

BOARD OF COUNTY COMMISSIONERS

February 8, 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 Sandroock, 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 Reverend George Cooks, First Macedonia Missionary Baptist Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Deletion #1: Requested by: Human Services - Z-1 - Discussion and direction on the two proposals received for operations and occupancy of the Still Water Home. The County has finished construction of the Still Water Home and it is vacant at this time. In order to meet the grant requirements this facility has to be occupied by 6/30/11 and should be occupied in service of a homeless population.

Change #1: Requested by: County Attorney's Office - E-2 - Change Requested Motion/Action to: Approve the Mediated Settlement Agreement and authorize the Chair and County Attorney to execute the Settlement Agreement and Release.

Change #2: Requested by: Administration - Z-7 - Discussion and direction on use of Low Income Pool funds for the Charlotte County Health Department. Move to Presentation, follows Employee Recognitions.

Change #3: Requested by: County Attorney's Office - Z-8 - Value for Value Attachment amended, addition of Exhibit C.

Change #4: Requested by: Real Estate Services - F-5 -Backup Material, Exhibit A, page 3 or 3 replaced with the attached.

Change #5: Z-8 becomes Z-1

Change #6: Z-4 becomes Z-2

COMMISSIONER SKIDMORE MOVED TO APPROVE THE CHANGES TO THE AGENDA AS READ INTO THE RECORD, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

Proclamations - Commissioner Stephen R. Deutsch

Arts and Humanities Council Artist of the Month of February, 2011 - Henry August Proclamation

COMMISSIONER SKIDMORE MOVED TO APPROVE HENRY AUGUST - ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH PROCLAMATION, THE MONTH OF FEBRUARY, 2011, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

The Proclamation was accepted by Henry August.

Lemon Bay Fest: Englewood History with Zest! Proclamation, February 5, 2011 through February 12, 2011.

COMMISSIONER SKIDMORE MOVED TO APPROVE LEMON BAY FEST: ENGLEWOOD HISTORY WITH ZEST! PROCLAMATION, FEBRUARY 5, 2011 THROUGH FEBRUARY 12, 2011, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

Lynda Citro accepted the Proclamation and handed out brochures for the event.

Employee Recognition - County Administrator Raymond J. Sandrock

Five Years: Sarah "Lisa" Bailey, Facilities; William Barrero, Utilities; Vincent Boccio, Public Safety; Daniel McAuley, Utilities; **Ten Years:** Cuyler Lee, Facilities; Michael Sims, Public Works; Richard Towne II, Building & Growth Management; Mark Ulchinsky, Public Works; Sharon Ullrich, Community Services

Presentations

Charlotte County Health Department - Discussion and direction on use of Low Income Pool (LIP) funds for the Charlotte County Health Department.

Mary Kay Burns gave a PowerPoint presentation related to the LIP Grant funding.

Ms. Burns explained detail related to the use of the LIP funds. **Commissioner Duffy** commented that citizens use the Virginia B. Andes Clinic instead of emergency rooms, and commended the program. **Commissioner Constance** thanked Ms. Burns for her efforts in Charlotte County.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Ross Witschonke, Sharon Blasdell, Tim Mulligan, Bryan Troutman, Bill Dahms, Donald Thompson, Gale McGuane, Ray Corcoran, George Castrucci, Judy O'Connor, and Denny Curtis spoke in opposition to Agenda Item Z-2, Placida Road.

Bruce Stirling spoke on behalf of Lemon Bay Golf Club in opposition to Agenda Item Z-2, Placida Road, pointed out employees of the Club that were present, and showed a picture of a bald eagle that resides at the Golf Club.

Nancy Prafke of Team Punta Gorda, Marilyn Smith-Mooney, Tom Natoli, Joe Hart, Chad McCrory, Bill Dryburgh, Julie Mathis on behalf of the Chamber of Commerce, Mike Brown, Lindsay Harrington, and Grace Amodeo spoke in support of Agenda Item Z-1, Murdock Village Land Swap.

Bob Hill, Jay Lyons, David Haynes, and Bob Melvin spoke in support of Agenda Item Z-2, Placida Road.

Andy Dodd spoke in opposition to Agenda Item Z-2, Placida Road, and in support of Agenda Item Z-1, Murdock Village Land Swap.

Chuck Dalenberg and Don P. Hicks spoke in opposition to Agenda Item Z-1, Murdock Village Land Swap.

