

BOARD OF COUNTY COMMISSIONERS

August 23, 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 Carleton. The following members were absent: None

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

Invocation was given by Pastor Jason Hawk, Church of the Nazarene, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Requested by: Community Development - Z-7 - Requested Motion/Action: Reappointment of four members of the Manasota and Sandpiper Key Community Plan Advisory Committee. Their terms will expire on August 24, 2011.

Addition #2: Requested by: Human Resources - Employee of the Month for July - Requested Motion/Action: Marc Solomon

Change #1: Requested by: Administration - D-1 - REQUESTED MOTION/ACTION: c) Approve Budget Transfer #11-038 in the amount of \$15,153 to allocate the County's funding. On 8/17/11, the City Council of the City of Punta Gorda approved to participate in funding \$3,572 for the Ripken Feasibility Study. Funding commitments are as follows: 3,572 City of Punta Gorda; \$5,000 Enterprise Charlotte Economic Council (ECEC); \$5,000 Florida Premier Developers/Southwest Engineering & Design; \$7,000 Charlotte County Airport Authority; \$15,153 Charlotte County Board of County Commissioners; \$35,725 Total.

Deletion #1: Requested by: Commission Office - Z-2 - RECOMMENDED ACTION: Discussion and direction regarding office space for the Economic Development Office (EDO).

Deletion #2: Requested by: Commission Office - Z-3 - RECOMMENDED ACTION: Consider approving the attached Resolution authorizing the execution of an Addendum to Lease Agreement for office space located at 18501 Murdock Circle, Port Charlotte, to be occupied by the Economic Development Office.

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

Commissioner Skidmore pointed out the terms associated with Agenda Item Z-7 would expire the following day and questioned why the item was coming before the Board at this time. Mr. Sandrock indicated he would look into the matter and provide an answer.

MOTION CARRIED 5:0.

Proclamations - Commissioner Christopher Constance

Charlotte County Day @ Tropicana Field Proclamation, September 4, 2011.

COMMISSIONER SKIDMORE MOVED TO PROCLAIM SEPTEMBER 4, 2011 AS CHARLOTTE COUNTY DAY @ TROPICANA FIELD, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

An unidentified representative accepted the Proclamation.

David Donohew Day Proclamation, August 23, 2011.

David Donohew accepted the Proclamation with thanks. Assistant County Administrator Kelly Shoemaker spoke on behalf of Vikki Carpenter who commended Mr. Donohew's accomplishments related to Florida Veterans Services.

COMMISSIONER DEUTSCH MOVED TO PROCLAIM AUGUST 23, 2011 AS DAVID DONOHEW DAY, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

National Recovery Month Proclamation, the month of September, 2011.

COMMISSIONER SKIDMORE MOVED TO PROCLAIM THE MONTH OF SEPTEMBER, 2011 AS NATIONAL RECOVERY MONTH, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Jay Glynn, Chief Executive Officer, Charlotte Behavioral Health Care, accepted the Proclamation.

Patriot Day in Charlotte County Proclamation, September 11, 2011.

COMMISSIONER DEUTSCH MOVED TO PROCLAIM SEPTEMBER 11, 2011 AS PATRIOT DAY IN CHARLOTTE COUNTY, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

David Donohew accepted the Proclamation.

Franz Ross Park YMCA 10th Anniversary Celebration Week Proclamation, the week of September 5, 2011.

COMMISSIONER DEUTSCH MOVED TO PROCLAIM THE WEEK OF SEPTEMBER 5, 2011 AS FRANZ ROSS PARK YMCA 10TH ANNIVERSARY CELEBRATION WEEK, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Mike Versnik, Associate Executive Director, Franz Ross Park YMCA, accepted the Proclamation with thanks.

Employee Recognition - County Administrator Raymond J. Sandrock

Employee of the Month of July is Marc Solomon

Mr. John Jackson presented the award to Marc Solomon and described his accomplishments.

Presentations - None

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Carol Peterson spoke to Agenda Item Z-4 and pointed out the number of citizens who did not receive a survey.

