

**BOARD OF COUNTY COMMISSIONERS**

**August 9, 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 Deputy Board Services White, and Deputy Clerk Lansing. The following members were absent: None

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

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

**Changes to the Agenda:**

**Change #1:** Requested by: County Attorney's Office - E-2 - Move Executive Session from 2:00 PM to 1:00 PM.

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Bob Starr**

Arts and Humanities Council Artist of the Month - Eileen LeRoux Proclamation, the month of August, 2011

**COMMISSIONER SKIDMORE MOVED TO PROCLAIM EILEEN LEROUX AS THE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF AUGUST, 2011, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

Eileen LeRoux accepted the proclamation and thanked the Board for supporting the Arts in Charlotte County.

Port Charlotte Library Month Proclamation, the month of August, 2011

**COMMISSIONER CONSTANCE MOVED TO PROCLAIM THE MONTH OF AUGUST, 2011 AS PORT CHARLOTTE LIBRARY MONTH, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Anne Shepherd and Alison Layne accepted the proclamation, thanked the Board for their support, and invited all to attend their upcoming celebration.

David Clyatt Day Proclamation, August 9, 2011

**COMMISSIONER DEUTSCH MOVED TO PROCLAIM AUGUST 9, 2011 AS DAVID CLYATT DAY, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

Amanda Clyatt accepted the Proclamation on behalf of her husband David.

**Employee Recognition - County Administrator Raymond J. Sandrock**

**Five Years:** William Hall, Public Works; Elizabeth Jones, Utilities; David McLaughlin, Public Works; Lisa Mondelli, Community Services; Jessica Sandrock, Community Services; Duane Smith, Utilities; **Ten Years:** Seth Gilgor, Utilities; Frank Roblin, Public Works; **Fifteen Years:** John Hagerty, Fire/EMS; **Twenty Years:** Richard Labousier, Public Works; Kim Snyder, Public Works; **Thirty Years:** Timothy Free, Public Works

**Employee of the Month, June, 2011 - Claire Jubb of Building & Growth Management**

Dan Quick presented the Employee of the Month certificate and described Ms. Jubb 's accomplishments.

**Presentations**

Recognition of award received by the Purchasing Division from the National Purchasing Institute, 2011, Achievement of Excellence in Procurement Award

Kim Corbett explained the award in detail and thanked the Purchasing staff for their dedication.

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

Grace Amodeo spoke in opposition to Agenda Item H-3.

**II. COMMITTEE VACANCIES**

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

Affordable Housing Advisory Committee is seeking three members to serve on the committee. One for Profit Provider, one Real Estate Professional and one Essential Services Representative. Committee meets quarterly on the 3rd Wednesday of the month (February, May, August, November) at 10:00 a.m. in Murdock. The terms are for three years.

Construction Board of Adjustments and Appeals is currently seeking two members to serve. One licensed mechanical contractor (term expiring April 2013) and one alternate who is a member of the construction industry who holds a current license (term expiring March 2014). This committee meets the 1st and 3rd Monday of each month in Room 119 in Murdock.

Code Enforcement Board is currently seeking four members to serve. One licensed architect, one member-at-large, one licensed general contractor and one licensed appraiser/engineer. Terms are for three years and are effective immediately. Committee meets the first Wednesday of each month at 9:00 a.m. in Murdock.

Greater Port Charlotte Street & Drainage is seeking two members; one regular member with a term of three years; one alternate member with a two year term. Volunteers must reside in the district. Submit resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call (941) 575-3600; fax: (941) 637-9265 or e-mail dawn.harrison@charlottefl.com

Murdock Village Community Redevelopment Agency Advisory Committee is seeking two (2) volunteers, one (1) property owner representative and one (1) member-at-large. Both are three year terms effective September 20, 2011 and expiring September 20, 2014. Please send request for consideration along with short resume to the Board of County Commissioners (attention: Bonnie Stoner), 18500 Murdock Circle, Port Charlotte, FL 33948 or call 941-743-1300 or fax to 941-743-1310.

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

Charlotte Harbor Community Redevelopment Agency Advisory Committee Minutes for the special meeting of May 24, 2011 and the regular meeting of June 6, 2011

### **IV. CONSENT AGENDA:**

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

**MOTION CARRIED 5:0.**

#### **Clerk of the Circuit Court**

##### **A. Finance Division**

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

Memorandum #2 - Total Disbursements for the period July 15, 2011 through July 29, 2011 in the amount of \$15,025,269.80.