William Bigelow spoke to Agenda Item Z-1, Murdock Village Land Swap, and read a proposal for an alternate structure for the Land Swap.

George Wester spoke in support of Agenda Item Z-2, Murdock Village Land Swap, and submitted copies of a letter to the Board.

David Kesselring spoke in opposition to Agenda Item Z-1, Murdock Village Land Swap, and commented on prior appraisals.

Louis Macri and Clarke Keller spoke to Agenda Item Z-1, Murdock Village Land Swap.

Harold Wells spoke to Agenda Item Z-2, Placida Road.

Ron Swann, Keith Waltz, and Herman Velasco spoke in support of Agenda Item F-2.

RECESS: 10:55 AM to 11:05 AM

II. COMMITTEE VACANCIES

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

Deep Creek Street & Drainage Advisory Committee - is seeking two volunteers; one regular member to fill a term expiring on January 13, 2012; and one to serve a three year term from appointed date. 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

MPO - Citizens Advisory Committee (CAC) is seeking two (2) individuals to voluntarily serve as 1) an Elderly Interest Representative and 2) a Minority Interests Representative. Send a letter or e-mail of interest to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534. E-mail: office@ccmpo.com. Deadline for submitting application is Friday, February 4, 2011. The MPO Board will elect the above positions at their Monday, February 14, 2011.

Murdock Village Community Redevelopment Agency Advisory Committee (MV-CRAAC) is seeking one volunteer representing the Banking, Financial or Appraisal Sector (as defined in Chapter 475, Florida Statutes) to finish an unexpired term due to a resignation. This term is effective immediately and shall expire September 20, 2012. Submit your resume to the Charlotte County Commission office, 18500 Murdock Circle, Port Charlotte, FL 33948 or call (941) 743-1300; fax (941) 743-1310 or send e-mail to BCC@charlottefl.com.

III. REPORTS RECEIVED AND FILED

IV. CONSENT AGENDA

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS E-1, J-1, F-4, AND F-5, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) *RECOMMENDED ACTION:*

Approve the Clerk's Memorandum. BUDGETED ACTION: None

Memorandum #2 - Total Disbursements for the Period January 13, 2011 through January 27, 2011 in the amount of \$11,560,705.04

B. Minutes Division

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

December 14, 2010 9:00 AM BCC Regular Meeting

January 10, 2011 9:00 AM BCC Pre-Agenda Meeting

Board of County Commissioners

C. Commission Office

(1) *RECOMMENDED ACTION: Approve reappointments to the Construction Board of Adjustments and Appeals - Ray Cowen as Engineer and Dale Watson as Architect. Both members wish to continue serving. Terms are three years. BUDGETED ACTION: None*

(2) *RECOMMENDED ACTION: Approve the reappointment of Bob Hill, as the Member at Large, Carolyn Dupree, as the Hideaway Beach Club Representative and Donald Oleson, as the Gaspar Hideaway Subdivision Representative for the Little Gasparilla Island Community Plan Advisory Committee. These are all two year terms that are effective immediately and shall expire January 22, 2013. BUDGETED ACTION: None*

(3) **RECOMMENDED ACTION:** Approve the appointment of Kathy Burnam to the Tourist Development Council. This appointment will fill the unexpired term of Michele Valencourt, who resigned. Term is effective immediately and will expire in June 2012. **BUDGETED ACTION:** None

D. Administration

Administration

(1) **RECOMMENDED ACTION:** Approve holding a joint meeting between the Airport Authority and Board of County Commissioners on Friday, February 25, 2011, at 10:00 a.m., in Room 119, Murdock Administration Building, 18500 Murdock Circle. **BUDGETED ACTION:** None

Public Information Office - No Items.

E. County Attorney

(1) **RECOMMENDED ACTION:** Set a public hearing for February 22, 2011, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance prohibiting the soliciting, begging, and panhandling for donations, contributions, employment, business, sales or exchanges of any kind from drivers or occupants of vehicles on the traveled portion of a roadway, providing for inclusion in the Charlotte County Code; providing for severability and providing an effective date. **BUDGETED ACTION:** None

Commissioner Constance noted Attorney Knowlton's efforts to set the public hearing and noted that, while solicitations will not be allowed on public streets, right-of-ways, or thoroughfares, continued donations will be allowed on private property. Attorney Knowlton indicated the ordinance is set for February 22, 2011 and that it addresses safety concerns previously raised by the Board.

