

BOARD OF COUNTY COMMISSIONERS

March 15, 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, and Deputy Clerk Carleton. The following members were absent: None

The meeting was called to order at **9:00 A.M.**, followed by the Pledge of Allegiance.

Changes to the Agenda:

Deletion #1: Requested by: Administration - A-6 - RECOMMENDED ACTION: Approve temporary replacement of the Economic Development Business Development Specialist position by a contract employee. BUDGETED ACTION: Funds will be used from: 0001.593301.552.48.0001. The funds will be coming from the Economic Development Office's Budget.

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

MOTION CARRIED 5:0.

A. Planning and Zoning Public Hearing

(1) RECOMMENDED ACTION: Conduct a public hearing to consider any and all proposals received in response to the Notice Concerning Disposition of Property in Murdock Village. BUDGETED ACTION: None

Attorney Knowlton advised a thirty (30) day notice of disposition had been published concerning the Murdock Village property pursuant to the Board's direction, advised proposals were due by 5:00 PM the previous evening, and indicated a proposal was received from Southwest Land Developers.

Attorney Geri Waksler spoke on behalf of Southwest Land Developers (SLD), provided a handout to the Board, requested approval, and addressed inquiries related to the 100-Acre Option.

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

MOTION CARRIED 5:0.

**COMMISSIONER DUFFY MOVED TO APPROVE ACCEPTANCE OF THE PROPOSAL
SUBMITTED BY SOUTHWEST LAND DEVELOPERS, SECONDED BY COMMISSIONER
SKIDMORE**

Jeff Ruggieri, Paul Payette, and Ms. Waksler fielded Board inquiries related to entitlements, the contract, and assessments of appraisals. **Commissioner Duffy** gave additional detail related to the appraisals. There was Board discussion in support of the project. **Commissioner Constance** pointed out if the contract is accepted, Charlotte County will still owe the same amount of money.

MOTION CARRIED 5:0.

(2) **RECOMMENDED ACTION:** (QUASI-JUDICIAL) Hold the first of two Public Hearings to discuss the Murdock Village Planned Development (PD) rezoning petition, in accordance with 125.66 F.S., and set the second public hearing for adoption of an ordinance approving this PD rezoning petition for April 19, 2011, at 9:00 AM, or as soon thereafter as may be heard.
BUDGETED ACTION: None

Matt Trepal presented Petition Z-10-09-30 and recommended approval of the second Public Hearing.

Ms. Waksler again spoke on behalf of the applicant and identified proposed changes.

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

MOTION CARRIED 5:0.

**COMMISSIONER SKIDMORE MOVED TO SET THE SECOND PUBLIC HEARING FOR
APRIL 19, 2011 AT 9:00 AM, OR AS SOON THEREAFTER AS MAY BE
HEARD, SECONDED BY COMMISSIONER DEUTSCH**

MOTION CARRIED 5:0.

Commissioner Constance requested a Point of Order, explained that in Item A-1, he did not realize he was voting on the item,

but that he was voting on calling the question, and requested re-opening Item A-1. (**BOARD CONSENSUS NOT TO RE-OPEN ITEM A-1**).

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM A-2, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 4:1. COMMISSIONER CONSTANCE OPPOSING.

(3) **RECOMMENDED ACTION:** (QUASI-JUDICIAL) Approve a Preliminary Plat for G2 ProVentures, LLC, for Petition PP-10-12-04. **BUDGETED ACTION:** None

(Chairman Starr polled the Board for ex parte disclosures and there were none. Deputy Clerk Carleton administered the oath to prospective witnesses.)

Steven Ellis presented Petition PP-10-12-04 per packet material and recommended approval.

Ms. Waksler spoke on behalf of the applicant and requested approval.

COMMISSIONER DUFFY MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Mr. Ellis and Ms. Waksler fielded related inquiries by **Commissioner Constance**. **Commissioner Deutsch** spoke in support of the Petition.

COMMISSIONER DEUTSCH MOVED TO APPROVE AGENDA ITEM A-3, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

(4) **RECOMMENDED ACTION:** Pursuant to Resolution No. 98-127, the Board of County Commissioners may authorize the payment of an individual Commissioner's legal expenses arising from litigation pursuant to a charge filed with the Florida Commission on Ethics. Such a charge has been brought against **Commissioner Robert Skidmore** in relation to his actions regarding Placida Road. Pursuant to Paragraph 10 of Resolution 98-127, the Board may authorize payment of such legal expenses as they become due, rather than reimbursing such fees at a later date, if it is necessary because of hardship. The Board must make a finding that 1) such a hardship exists, and 2) that the Commissioner's

actions that gave rise to the ethics charge arose from and in connection with the performance of the Commissioner's official duties and while serving a public purpose. Pursuant to the procedures set forth in the Resolution, **Commissioner Skidmore** has made a written request to the County Attorney, who now brings it to the Board. BUDGETED ACTION: Funding from Self Insurance Fund.

