

BOARD OF COUNTY COMMISSIONERS

November 22, 2011

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

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

The Meeting was called to Order at **9:00 A.M.**

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

County Attorney Janette Knowlton conducted this portion of the meeting for the purpose of electing a new Chairman and Vice-Chairman of the Board of County Commissioners, explained the election process, and opened the floor for Chairman Nominations.

CHAIRMAN STARR MOVED TO APPROVE BOB STARR TO CONTINUE HIS ROLE AS CHAIRMAN. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER DEUTSCH MOVED TO APPROVE CHAIRMAN STARR AND VICE-CHAIR DUFFY TO REMAIN IN THEIR CURRENT POSITIONS FOR ANOTHER YEAR, SECONDED BY COMMISSIONER STARR

COMMISSIONER DUFFY MOVED TO NOMINATE COMMISSIONER CONSTANCE FOR CHAIRMAN, SECONDED BY COMMISSIONER SKIDMORE

Commissioner Skidmore opined **Commissioner Constance** would do a great job and stated the need for the gavel to be passed on. Attorney Knowlton called for additional motions and then explained they would vote on the nominations in the order they were received.

MOTION TO APPROVE CHAIRMAN STARR AND VICE-CHAIR DUFFY TO REMAIN IN THEIR CURRENT POSITIONS FOR ANOTHER YEAR FAILED 2:3.

MOTION TO NOMINATE COMMISSIONER CONSTANCE FOR CHAIRMAN CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Attorney Knowlton congratulated **Commissioner Constance** on his appointment and opened the floor for vice-chairman nominations.

COMMISSIONER SKIDMORE MOVED TO NOMINATE COMMISSIONER DUFFY AS VICE-CHAIR. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER DEUTSCH MOVED TO NOMINATE COMMISSIONER STARR AS VICE-CHAIR. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

CHAIRMAN CONSTANCE MOVED TO NOMINATE COMMISSIONER DEUTSCH AS VICE-CHAIR, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Commissioner Starr passed the gavel to **Chairman Constance** with congratulations. **Chairman Constance** took his new position on the dais and expressed his appreciation for the vote of confidence from his fellow Commissioners.

Changes to the Agenda:

Addition #1: Requested by: Purchasing - Z-1 - Approve Award of Bid #12-024, Sale of County Owned 35 Acre ECAP Parcel, to the highest responsive, responsible bidder, Cheney Brothers, Inc. of Riviera Beach, FL for \$2,500,000.

Change #1: Requested by: Public Works - F-6 - RECOMMENDED ACTION: The parent company of GES-Port Charlotte, LLC, Lime Energy, is obtaining financing for the landfill Gas-to-Energy project. The lender is requiring all outstanding matters below to be resolved before closing. (a) Approve amendment #2 to the Utility and Infrastructure Easement Agreement with GES-Port Charlotte, LLC; (b) Approve amendment #3 to the Site Lease Agreement; (c) Approve the Access Easement Agreement; and (d) Authorize the Chairman to sign the amendments and the Agreement. BUDGETED ACTION: None. (language change)

Change #2: Requested by: Economic Development - J-1 - Added in Novus: Livability Solutions Technical Assistance Application-Local Government Commitment Letter.

Change #3: Requested by: Purchasing - Z-1 - (a) Approve the purchase and sale agreement of County owned 35 acre ECAP parcel to the highest responsive, responsible, bidder, Cheney Brothers, Inc. of Riviera Beach, FL for \$2,500,000; and (b) Authorize the Chairman to sign the purchase and sale agreement.

Deletion #1: Requested by: Community Development - G-3 - Request Commission Chair signature on support letter for application for Technical Assistance from Smart Growth America. The Community Development Department is applying for technical assistance to review land use codes and the Green Building Ordinance for sustainable developments in Parkside.

Deletion #2: Requested by: Administration - F-5 - (a) Approve Award of Bid #12-017, Tree Trimming and Removal - Annual Contract, at the unit prices bid to Dennis' Tree Service of Punta Gorda, FL. Term of contract shall be from date of award through and including December 31, 2012; and (b) Authorize the County Administrator to approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent, to trim and remove trees damaged as the result of any major disaster as various locations within Charlotte County on an "as required" basis.