COMMISSIONER CONSTANCE MOVED TO APPROVE AGENDA ITEM E-1, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(2) **RECOMMENDED ACTION:** Approve the Mediated Settlement Agreement and authorize the Chair and County Attorney to execute the Settlement Agreement and Release. The Hoot Gibson Construction Company, Inc., during the transportation of a

construction barge on January 1, 2006, damaged the Ingraham Bridge when a borrowed vessel operated by Hoot Gibson's employee, Bruce Woithe, was towing the steel construction barge which struck and damaged one of the seven pilings on the Ingraham Bridge. Significant property damage occurred, and the County Attorney's Office sought Board authorization to commence legal action against Hoot Gibson Construction, Inc., Bruce Woithe, and John R. Boyer to recover the costs associated with repairing damages to the Ingraham Bridge. Thereafter, a civil lawsuit was filed against Hoot Gibson Construction, Inc., Bruce Woithe, and John R. Boyer. Mediation was held on December 22, 2010, which resulted in a settlement in the amount of \$280,000, which will be paid in a lump sum to the County. The Mediated Settlement Agreement, and also a proposed Settlement Agreement and Release are attached for the Board's consideration. The County Attorney's Office and Risk Management recommend the Board of County Commissioners accept this settlement. BUDGETED ACTION: None at this time. Any revenues received will be deposited to the Self Insurance Fund to reimburse expense.

Agreement 2011-004

F. Budget and Administrative Services

Budget and Administrative Services

(1) RECOMMENDED ACTION: Approve a Resolution designating the Charlotte County Sheriff's Office as the recipient of the Charlotte County Drug Abuse Trust Fund grant, and approve the transfer of \$44,004 from the Drug Abuse Trust Fund to the Sheriff to fund their continuing program to reduce youth substance abuse through enforcement, prevention, and intervention. BUDGETED ACTION: FY11 Budgeted Amount is \$54,000. Funding is provided in the Drug Abuse Trust Fund. Per FL Statute 938.23: Revenue is collected from assessments that are imposed on persons found guilty of any misdemeanor in which the unlawful use of drugs or alcohol is involved and can be allocated to local substance abuse programs.

Resolution 2011-004

(2) RECOMMENDED ACTION: Approve to set a Public Hearing on Tuesday, February 22, 2011 at 10:00 a.m. or as soon thereafter as it may be heard, to consider the adoption of a resolution of intent to use the uniform method for collecting non-ad valorem assessments for the East and West Spring Lake Wastewater MSBU, the Rotonda West Beautification MSBU, and for the Charlotte

County Non-Residential Impact Fee Installment Payment Program. BUDGETED ACTION: None. This item has no impact on the FY10/11 budget. However, if approved and the MSBUs are put into place, revenues and expenditures will be budgeted in the FY11/12 budget in the appropriate MSBU fund.

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(3) RECOMMENDED ACTION: Approve the Purchase of One (1) Ferrara RP1000HD Extreme Duty, Rescue Pumper (4x4), Specification #14 from Ferrara Fire Apparatus, Inc. of Ocala, FL; piggybacking off the Florida Sheriff's Association Contract #10-09-0907, at the cost of \$396,514. The FY10/11 Adopted Capital Improvements Program (CIP) includes the project for the purchase of one (1) Fire Truck/Rescue Pumper. BUDGETED ACTION: None Required. Funding is provided through fire assessments in the Fire Rescue Fund. FY10/11 budget is \$545,000. This item was approved as part of the FY 2010/2011 CIP, Project #C220301.

Real Estate Services

(4) RECOMMENDED ACTION: Accept the donation of seven lots as described on the attached list to be used as conservation for Scrub-Jay Habitat. (see Exhibit "A") Lot Donation to Charlotte County. BUDGETED ACTION: None

Chairman Starr summarized the item and spoke in opposition to the County accepting any more lots.