Catherine Colford spoke to Agenda Item Z-1, explained her injuries from a car accident, and discussed her background and accomplishments.

Grace Amodeo spoke in support of Agenda Item F-8 and opined the item is a positive move for Charlotte Harbor Community Redevelopment Agency (CRA).

Louis Macri and Philip Wilson spoke in opposition to Agenda Item F-8.

Lorraine Fowler and Suzanne Graham spoke in support of Agenda Item F-4 and expressed concerns.

Douglas Tucker spoke to Agenda Item F-4, expressed concern with lack of oversight, and spoke in support of Agenda Item F-1.

Bill Peterson spoke to Agenda Item Z-4 and suggested Chief Didio look at one other proposal.

II. COMMITTEE VACANCIES

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

Greater Port Charlotte Street and Drainage Advisory Committee - is seeking two volunteers; one regular member for a three year term; and one alternate member for a two year term. Volunteers must reside within the boundary of the MSBU. Submit resume to Charlotte County Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call (941-743-1300); fax: (941-637-9265) or email msbu@charlottefl.com.

Historical Advisory Committee - is currently seeking three members to serve on the committee. These are three year terms and require the following: (1) member of the Lemon Bay Historical Society; (1) member of the Punta Gorda Historical Society; and (1) member-at-large. Terms will expire September 30, 2014. Submit resume to: the Charlotte County Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948, or call 941-743-1300, or e-mail BCC@charlottefl.com or fax 941-743-1310.

III. REPORTS RECEIVED AND FILED

Minutes from the July 11, 2011 Charlotte Harbor CRA Advisory Committee meeting.

County Investment Report for the quarter ended, June 30, 2011.

IV. CONSENT AGENDA

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS D-1, F-2, F-3, F-4, F-8, AND P-1, 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 required.

Memorandum #2 - Total Disbursements for the Period July 29, 2011 through August 11, 2011 in the amount of \$6,812,772.88.

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for:
July 12, 2011 9:00 AM Regular Meeting
July 14, 2011 1:30 PM Presentation of Tentative Budget
July 15, 2011 10:00 AM Joint Meeting/BCC/Airport Authority
July 19, 2011 9:00 AM Regular/Land Use Meeting
July 20, 2011 5:01 PM MSBU Public Hearing
July 21, 2011 8:00 AM Economic Development Director Interviews
BUDGETED ACTION: None required.

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve to appoint Edward E. Callahan to the Code Enforcement Board to finish the unexpired term of the Architect representative. This term shall expire on September 30, 2012. BUDGETED ACTION: None required.

(2) RECOMMENDED ACTION: Approve the reappointment of Alan LeBeau, who has been serving in this capacity and whose term expires August 20, 2011, as the General Contractor Representative to the Code Enforcement Board. This is a three year term that shall expire on August 20, 2014. BUDGETED ACTION: None required.

(3) RECOMMENDED ACTION: Approve to appoint Michael Beers to serve on Peace River Shores Street & Drainage Advisory Committee. The term is for one year from date appointed. BUDGETED ACTION: None required.

D. Administration

Administration

(1) RECOMMENDED ACTION: a) Waive the need to seek a quote based, in part, upon the finding of unique circumstances with Ripken; b) Approve to have Ripken Design conduct a market and feasibility study on a Youth Sports Complex in Charlotte County; and c) Approve Budget Transfer #11-038 in the amount of \$15,153 to allocate the County's funding. On 8/17/11, the City Council of the City of Punta Gorda approved to participate in funding \$3,572 for the Ripken Feasibility Study. Funding commitments are as follows: \$3,572 City of Punta Gorda; \$5,000 Enterprise Charlotte Economic Council (ECEC); \$5,000 Florida Premier Developers/Southwest Engineering & Design; \$7,000 Charlotte County Airport Authority; \$15,153 Charlotte County Board of County Commissioners; \$35,725 Total BUDGETED ACTION: Approval of Budget Transfer #11-038. Funding provided by General Fund - Contingency Reserves.

