** explained the volunteer roles in the Programs due to costs. **BOARD CONSENSUS TO HAVE COUNTY ATTORNEY INVESTIGATE WHAT NEEDS TO BE DONE TO CONTRACT WITH VETERINARIANS AND TO REVIEW CONTRACT WITH ANIMAL WELFARE LEAGUE (Commissioners Duffy, Starr, Deutsch, Skidmore).**

ADJOURNED: 1:50 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

sfc