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM F-4, SECONDED BY CHAIRMAN STARR

Commissioner Duffy pointed out the County is trying to get a Habitat Conservation Plan in place, commented on the need for scrub-jay habitable lots, and spoke in support of the item. **Commissioner Skidmore** commented on the large number of lots in the area, spoke in opposition to lot donations, and asked about lots being sold but not inventoried. Mr. Payette responded. **Commissioner Constance** requested detail related to the Habitat Conservation Area and the property owner's eligibility for mitigation through the bank as opposed to the County receiving the lots. **Commissioner Duffy** responded by giving details of the grant through Fish and Wildlife, discussed the biological

assessment and financial analysis, mentioned conversations with Andy Stevens, noted the timeframe for completion, and gave statistical data on scrub-jay land. **Commissioner Deutsch** asked when the property owner plans to build on the lot, spoke in favor of the item, and explained why. **Commissioner Skidmore** commented on paying into the mitigation bank and requested bringing the item back in two weeks with a signed contract or a contract pending the acceptance of the lots. **Chairman Starr** expressed concern with the amount of money spent on environmentally sensitive lands and the amount of vacant lots in the County. **Commissioner Constance** asked for the number of additional acres needed for the mitigation bank. **Commissioner Duffy** responded.

MOTION CARRIED 3:2. COMMISSIONER DEUTSCH, COMMISSIONER DUFFY OPPOSING.

(5) **RECOMMENDED ACTION:** Accept the donation of lots as described on the attached list (see Exhibit "A") entitled Lot Donation to Charlotte County. **BUDGETED ACTION:** None. The annual taxes collected by the County for all of the lots are \$258.06. Should the BCC accept these donations, the lot owners will pay any outstanding property taxes before the property is conveyed to the County.

Commissioner Skidmore asked for confirmation related to the reason for the request. Mr. Payette advised. **Chairman Starr** explained why he pulled the item and spoke in opposition. Mr. Payette responded to additional Board inquiries.

COMMISSIONER DUFFY MOVED TO APPROVE AGENDA ITEM F-5. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM F-5, SECONDED BY CHAIRMAN STARR

MOTION CARRIED 4:1. COMMISSIONER DUFFY OPPOSING.

G. Building and Growth Management - No Items.

H. Community Services

Parks and Natural Resources - No Items.

Recreation - No Items.

Libraries and Historical - No Items.

J. Economic Development

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

Commissioner Constance explained why he pulled the item, mentioned the Charter Review recommendations, and expressed the importance of matters being properly vetted when coming before the Board. **Commissioner Duffy** expressed concern with the Economic Development Department reviewing incentive proposals, suggested no commitment be made at that time, and recommended the County Administration and Commission view specifics prior to information being made available to prospective companies. **Commissioner Constance** inquired about a workshop to discuss the selection of the Economic Development Director and approaches to Economic Development. Mr. Sandrock pointed out the appropriate item on the Regular Agenda and that there is a Workshop scheduled for February 22, 2011 between the Enterprise Charlotte Economic Council (ECEC), the Industrial Development Authority (IDA), and Economic Development. **Chairman Starr** expressed concern with the procedures, suggested more work be done before moving forward, and pointed out the necessary involvement of the County Attorney and Administration early in the process.

Commissioner Deutsch expressed concern that more review is needed and suggested revisiting the item. **Commissioner Skidmore** agreed more time is needed to refine the process, commented on the background of Economic Development in Charlotte County, mentioned Jackson Laboratory, discussed the passing of the tax abatement referendum, and noted the amount of unemployed citizens.

Commissioner Duffy pointed out the importance of understanding confidentiality and how Economic Development works, opined that the County is moving in the right direction, and suggested making modifications.

COMMISSIONER DUFFY MOVED TO DELAY A DECISION UNTIL THE NEXT BCC MEETING, SECONDED BY COMMISSIONER DEUTSCH

Board discussion ensued. Kay Tracy and Lucienne Pears responded to Board inquiries regarding research completed.

Attorney Knowlton provided related legalities, and suggested saving the item for the Joint Meeting.

COMMISSIONER DUFFY MOVED TO AMEND HER PREVIOUS MOTION AND POSTPONE THE ITEM UNTIL AFTER THE ECONOMIC DEVELOPMENT WORKSHOP ON FEBRUARY 22, 2011, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Commissioner Skidmore requested that staff be given clear direction regarding the concerns of the Board. **Commissioner Duffy** requested more time for individual Commissioners to get more information and that staff research other counties as to their processes. Board discussion ensued. Mr. Sandrock pointed out that Charlotte County is competing against counties that have current cash incentives to give to businesses.