Commissioner Deutsch explained why he pulled the item, pointed out Charlotte County is not the only entity paying for the Study, thanked all participants involved in the project, noted the figure was adjusted to \$15,153, indicated there are two stipulations involved, and mentioned the presence of two expense items.

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

Chairman Starr advised that three Motions are needed.

COMMISSIONER DEUTSCH AMENDED HIS PREVIOUS MOTION AND MOVED TO WAIVE THE NEED TO SEEK A QUOTE BASED, IN PART, UPON THE FINDING OF UNIQUE CIRCUMSTANCES WITH RIPKEN, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

COMMISSIONER DUFFY MOVED TO APPROVE RIPKEN DESIGN TO CONDUCT A MARKET AND FEASIBILITY STUDY ON A YOUTH SPORTS COMPLEX IN CHARLOTTE COUNTY, SECONDED BY COMMISSIONER DEUTSCH

Attorney Knowlton recommended bringing the item back as a formal agreement or contract to address reimbursement items. Board discussion ensued.

COMMISSIONER DUFFY AMENDED HER PREVIOUS MOTION TO APPROVE RIPKEN DESIGN TO CONDUCT A MARKET AND FEASIBILITY STUDY ON A YOUTH SPORTS COMPLEX IN CHARLOTTE COUNTY WITH THE TWO CONDITIONS THAT THE TRAVEL BUDGETS BE REASONABLE AND THAT, IF RIPKEN DOES NOT COME TO CHARLOTTE COUNTY, THE COUNTY IS REIMBURSED FOR EXPENSES AT THE DISCRETION OF MR. SANDROCK, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

COMMISSIONER DEUTSCH MOVED TO APPROVE BUDGET TRANSFER #11-038 IN THE AMOUNT OF \$15,153 TO ALLOCATE THE CHARLOTTE COUNTY FUNDING ON AUGUST 17, 2011, THE CITY OF PUNTA GORDA APPROVED TO PARTICIPATE IN THE FUNDING, SECONDED BY COMMISSIONER SKIDMORE

Commissioner Constance encouraged parties interested in helping to subsidize the project to participate so that the County's monetary responsibility would be reduced. **Commissioner Skidmore** expressed appreciation to the City of North Port for its willingness to contribute to the project and thanked Mr. Sandrock for meeting with the City Manager. **Commissioner Duffy** expressed concern relative to the City of North Port's contribution to the project and commented further.

MOTION CARRIED 5:0.

Public Information Office - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: Approve the settlement concerning roadway damages at Gasparilla & Sawyer caused by Southwest Florida Cable Construction, Inc. and authorize the Chair to execute the Release. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Set an Executive Session for August 23, 2011 at 2:00 p.m. in the Charlotte County Attorney's Office Large Conference Room to discuss settlement negotiations or strategy related to litigation expenditures concerning the civil lawsuit captioned Grant Medical Transportation, Inc. v. Charlotte County and Ameditans; Case No. 10-4027-CA. BUDGETED ACTION: None

F. Budget and Administrative Services

Budget and Administrative Services

(1) RECOMMENDED ACTION: Approve the attached revised Reserve Policy and the Reserve Policy Resolution. BUDGETED ACTION: No action necessary.

Resolution 2011-259

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(2) RECOMMENDED ACTION: Approve renewal of Contract #09-292, Tourism Advertising & Public Relations Implementation with Smith Advertising and Associates for the term October 1, 2011, up to and including September 30, 2012, in the amount not-to-exceed \$255,850. This is an annual contract for the procurement of marketing services for the Tourist Development Bureau in promoting Charlotte as a travel destination. BUDGETED ACTION: None. Budgeted in the Tourist Development Fund.

Chairman Starr explained why he pulled the item. **Lorah Steiner** responded to Board inquiries. **Commissioner Skidmore** thanked Ms. Steiner for her efforts.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM F-2, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(3) RECOMMENDED ACTION: a) Approve Amendment #2 to Contract #2008000248, Food and Beverage Services-Event Center, with Centerplate; and b) Authorize the Chairman to sign the Amendment. This is for a revision to terms regarding the annual minimum rent guarantee for years four and five. BUDGETED ACTION: None. Revenue is budgeted in the Event Center budget.