##### **B. Minutes Division**

(1) RECOMMENDED ACTION: Approve Minutes for:  
June 28, 2011 9:00 A.M. Regular Meeting  
July 6, 2011 1:30 P.M. Special/Emergency Meeting  
July 11, 2011 9:00 A.M. Pre-Agenda Meeting  
BUDGETED ACTION: None

#### **Board of County Commissioners**

##### **C. Commission Office**

(1) RECOMMENDED ACTION: Appoint George Bobko as the Port Charlotte Yacht Club Representative on the Marine Advisory Committee to finish the term of Mike Conlon, who resigned in April 2011. This term shall expire on December 31, 2012. BUDGETED ACTION: None

#### **D. Administration**

##### **Administration**

(1) RECOMMENDED ACTION: Set a Board Workshop for August 22, 2011 at 1:30 P.M. BUDGETED ACTION: None

**Public Information Office - No Items.**

#### **E. County Attorney**

(1) RECOMMENDED ACTION: Approve a Resolution establishing and fixing boundaries of the five County Commission Districts in Charlotte County, Florida, in response to the census reports and in accordance with the Florida Constitution and Florida Statutes. BUDGETED ACTION: None

County Attorney Knowlton explained the legalities related to the item. **Commissioner Constance** distributed a proposed boundary chart for review and requested the Board table the item for two weeks.

**COMMISSIONER CONSTANCE MOVED TO TABLE THE ITEM FOR TWO WEEKS, SECONDED BY COMMISSIONER SKIDMORE**

**Commissioner Deutsch** expressed concern with amending precincts and requested a map be included to show the difference between the proposed options. Board discussion ensued.

**MOTION CARRIED 5:0.**

(2) RECOMMENDED ACTION: Set an Executive Session for August 9, 2011 at 2:00 P.M. in the Charlotte County Attorney's Office Large Conference Room to discuss settlement negotiations and strategy related to litigation expenditures concerning the claim of SMH Group LLC under the Bert Harris, Jr. Private Property Rights Act. BUDGETED ACTION: None

#### **F. Budget and Administrative Services**

**Budget and Administrative Services - No Items.**

**Fiscal Services - No Items.**

**Information Technology - No Items.**

##### **Purchasing**

(1) RECOMMENDED ACTION: Approve the award of Bid #11-247, Sidewalk Construction - Manor Road, to the lowest responsive, responsible bidder, Coral Sands Construction LLC, of North Port, FL, in the amount of \$168,317.15. This is for the construction of sidewalks on Manor Road, as part of the 2009 Sales Tax - Phase 1 Construction Projects. BUDGETED ACTION: None. Budgeted in approved CIP project C410918, Sidewalks 2009 Sales Tax Extension.

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

#### **Real Estate Services**

(3) RECOMMENDED ACTION: Approve the Resolution authorizing the fee simple acquisition of Lot 611, Rotonda West - Pebble Beach for the purposes of providing an expansion site for Charlotte County Utilities' wastewater lift station #819. BUDGETED ACTION: Amount budgeted: \$30,000 from Lift Station CIP c350603. Funding for this expenditure comes from CCU Renewal and Replacement fund.

#### **Resolution 2011-256; Agreement 2011-029**

(4) RECOMMENDED ACTION: Approve the attached Resolution that declares the real property listed in Exhibit "A" to be surplus to County needs and authorizes County staff to dispose of the real property in accordance with the provisions of Florida Statute 125. BUDGETED ACTION: None

#### **Resolution 2011-257**

#### **G. Building and Growth Management**

(1) RECOMMENDED ACTION: Approve an Amended Developer's Agreement for Centex Homes for Petition FP-04-05-08. BUDGETED ACTION: None

#### **Amendment to Agreement 2006-017**

(2) RECOMMENDED ACTION: Approve a Bond Reduction and Amended Developer's Agreement for Centex Homes, for Petition #FP-04-09-20. BUDGETED ACTION: None

#### **Amendment to Agreement 2006-047**

(3) RECOMMENDED ACTION: Approve application for a Southwest Florida Water Management District Community Education Grant in the amount of \$5,000 and to have the Chair of the Board of County Commissioners sign any grant application related documents as necessary. BUDGETED ACTION: None at this time. Amendment will be done if funding is awarded.