K. Facilities Construction and Maintenance - No Items.

L. Human Resources - No Items.

M. Human Services

(1) **RECOMMENDED ACTION:** Approve the partnership arrangement between the Charlotte County Homeless Coalition, Inc. and the Community Assisted and Supported Living, Inc. to lease the Chara and Bishop Houses. **BUDGETED ACTION:** None. These facilities are owned by the Charlotte County Homeless Coalition and will be operated by the Community Assisted and Supported Living, Inc. No additional impact to the Charlotte County BCC budget.

N. Public Safety - No Items.

P. Public Works

(1) **RECOMMENDED ACTION:** Set a public hearing for February 22, 2011, at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance amending the County Code to prohibit the parking of vehicles on the west side of Torrence Street, from SR 776 to Ester Avenue, and on the north side of Ester Avenue, from Torrence Street west approximately 525 feet. **BUDGETED ACTION:** None. Cost of no parking signs of approximately \$480 will be supplied from the Greater Port Charlotte Streets and Drainage MSBU.

(2) *RECOMMENDED ACTION*: a) Approve a Transportation Post Project Maintenance Agreement between the Florida Department of Transportation (FDOT) and Charlotte County, requiring the County to maintain sidewalks on Boundary Boulevard, from the entrance of Vineland Elementary School to Sunnybrook Boulevard, after construction by FDOT; and b) Approve a Resolution approving the Agreement and authorizing the Chairman to execute the Agreement on behalf of Charlotte County. *BUDGETED ACTION*: None. Funding for maintenance will be supplied from the Rotonda West Streets and Drainage MSBU.

Agreement 2011-005; Resolution 2011-006

Q. Tourism Development

(1) *RECOMMENDED ACTION*: a) Approve and accept a Grant from the Florida Sports Foundation for Snowbird Baseball Classic to be held in Charlotte County from February 18-March 27, 2011; and b) Approve Budget Amendment #11-A10 in the amount of \$10,000. *BUDGETED ACTION*: Approve Budget Amendment #11-A10 in the amount of \$10,000.

Grant 2011-003

R. Utilities - No Items.

S. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) County Administration - Discussion and direction regarding Murdock Village community Redevelopment Area and Enterprise Charlotte Airport Park land swap.

Mr. Sandrock explained the proposal from Southwest Land Developers. Attorney Knowlton advised the Board of its role on the item, of the motion to be made should the Board decide to move forward, the process to be followed thereafter, and that any substantive changes to the proposal are to be made on this date, and addressed related inquiries. **Commissioner Skidmore** gave additional detail related to the process if the Board should vote to move forward.

Chris Evans of Southwest Land Developers gave a detailed presentation, expressed the importance of shovel-ready land and amenities, and provided background information.

Geri Waksler spoke on behalf of Southwest Land Developers, requested the County advertise the proposal, and provided detail on the background of the Land Swap.

Gary Bayne, Bruce Laishley, and Ms. Waksler responded to Board inquiries.

(Michael Byrne replaced Tommy White at 12:15 PM.)

COMMISSIONER DUFFY MOVED TO APPROVE THE 30-DAY NOTICE OF THE SOUTHWEST LAND DEVELOPERS' PROPOSAL FOR A SWAP OF THEIR AIRPORT PARK PROPERTY FOR OUR MURDOCK VILLAGE PROPERTY, SECONDED BY COMMISSIONER DEUTSCH

Commissioner Constance asked for clarification of the Terms of the Proposal and Attorney Knowlton confirmed details. Ms. Waksler agreed to add the word 'concurrent' to the first option on page seven (7), and to add the word 'each' to paragraph 13 on page eight (8). Ms. Waksler, Mr. Bayne, Mr. Evans, and staff responded to further Board inquiries.