Commissioner Constance explained why he pulled the item and spoke in opposition.

COMMISSIONER CONSTANCE MOVED TO DENY AGENDA ITEM F-3, SECONDED BY CHAIRMAN STARR

Assistant County Administrator Kelly Shoemaker provided historical detail related to Centerplate and responded to Board inquiries. **Commissioner Skidmore** commented on prior Board Actions and expressed concern with changing the terms of the Contract. **Chairman Starr** and **Commissioner Duffy** spoke in support of the Motion to Deny.

MOTION CARRIED 5:0.

(4) RECOMMENDED ACTION: Approve the Termination of Contract #09-084, Annual Contract for Contractor/Builder, with Gasparilla Construction of Placida, FL. This is an annual contract for miscellaneous contractor/ builder services to be performed on an as needed basis, which was originally approved by the Board on February 24, 2009. BUDGETED ACTION: None.

Commissioner Duffy expressed concern with issues related to the item and inquired if companies not paid have any recourse. Attorney Knowlton commented on a Florida Statute that deals with outstanding obligations. **Kim Corbett** responded to Board inquiries. **Commissioner Deutsch** requested directing the County Administrator to investigate the course of events, suggested any further payments to Gasparilla Construction be held until the situation is rectified, and requested the Purchasing Department address all concerns. Mr. Sandrock indicated an investigation would be done. Attorney Knowlton advised legalities. **Commissioner Constance** expressed concern with paying additional monies to Gasparilla Construction. **Chairman Starr** voiced frustration with the situation, requested assurance that two other companies doing business with Charlotte County are complying with requirements, stated the policy needs to be revisited, and mentioned the receipt of an email from one company. **Commissioner Duffy** pointed out the timeline of the errors that occurred in dealing with Gasparilla Construction and mentioned the former Facilities Director. Attorney Knowlton indicated she would ensure a Release of Liens is received before releasing any more funds. **Commissioner Constance** commented on having a one hundred percent (100%) audit process. **Commissioner Deutsch** requested the Board be advised as to the amount of money Gasparilla has been paid, the number of subcontractors, and the amount of money owed to them. **Commissioner Skidmore** responded to concerns expressed by the citizens, declared a conflict of interest, recused himself from a future vote or action by the Commission, stated intentions to file a memorandum that afternoon, and said he supported a full and open inquiry by Mr. Sandrock and his staff.

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

MOTION CARRIED 5:0.

Commissioner Skidmore advised he had erroneously voted after declaring a conflict of interest.

COMMISSIONER DEUTSCH MOVED TO RESCIND THE MOTION OF AGENDA ITEM F-4, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 4:0. (COMMISSIONER SKIDMORE RECUSED HIMSELF FROM THE VOTE.)

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

MOTION CARRIED 4:0. (COMMISSIONER SKIDMORE RECUSED HIMSELF FROM THE VOTE.)

(5) RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #11-197 Bio-Diesel Feedstock System - East Port Water Reclamation Facility: 1st Ranked - Affordable Bio Feedstock of Kissimmee, FL; and 2nd Ranked - National Grease Recovery, LLC of Fort Lauderdale, FL; and b) Approve start of negotiations with top ranked firm; and c) Authorize Chairman to sign the contract after completion of negotiations. This is for a firm to provide a means of producing bio-diesel feedstock from brown grease. BUDGETED ACTION: None, anticipated reduction in expenditures.

(6) RECOMMENDED ACTION: Approve award of Bid #11-257 Sidewalk Construction - Alton Road with General Contracting Services, Inc., of Placida, Florida in the total amount of \$337,644.51. This is for construction of sidewalks on Alton Road as part of the Year One Sales Tax Projects. BUDGETED ACTION: None. Funded in FY11 adopted CIP project c410918, Sidewalks Sales Tax Extension. Funding is supplied from the 2009 Sales Tax Extension Fund.