#### **Grant 2011-030**

#### **H. Community Services**

##### **Parks and Natural Resources**

(1) RECOMMENDED ACTION: Approve the naming of Conservation Charlotte Environmentally Sensitive Lands in Deep Creek to Peace River Preserve. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: a) Approve submission of application for Gopher Tortoise Habitat Management Assistance Funding Grant from the Florida Fish and Wildlife Conservation Commission. The Charlotte County

Parks and Natural Resources Division is requesting \$15,000; and b) Authorize BCC Chair to sign any related documents. BUDGETED ACTION: None

**Grant 2011-031**

(3) RECOMMENDED ACTION: Set a public hearing for August 23, 2011 at 10:00 a.m. or as soon as may be heard thereafter to consider an ordinance designating smoking areas at Community Services facilities. BUDGETED ACTION: None

**Chairman Starr** noted his concerns and spoke in opposition to the Ordinance as written. Attorney Knowlton explained how the Ordinance was crafted, advised the reasons litter and fire hazards were included, and suggested dealing with the issue as a legislative change. **Commissioner Skidmore** stated he would like to see the item become a legislative priority. **Commissioner Constance** mentioned the key issues and spoke in support.

**COMMISSIONER CONSTANCE MOVED TO APPROVE AGENDA ITEM H-3, SECONDED BY COMMISSIONER DEUTSCH**

John Jackson commented further on the item. Board discussion ensued. **Commissioner Constance** pointed out this item would only set a Public Hearing to allow the citizens to express their opinions.

**MOTION FAILED 2:3.**

**Recreation - No Items.**

**Libraries and Historical - No Items.**

**J. Economic Development - No Items.**

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

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

**M. Human Services**

(1) RECOMMENDED ACTION: Approve and authorize the Chairman to sign the annual Federal Transit Administration (FTA) Section 5307 grant application and assurance, and authorize staff to make the necessary electronic application. BUDGETED ACTION: None

**Grant 2011-032**

**N. Public Safety - No Items.**

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

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

R. Utilities - No Items.

S. Other Agencies - No Items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - Select by ballot, one member to serve on the Housing Finance Authority for a four year term. This appointment is effective immediately and will expire in August 2015. All applicants meet the requirements.

Mr. Sandrock read the following results into the record: Bryan Kehoe - 3 Votes (H. Bowen Gillespie - 2 Votes)

**COMMISSIONER SKIDMORE MOVED TO APPOINT BRYAN KEHOE TO SERVE ON THE HOUSING FINANCE AUTHORITY FOR A FOUR YEAR TERM, EFFECTIVE IMMEDIATELY, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(2) Commission Office - Discussion and direction regarding WCIND-CNIF allocation to County projects for FY11/12

**Commissioner Skidmore** explained the item and requested that Administration seek a Request for Proposal (RFP) to remove the railroad trestle. Board discussion ensued. **Commissioner Deutsch** suggested investigating alternatives to remove the trestle. Mr. Quick discussed the issue and made related suggestions. Andy Stevens remarked further. **Commissioner Skidmore** pointed out his intent to seek an RFP was to acquire a true cost for the removal of the trestle. **Commissioner Duffy** noted an email received from Gordon Burger related to removal of fallen debris on the trestle.

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

(1) Budget and Administrative Services - Conduct a public hearing to consider an ordinance amending County Code Chapter 3-8 Article II concerning the County-regulated water and wastewater utilities; revising rate adjustment application fees and providing for staff-assisted rate cases, miscellaneous fee tariff adjustments, and general housekeeping items.

Gordon Burger described the purpose of the Public Hearing and Ordinance.

Jack Boyer spoke in support of the proposed Ordinance.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2011-031, SECONDED BY COMMISSIONER DUFFY**

Mr. Burger responded to inquiries.

**MOTION CARRIED 5:0.**

**RECESS: 10:12 AM - 10:20 AM**

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

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

**IX. BOARD WORKSHOP AGENDA - 10:00 A.M.**

(1) Building and Growth Management - Conduct a Board Workshop to discuss the various types of permits required by Charlotte County and the regulations pertaining to each of those permit types.

Danny Quick, Director, Community Development Department, described the item. Claire Jubb explained the changes to the department, gave a detailed presentation, paralleled visual slides, and responded to Board inquiries.

**Chairman Starr** questioned why certain items require a permit, expressed the importance of defining miscellaneous permits, and opined no permit should be required for non-electrical jobs. **Commissioner Duffy** gave detail related to permit requirements for water heaters, criticism of development, parking lot requirements, and requested information related to State and Federal Permits. Ms. Jubb stated she would speak to a building official regarding hard-wired water heaters and report back to the Board.

**X. CITIZEN INPUT - ANY SUBJECT**

Howard Shaw asked **Commissioner Skidmore** to step down and explained why.

Bob Jason commended **Commissioner Duffy** for revisiting expenditures of funds and mentioned the railroad trestles.

Grace Amodeo questioned if the Public Hearing related to smoking in the parks had been denied.