Attorney Knowlton detailed the Complaint filed with the Ethics Commission and discussed the related legalities.

COMMISSIONER DEUTSCH MOVED TO APPROVE AGENDA ITEM A-4, SECONDED BY COMMISSIONER SKIDMORE

Commissioner Skidmore indicated he had consulted an attorney and contacted the Florida Ethics Commission, opined he handled the matter legally and appropriately, expressed appreciation for support received, and provided additional detail. **Commissioner Duffy** stated she would support legislation against frivolous lawsuits.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

(5) RECOMMENDED ACTION: Approve proposed revisions to Resolution #2010-038 authorizing the Charlotte County Industrial Development Authority to fund the local match for Florida's Qualified Target Industry Tax Refund Incentive (QTI) Program. BUDGETED ACTION: None. Per the revised resolution, the Charlotte County Industrial Development Authority may fund the local match required under the QTI Program from the incentive fund governed by the Authority as funds are available. No impact to the Charlotte County BCC budget.

Kay Tracy presented the proposed revisions.

COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2011-017, SECONDED BY COMMISSIONER DEUTSCH

Chairman Starr expressed concern with the funds being spent, voiced the need to revisit the role of the Industrial Development Authority (IDA), and spoke in opposition. **Commissioner Deutsch** and **Commissioner Duffy** spoke in support of the IDA. **Chairman Starr** pointed out he was criticizing the lack of oversight, not the IDA, and expressed further concerns.

Attorney Knowlton clarified the Incentive Fund Program task was given to the IDA, advised the Board can take the task back,

commented that it is not project specific, and gave further explanation. **Commissioner Constance** provided additional detail.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

B. CITIZEN INPUT - ANY SUBJECT - NONE

AA. County Administrator:

Mr. Sandrock advised of a request to set up a Joint Meeting with Sarasota County on April 18, 2011 at the South County Administration Center in Venice and indicated the item would be on the next Agenda.

BB. County Attorney: NONE

CC. Commissioner Comments:

Commissioner Skidmore advised he sent a memo to the Commission detailing the actions of the Water Authority Board at their last meeting, requested the Board write a Resolution of Support for House Bill 89 for the next meeting, and spoke in support of having at least one night meeting a year. **Commissioner Constance** commented on having erred on the vote for Agenda Item A-1, stated his opposition, reported on his attendance at the Burnt Store Isles Association Meeting, pointed out the importance of working with State and National levels, mentioned the tragedy in Japan, and expressed satisfaction with the Governor's measures related to Florida's nuclear facilities. **Commissioner Duffy** asked the purpose of the Joint meeting with Sarasota County. **Commissioner Deutsch** responded by naming items of concern such as widening River Road. **Commissioner Skidmore** indicated he had requested the meeting and explained why. Mr. Sandrock noted additional items to be discussed. **Commissioner Duffy** commented on holding one night meeting per year, talked about a small business that came to her for assistance related to zoning issues, and noted discussion related to River Road. **Commissioner Deutsch** applauded the Economic Development staff and IDA volunteers for their efforts, commented on the upcoming Joint Meeting with Sarasota County, mentioned the Airport and Punta Gorda City Council and noted the importance of cooperation. **Commissioner Skidmore** mentioned receiving communications related to State Housing Initiatives Partnership (SHIP) funding, noted discussions with Housing Manager Bob Hebert, and requested staff come up with a policy to put together a committee that will allow for forgiveness of foreclosures on a case by case basis.

Chairman Starr suggested putting the item on the next Meeting Agenda. **Commissioner Deutsch** gave additional detail related to putting only land use items on the Land Use Agenda. **Chairman Starr** praised the Board action taken on Murdock Village, commented on future employment opportunities within the County, noted the approval of the mobile home unit on El Jobean, mentioned property off Toledo Blade, and gave additional detail.

ADJOURNED: 10:33 AM

Chairman

ATTEST:

**BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS**

By: _____
Deputy Clerk
sfc