(7) RECOMMENDED ACTION: a) Approve Amendment #3 to Contract #08-121, Methane Gas Collection-Landfill with GES-Port Charlotte, LLC; b) Approve Amendment #2 to Site Lease Agreement with GES-Port Charlotte, LLC; c) Approve Amendment #1 to Utility and Infrastructure Easement Agreement with GES-Port Charlotte, LLC; d) Approve Notice and Consent of Assignment; and e) Authorize Chairman to sign the Amendments and Notice and Consent of Assignment. This Contract is for an efficient and effective means of methane gas collection at the Zemel Road landfill, originally approved by the Board on April 22, 2008. BUDGETED ACTION: None. There are no anticipated costs to the Solid Waste Fund.

Real Estate Services

(8) RECOMMENDED ACTION: Approve a Resolution authorizing the Chairman of the Board of County Commissioners to execute the Contract for Sale and Purchase of Real Property located at 4335 Sibley Bay Street, Port Charlotte. BUDGETED ACTION: None. Funds are provided by the SHIP Grant at 100%. Funds have been budgeted in FY2011.

Commissioner Duffy explained why she pulled the item and responded to concerns of Mr. Wilson. Paul Payette, Bob Hebert, and Debrah Forester responded to Board inquiries. **Commissioner Constance**

addressed the concerns of Mr. Macri. **Chairman Starr** spoke in opposition. **Commissioner Deutsch** spoke in support, pointed out the importance of the property relative to redevelopment, and responded to concerns of Mr. Macri. **Commissioner Skidmore** spoke in support and also addressed concerns of Mr. Macri.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-260 AND AGREEMENT 2011-030, SECONDED BY COMMISSIONER DEUTSCH

Commissioner Constance spoke in support and echoed comments made by **Commissioner Deutsch**.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

(9) RECOMMENDED ACTION: Approve the attached resolution authorizing the Chairman of the Board of County Commissioners to execute a Letter of Concurrence for Setback Waiver for Banana Bay 1, LLC.
BUDGETED ACTION: None

Resolution 2011-261

G. Community Development

(1) RECOMMENDED ACTION: Approve a Developer's Agreement for GR-Serenity Cove, LLC, for Petition #PV-10-10-03. BUDGETED ACTION: None

Agreement 2011-031

(2) RECOMMENDED ACTION: Approve termination of a Development Agreement between Earthsource, Inc., Babcock Florida Company, and Charlotte County relating to Group III Excavation Permit # 01-EX-03.
BUDGETED ACTION: None

Agreement 2011-032

H. Community Services

Parks and Natural Resources

(1) RECOMMENDED ACTION: Authorize the Chairman to sign the revised Grant Contract for the Shell Creek Delta Parcel Land Acquisition, Section 6 Grant Agreement between U.S. Fish and Wildlife Commission and Charlotte County with an extended term date. BUDGETED ACTION: None

Mod. #2 to Grant 2010-011

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 - No Items.

N. Public Safety - No Items.

P. Public Works

(1) RECOMMENDED ACTION: Adopt a resolution approving a negotiated two percent (2%) Consumer Price Index (CPI) increase for solid waste hauling services as provided by sanitation franchisee Waste Management of Florida, Inc. BUDGETED ACTION: Funding for this expense comes from the sanitation rate assessment. There will be no increase in 2011 rates for residential customers.

Chairman Starr explained why he pulled the item and spoke in opposition. Assistant County Attorney Marty Burton and Bob Halfhill responded to Board inquiries. **Commissioner Skidmore** referred to Agenda Item P-2, suggested adding a provision for inflation, and proposed giving direction on Agenda Item P-2 through Agenda Item P-1. **Commissioner Deutsch** requested other people be invited to competitively bid through a Request for Proposals (RFP) or other process if the Contract is opened and the terms extended. **Commissioner Duffy** responded to **Chairman Starr's** comment related to a 50% reduction, gave related detail, commended the efforts of staff, and spoke in support.