COMMISSIONER CONSTANCE MOVED TO AMEND THE PREVIOUS MOTION BY ADDING A LAND SWAP RIDER STATING THAT THE PROPOSERS' POTENTIAL USES OF MV-137 AND THE OTHER CONTIGUOUS PROPERTY WHICH CONSTITUTES THE 100-ACRE OPTION WILL NOT INCLUDE NUCLEAR FACILITY OF ANY TYPE, WASTE DISPOSAL FACILITY, DUMPSITE, LANDFILL, PRISON, COMMERCIAL DIRT MINE, OR GAMBLING/GAMING OPERATIONS, FURTHER THAT THE PROPOSER AGREES TO PROVIDE CHARLOTTE COUNTY WITH ANY AND ALL DRAINAGE EASEMENTS THAT THE COUNTY MAY REQUIRE FOR ITS PROPERTY WHICH WILL BE DETERMINED AT THE COUNTY'S SOLE DISCRETION. THE COUNTY MAKES NO REPRESENTATIONS, CLAIMS, ASSURANCES OR GUARANTEES TO ANY APPLICANTS THAT ANY OF THE LAND ASSOCIATED WITH THIS TRANSACTION IS SUITABLE FOR ANY INTENDED PURPOSE OR USE. ALL PROPERTIES ARE BEING SOLD AS IS, NO SECOND REQUIRED

Jeff Ruggieri explained land uses related to the Zoning Code.

MOTION FAILED 1:4.

ORIGINAL MOTION CARRIED 4:1. COMMISSIONER CONSTANCE OPPOSING.

Attorney Knowlton clarified that the motion to approve was for pages six (6) to eight (8) of the Proposal and included changes read into the record and agreed to by Geri Waksler.

RECESS: 1:10 PM to 1:20 PM

(2) Public Works - Discussion and direction regarding to the ongoing CR 775/Placida Road Widening Project.

(Commissioner Deutsch was absent from this portion of the meeting.)

Commissioner Skidmore announced that he will abstain from voting due to a potential conflict of interest and will file Form 8B within 15 days of the Meeting.

Dan Quick gave a PowerPoint presentation and addressed Board inquiries.

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

Attorney Knowlton advised the contract provisions. Staff responded to related inquiries.

COMMISSIONER DEUTSCH MOVED TO REPLACE PLACIDA ROAD WITH GASPARILLA BUT TO INCLUDE THE COMPLETION OF ONE INTERSECTION, SECONDED BY COMMISSIONER CONSTANCE

Board discussion ensued.

MOTION FAILED 2:2. (COMMISSIONER SKIDMORE ABSTAINED.)

Mr. Sandrock explained why the item was placed on the Agenda and requested Board direction to seek a financial solution to make Gasparilla Road a priority. There was Board discussion. **(BOARD CONSENSUS FOR MR. SANDROCK TO SEEK FINANCIAL SOLUTIONS TO MAKE GASPARILLA ROAD A PRIORITY.)**

Commissioner Skidmore requested that the bridges be included in the road widening.

(3) Public Works - Update to the Water Control Structure Replacement Program in Greater Port Charlotte

Dan Quick gave a PowerPoint presentation. Kim Corbett addressed Board inquiries related to the ranking of firms. Mr. Quick responded to inquiries by **Commissioner Duffy**.

(4) Purchasing - Discussion to 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 the 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 water control structures in Greater Port Charlotte.

COMMISSIONER SKIDMORE MOVED TO CALL FOR PROPOSALS FOR THE TOP FIVE RANKED FIRMS AS RANKED BY THE PROFESSIONAL SERVICE COMMITTEE AND TO INCLUDE JOHNSON ENGINEERING, KIMLEY-HORN, GIFFELS-WEBSTER, AIM, AND WILSONMILLER. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM Z-4, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

(5) Public Works - Update on several of Public Works' current capital and other projects. The Public Works Director and staff will be available to answer questions from the Board.

Bob Halfhill gave a video presentation, noted the assistance of Elizabeth Billings at CCTV, and announced the video would be available on the County website. The Commissioners complimented the presentation and the efforts of Ms. Billings. **Commissioner Skidmore** noted the high cost of the projects and that most came under budget.

(6) Commission Office - Discussion and direction regarding the hiring of an Economic Development Director and Economic Development policies to direct the interactions between the Board of County Commissioners and the Director.

Mr. Sandrock gave a recap of the Economic Development Director position and asked for direction on the choice of the following three options related to a new search: 1) to repeat the same hiring process and have Finance make recommendations, 2) to take a direct coordination role, or 3) to have Enterprise Charlotte

Economic Committee (ECEC) fund up to 50% toward the cost of an executive search. There were Board comments.