Claire Rea spoke to the behavior of one of the Commissioners and requested his resignation.

Vince Guinto commented on a Charlotte Sun Newspaper article related to **Commissioner Skidmore** and requested he be removed.

George Kearns and Rick Mathis requested a certain Commissioner resign.

Paula Schaff commended **Commissioner Duffy** for her comments related to costs, commented on the County's need for exemplary leadership, stated **Commissioner Skidmore's** problems are not the County's, and asked for his resignation.

Bill Bigelow gave detail related to the current economy, said property taxes are the County's main source of income, mentioned tough decisions faced by the Board and opined why **Commissioner Skidmore** should resign.

Wayne Wallace spoke on behalf of veterans and those defending us, asked the Board to be responsible, expressed concern with the State Attorney's Office, and requested **Commissioner Skidmore** resign.

Mike Brown, an unidentified citizen, Robert Boetsch, Joan Germanis, and Sally Shutts asked **Commissioner Skidmore** to resign.

J.P. Collins opined **Commissioner Skidmore** should be given due process, expressed concerns related to costs for permits and hot water heaters, and explained proper installation methods.

Bill Owra thanked **Chairman Starr** for his common sense, mentioned his experience with permits, commented on efficiencies, and asked **Commissioner Skidmore** to resign.

Douglas Tucker commented on the lack of action related to the smoking ordinance in the parks and asked that the language in the Ordinance be modified.

Chuck Tollenberg suggested the Attorney General push **Commissioner Skidmore** to resign.

William Socier voiced displeasure on reading the newspaper, expressed concern with the permitting process, and asked **Commissioner Skidmore** to step down.

#### **AA. County Administrator:**

Mr. Sandrock recommended setting up a second follow-up meeting to discuss goal setting and vision statements (**Board Consensus**), mentioned progress made on the Human Services Building, noted 80 car seats received by the Fire/EMS at no cost for the benefit of the Little Bits Club Passenger Safety Program, commented on Human Services' participation in a back-to-school carnival, and thanked Claire Jubb for her presentation.

#### **BB. County Attorney:**

Attorney Knowlton indicated she was assisting in the advertisement for the Department of Health Director, in the selection panel, and interview process, gave an update on the Animal Control Special Act, asked for Board input for a Senate Sponsor, followed up on comments related to the No Smoking Ordinance, mentioned the Punta Gorda Little League, and confirmed consensus was received to include no smoking as a Legislative priority. **Commissioner Duffy** requested the word ' Children ' be mentioned within the Ordinance.

#### **CC. Commissioner Comments:**

**Commissioner Deutsch** shared his concerns, noted due process, and stated the Board is powerless to make a decision relative to **Commissioner Skidmore's** seat on the Board. Attorney Knowlton explained the legal process related to the matter with **Commissioner Skidmore**, mentioned the Commission on Ethics, and advised the Governor is the only governmental entity able to remove a Commissioner. **Commissioner Duffy** commented further on the issue, gave detail on the positive things going on in the County, mentioned planning for the upcoming 9/11 River Walk, and requested citizens provide the names of the first responders. **Commissioner Constance** mentioned the opening of public schools, cautioned people to drive carefully, noted Tom Patton as

the new Economic Development Director, suggested Mr. Patton be able to speak at the end of Regular and Pre-Agenda meetings, responded to Mr. Tucker's comments, and asked the Board to reconsider the smoking issue in order to have a Public Hearing on the Smoking Ordinance. **Commissioner Skidmore** thanked citizens for their comments, stated he has no intention of resigning, commented on his role as Commissioner, and expressed his pride in Charlotte County. **Chairman Starr** mentioned an incident with an upset County Employee and asked **Commissioner Skidmore** to resign as soon as possible.

**RECESS: 12:03 pm to 1:00 pm Executive Session. Session cancelled due to Case being dismissed.**

**BOARD OF COUNTY COMMISSIONERS - EXECUTIVE SESSION**

**August 9, 2011**

An Executive Session was scheduled to be held this date at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The Executive Session was called to order at 1:00 PM and summarily cancelled for the record and closed in Room 119 with Chairman Starr, Commissioner Constance, Commissioner Deutsch, and Commissioner Duffy present. Also in Attendance were County Attorney Knowlton and Deputy Clerk Lansing. Attorney Knowlton advised the claim of SMH Group LLC under the Bert Harris, Jr. Private Property Rights Act had been dismissed.

**ADJOURNED: 1:03 PM**

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**Chairman**

**ATTEST:**

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

By: \_\_\_\_\_  
**Deputy Clerk**

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