COMMISSIONER DUFFY MOVED TO APPROVE RESOLUTION 2011-262, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

(2) RECOMMENDED ACTION: Authorize the Solid Waste Division of Public Works to enter into contract negotiations with Waste Management of Florida, Inc., and to bring the results back to the Board for consideration. BUDGETED ACTION: None

Q. Tourism Development - No Items.

R. Utilities - No Items.

S. Other Agencies - No Items.

RECESS: 10:40 AM - 10:55 AM

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - RECOMMENDED ACTION: Choose by ballot two (2) volunteers: one (1) volunteer per category to sit on the Code Enforcement Board. One member shall serve as the

Appraiser/Engineer and the other shall serve as the Member-At-Large. Both terms are for three (3) years; both are effective immediately and both shall expire August 26, 2014.

Mr. Sandrock read the voting results into the record: Richard Adomatis as the Appraiser/Engineer; and Suzy Hackett as the Member-At-Large.

COMMISSIONER DUFFY MOVED TO APPROVE RICHARD ADOMATIS AND SUZY HACKETT TO SIT ON THE CODE ENFORCEMENT BOARD FOR A TERM TO EXPIRE ON AUGUST 26, 2014, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(4) Public Safety - RECOMMENDED ACTION: Discussion of Barrier Island (Station #10) Fire Survey results and Direction on fire assessment rates.

Chief Didio addressed concerns expressed by Mr. and Mrs. Peterson, outlined the survey results, and responded to Board inquiries. (Option detail was distributed to the Board.) **Chairman Starr** commented on the difference in access to services on the Barrier Island as opposed to the County and spoke in support of Option #3. **Commissioner Skidmore** suggested adding a provision to the Interlocal related to the cancellation of services. Attorney Knowlton advised legalities. Chief Didio reported on the Englewood Fire District barge crossing at the request of **Commissioner Constance**.

COMMISSIONER CONSTANCE MOVED TO GO FORWARD WITH A PUBLIC HEARING AND TO CONTINUE TO GET SURVEY RESULTS FROM CHIEF DIDIO, SECONDED BY COMMISSIONER DEUTSCH

Commissioner Duffy questioned the need to set a public hearing. Attorney Knowlton and Assistant County Attorney Dan Gallagher responded to Board inquiries.

COMMISSIONER CONSTANCE WITHDREW HIS MOTION. COMMISSIONER DEUTSCH WITHDREW HIS SECOND.

BOARD CONSENSUS TO GIVE DIRECTION TO CHIEF DIDIO TO NEGOTIATE A CONTRACT WITH ENGLEWOOD FIRE DISTRICT AND FOR THE BOARD TO VOTE ON THE CONTRACT AT THE FINAL BUDGET HEARING.

(5) Administration - RECOMMENDED ACTION: Discussion and direction to set the State legislative priorities for the 2012 legislative session.

Kelly Shoemaker presented the legislative priorities to be discussed as per handout, requested head nods for approval, and responded to Board inquiries.

Repeal of Animal Control Special Act (approved)
Smoking prohibited near youth facilities (approved)
Economic Agency - Confidentiality of records (dropped)
Bill to create F.S. 290.00729 Enterprise Zone designation for Charlotte County (approved)
Repeal of Senate Bill 550 (approved)
CCNA issue (Senate Bill 276) died in committee (approved)

Public/Private partnerships (approved)

Commissioner Skidmore explained the item, suggested having direct sales tax purchase available at the direction of local government when a public/private partnership moves into the area, noted communications with Governor Scott, and responded to questions related to State and Local controls. **Chairman Starr** spoke in support, commented on the designation for certain benefits, discussed Local Legislators facilitating Counties being able to access available economic incentives, and suggested the County Attorney's Office work toward resolving issues with the associated Statutory language. Ms. Shoemaker gave detail on the study completed by Hector Flores related to the water park. **Chairman Starr** talked about developing a plan to submit to the legislature and recommended enlisting the assistance of the Florida Association of Counties. **Commissioner Skidmore** proposed separating Local and State priorities and noted CCNA's Policy Conference next month.