Attorney Knowlton advised the related legalities. **(BOARD CONSENSUS TO DIRECT MR. SANDROCK TO INVESTIGATE THE HIRING OF A HEADHUNTER RELATING TO COSTS AND SERVICES AND BRING BACK TO THE BOARD.)**

Chairman Starr opened discussion related to interactions between the Board and the Economic Development Director. **Commissioner Skidmore** expressed concern regarding the confidentiality of incoming companies, requested that Attorney Knowlton write to the Attorney General for a clear ruling on Sunshine Law, and to find out if internal processes can be amended if the Board is in charge of the Economic Development Director. **Chairman Starr** opined there should be a point person for the Commission who is privy to the information and that the Economic Development Director should report to the Board on a weekly basis. **Commissioner Skidmore** agreed. **(BOARD CONSENSUS TO DIRECT THE COUNTY ATTORNEY TO GET AN OPINION FROM THE ATTORNEY GENERAL RELATIVE TO SUNSHINE LAWS.)**

VI. PUBLIC HEARING AGENDA - No Items.

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - 10:00 A.M. - No Items.

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Alan Holbach announced the ribbon-cutting ceremony and Grand Opening of an adaptive playground on February 16, 2011 at the Charlotte Harbor Center.

Howard Shaw spoke in regard to changes in the County, Placida Road widening, the One Percent Sales Tax, the Murdock Village Land Swap, and the Burnt Store Road Intersection.

Denny Curtis mentioned the discussion on Gasparilla Road and expressed concerns with safety issues at South Gulf Cove.

AA. County Administrator:

Mr. Sandrock recommended the Budget Workshop scheduled for February 25th be moved to Monday, March 7th at 1:00 PM due to Administration's attendance at an all-day workshop. **Commissioner Skidmore** stated he would be out of town at that time. Mr. Sandrock reported on two workshops held the previous week, commented on answering questions from the workshops, and announced that staff would try to hold additional Budget Workshops on Tuesdays, if needed, when no other meetings are scheduled.

BB. County Attorney:

Attorney Knowlton clarified the moving of the February 25th Budget Workshop and pointed out that a Joint Meeting with the Airport Authority is scheduled on the same day in the morning. Mr. Sandrock clarified that the Budget Workshop is scheduled for 1:00 PM.

CC. Commissioner Comments:

Commissioner Skidmore announced the Celebration for a Drug-free Charlotte County on February 25th, commented on Governor Rick Scott's repeal of the Prescription Drug Monitoring System, proposed having a resolution on the next Board Meeting Agenda to request the Governor reconsider his decision, spoke in opposition to jail privatization, mentioned conversations with the Sheriff and Citrus County, thanked Corrections Office personnel, commented on a Request for Proposal (RFP) for the privatization of the Emergency Management System (EMS), thanked the Charlotte County EMS for their efforts, mentioned an article on the Industrial Development Authority (IDA) related to a quote by Michael Grant, and addressed comments made by Mr. Curtis.

Commissioner Constance commended the individuals involved with the IDA, explained the importance of getting correct information, noted that he looks forward to the Joint Meeting with the IDA and the ECEC, explained the need to free up funding in order to address the concurrency issue on State Road 771, expressed concerns with the Murdock Village Land Swap, and encouraged citizens to do their due diligence to be aware of the issues.

Commissioner Duffy reported on the Charrette held for the Medical Arts District, announced the second Charrette scheduled for February 17th at 5:30 PM, mentioned the existing problems in the Medical Arts area, and indicated she would be inviting the Sheriff to a Town Hall meeting.

Commissioner Deutsch commented on his prior professional and business experience and requested a discussion on MSBU's at a Workshop at the end of a Pre-Agenda meeting. **Commissioner Skidmore** expressed concern with MSBU tax bills.

Board discussion ensued.

Chairman Starr commented on rate hikes by insurance companies due to the existence of sinkholes and asked for direction on sending a letter to the Public Service Commission. **Commissioner Skidmore** inquired about addressing house bills with respect to the new Agenda requirements. Attorney Knowlton advised that direction can be given at the end of a meeting to add on to the next Agenda for discussion or approval. **Commissioner Skidmore** spoke in support of the Board reserving the right to call the Land Use Meeting a Regular Meeting with a Land Use Agenda to provide flexibility for adding items of a pressing nature. Attorney Knowlton advised that the Rules of Procedure state that it is a Land Use Meeting and commented on Sunshine Laws relating to when a controversial item is added.

Board discussion ensued regarding Charter Review Committee requirements.

ADJOURNED: 3:20 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