Gas Tax (approved)

Commissioner Skidmore suggested designating certain roads as State Roads in order to increase the availability of gas tax and encouraged the lobbying of Local Legislators and Florida Department of Transportation (FDOT). **Chairman Starr** commented further. **Commissioner Constance** gave detail related to the Metropolitan Planning Organization (MPO). **Commissioner Skidmore** questioned if the MPO works with a lobbying firm and encouraged **Commissioner Constance** to meet with Bob Harrington regarding the issue. **Chairman Starr** explained the importance of contacting Legislators. **Commissioner Duffy** spoke in support of changing certain County roads to State roads, commented on the amount of gas tax the County receives, and mentioned Martin County. **Commissioner Skidmore** provided related historic detail, suggested having consistent funding ranges, and commented further.

Communications Tax (approved)

Ms. Shoemaker indicated there needs to be changes made to the Communications Tax. **Chairman Starr** expressed concern with the issue, explained his understanding, questioned who was controlling the providers, agreed that it should be a Legislative Priority, and requested details in order to solve the issue. Mr. Sandrock agreed.

Health Dept. water testing (approved)

Area 1 Sewer (approved)

Ms. Shoemaker explained why she added the two items. **Commissioner Skidmore** requested adding Regional Planning Councils and explained why. **(BOARD CONSENSUS TO ADD REGIONAL PLANNING COUNCILS TO THE LEGISLATIVE PRIORITY LIST)** Attorney Knowlton advised the Board needs to talk about strategies to accomplish the items on the list by the deadline and gave further related detail. **Chairman Starr** commented on the handling of the items, expressed the need to get local bills passed, and mentioned getting assistance from neighboring Counties. **Commissioner Skidmore** explained how to accomplish certain legislative items on the list. **Commissioner Duffy** gave detail on the solar power plant at Babcock Ranch. **Chairman Starr** indicated the item would be revisited. Hector Flores mentioned attending a quarterly meeting with Kitson and Partners related to Public Safety and commented further on the solar power plant. Board discussion ensued. **Commissioner Constance** gave his understanding of what needs to be accomplished by the deadline and suggested inviting the sponsors to the County. **Commissioner Skidmore** reviewed the list of priorities related to the need to draft language. Attorney Knowlton indicated she would handle the item related to the Regional

Planning Councils. Ms. Shoemaker clarified the four bills to be drafted, who would be handling each one, and that the bills would be submitted the following week with language supporting or opposing issues discussed. **Commissioner Duffy** pointed out there is a legislative session in September.

(6) County Attorney - RECOMMENDED ACTION: Approve a Resolution establishing and fixing the 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.

Attorney Knowlton explained the proposed Resolution and two options, noted the preparation of one option by GIS staff, stated the other option was created based on comments made by **Commissioner Constance**, and advised that both meet the legal criteria.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-263, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(Clerk of the Board of County Commissioners furnished to the State of Florida, Department of State, a certified copy of these Minutes of the Board of County Commissioners reflecting the legal description of the amended boundaries of the County Commissioner districts and voting precincts. An Affidavit of Publication confirming the new boundaries were advertised in the Charlotte Sun Newspaper on Sunday, September 4th and Sunday, September 11th, 2011.)

(7) Community Development - RECOMMENDED ACTION: Reappointment of four members of the Mansota and Sandpiper Key Community Plan Advisory Committee. Their terms will expire on August 24, 2011.

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

MOTION CARRIED 5:0.

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

Louis Macri spoke to Agenda Item F-8, pointed out that the property is condemned, questioned the process, and expressed concerns.

Suzanne Graham spoke on behalf of the Charlotte-DeSoto Building Industry Association (CDBIA) to Agenda Item F-4 related to Gasparilla Construction and requested consideration be given to partnering with the CDBIA and allow industry representatives to be part of the audit process.

Douglas Tucker agreed with Suzanne Graham, requested everything possible be done to help subcontractors regain monies expended for products for the County.

Marvin Dunlevy questioned beautification taxes for South Gulf Cove and expressed concerns.

Tom Patton gave an update on the enterprise zones, mentioned Murdock Village as a possibility for an enterprise zone, addressed Board comments related to sales tax exemption, gave detail related to meetings attended, and complimented the professionalism of County staff.

AA. County Administrator:

Mr. Sandrock recommended reducing millage rates to where they were previously, discussed a funding option for the Parkside District, mentioned not rolling the millage rate back in the Capital Projects Fund, and suggested Board Consensus. **Commissioner Deutsch** asked for clarification that citizens would see a reduction in taxes. Mr. Sandrock clarified and looked for direction to keep the Capital Projects rollback on the table to be utilized for the Parkside District. **Chairman Starr** and **Commissioner Deutsch** spoke in opposition. **Commissioner Constance** suggested putting extra funds into the Charlotte Harbor CRA and pointed out existing resources in the Parkside District. **Commissioner Duffy** questioned the financial impact of Mr. Sandrock's proposal and gave related detail. Board discussion ensued. **Commissioner Deutsch** explained the reasons that existing funds for Placida Road should not be used in the foreseeable future and mentioned an existing intersection in need of improvement. **Commissioner Skidmore** declared a conflict of interest on Placida Road. Board discussion continued. **Commissioner Duffy** spoke in support of revisiting Placida Road, indicated she received additional information, and asked for Board Consensus. None was received. **Chairman Starr** commented further relative to the Parkside District. Mr. Sandrock noted the County Administrator's meeting of the Water Authority scheduled for September 9, 2011 in Manatee County.

BB. County Attorney:

Attorney Knowlton indicated receipt of the opinion from the Department of Community Affairs (DCA) related to the award of the transit contract to Ameditrans, stated she had circulated the opinion to the Board, thanked all County staff who testified, gave detail on the 1973 Interlocal that created the Regional Planning Council (RPC) relative to withdrawing memberships by Resolution, explained Florida Statute legalities, followed up on Charlotte Behavioral Services related to the statutory authorization for funding, mentioned the Florida Administrative Code, stated staff would work with the Budget Department to verify the data is correct.

CC. Commissioner Comments:

Commissioner Duffy expressed concern with the inaccuracy of the Charlotte Sun's headline related to the Budget Workshop held August 22, 2011, requested the newspaper write a retraction, and responded to comments made by **Commissioner Deutsch** related to showing respect for one another. **Commissioner Skidmore** commented on data released from the Airport Authority, mentioned Florida

home sales, remarked on the State Legislative priorities, discussed the importance of Mr. Patton's appearance at staff meetings, and addressed concerns expressed by Mr. Macri.

Chairman Starr addressed the concerns of Mr. Dunlevy, mentioned public hearings held, pointed out the County has to provide a service, and explained the Board has to go by the majority.

RECESS: 12:37 PM to 2:00 PM

BOARD OF COUNTY COMMISSIONERS - EXECUTIVE SESSION

August 23, 2011

An Executive Session was held this date at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following were in attendance: Chairman Starr, Commissioner Constance, and Commissioner Deutsch. Also in Attendance were County Attorney Knowlton and Deputy Clerk Carleton. The Executive Session was called to order at **2:00 P.M.**

Attorney Knowlton announced the opening of the public portion of the Executive Session, advised the attorney/client portion of the Executive Session would be held in the County Attorney's Large Conference Room, noted the purpose is to discuss settlement negotiations and strategy related to litigation expenditures concerning the civil lawsuits captioned Grant Medical Transportation, Inc. v. Charlotte County and Ameditrans; Case No. 10-4027-CA and that the following would be in attendance: **Chairman Starr, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, Commissioner Skidmore**, Administrator Sandrock, Assistant County Attorney Philip Fairman, and herself.

EXECUTIVE SESSION RECESS: 2:00 P.M. – 2:24 P.M.

The Executive Session was reconvened and closed in Room 119 with **Chairman Starr, Commissioner Constance, Commissioner Duffy, Commissioner Skidmore**, County Attorney Knowlton, and Deputy Clerk Carleton present.

ADJOURNED: 2:25 PM

Chairman

ATTEST:

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

By: _____
Deputy Clerk

sfc