Deletion #3: (Not reflected on Change Memorandum - done on the record by Raymond Sandrock) - E-1 - Approve an amendment to Resolution 2002-185 which established a Negotiating Committee consisting of the County Attorney and Risk Manager and authorize them to settle all County Court matters and claims actions against the County in an amount not to exceed \$50,000. Budgeted Action: No action needed.

COMMISSIONER SKIDMORE MOVED TO APPROVE CHANGES TO THE AGENDA AS READ INTO THE RECORD BY MR. SANDROCK, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

Proclamations - Commissioner Robert Skidmore

Charlotte County Chamber of Commerce Christmas Parade Day Proclamation, December 3, 2011.

COMMISSIONER STARR MOVED TO PROCLAIM DECEMBER 3, 2011 AS CHARLOTTE COUNTY CHAMBER OF COMMERCE CHRISTMAS PARADE DAY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0. (Commissioner Duffy was not present for the vote.)

The Proclamation was accepted by Ron Thomas.

El Jobean Community Christmas Parade and Festivities Day Proclamation, December 10, 2011.

COMMISSIONER DEUTSCH MOVED TO PROCLAIM DECEMBER 10, 2011 AS EL JOBEAN COMMUNITY CHRISTMAS PARADE AND FESTIVITIES DAY, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

The Proclamation was accepted by Beverly Cutter and David Bowling.

Pearl Harbor Remembrance Day Proclamation, December 7, 2011.

COMMISSIONER DEUTSCH MOVED TO PROCLAIM DECEMBER 7, 2011 AS PEARL HARBOR REMEMBRANCE DAY, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

The Proclamation was accepted by Beverly Cutter and David Bowling.

Shop Charlotte Month Proclamation, November 25, 2011 through December 24, 2011.

COMMISSIONER STARR MOVED TO PROCLAIM NOVEMBER 25, 2011 THROUGH DECEMBER 24, 2011 AS SHOP CHARLOTTE MONTH, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

The Proclamation was accepted by Attorney Mark Martello, President of the Charlotte County Chamber of Commerce.

Commissioner Duffy commented on "small local businesses" being promoted nationally on November 26, 2011 by purchasing at least one item from a local business on that day.

Employee Recognition - Community Development Director Dan Quick

Employees of the Month for October are Mary Ann Grey and Julia Galofre.

Presentations by Community Development Director Dan Quick.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Louis Macri and Diana Chaney spoke in opposition to Agenda Item J-1.

II. COMMITTEE VACANCIES

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

The South Gulf Cove Community Plan Advisory Committee - is seeking one volunteer to finish an unexpired term. Must reside within South Gulf Cove. Term effective immediately and shall expire July 24, 2012. Please send request for appointment and resume to: Roxann Read at roxann.read@charlottefl.com or fax to 941-743-129.

III. REPORTS RECEIVED AND FILED

Informational County Investment Reports and Interest on Investments.

IV. CONSENT AGENDA

COMMISSIONER SKIDMORE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT J-1, F-1, F-7, H-2, AND F-2, 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 October 27, 2011 through November 9, 2011 in the amount of \$7,485,082.19.

B. Minutes Division

(1) RECOMMENDED ACTION:
September 15, 2011 5:01 PM First Budget Public Hearing
September 20, 2011 9:00 AM Land Use/Regular Meeting
September 26, 2011 9:00 AM Pre-Agenda Meeting
September 27, 2011 9:00 AM BCC Regular Meeting
September 27, 2011 1:00 PM Executive Session
September 28, 2011 1:00 PM BCC/North Port Joint Meeting

September 29, 2011 5:01 PM Final Budget Public Hearing
BUDGETED ACTION: None required.

Board of County Commissioners

C. Commission Office - No Items.

D. Administration

Administration - No Items.

Public Information Office - No Items.

E. County Attorney

(2) RECOMMENDED ACTION: a) Approve contract with Diane K. Kiesling for hearing officer services related to the Utilities, Inc. of Sandalhaven rate case; and b) Approve budget transfer #12-02 in the amount of \$20,000. BUDGETED ACTION: Approve budget transfer #12-02 in the amount of \$20,000. Funding is from the Utility Regulatory Fund. The cost of securing the services of a hearing officer for the Sandalhaven rate case is estimated at \$20,000.00, to be funded from the Utility Regulatory Fund.

Agreement 2011-050

(3) RECOMMENDED ACTION: Approve contract with Special Counsel, Adams & Reese LLP, to defend the County in the Address Family Florida LLP et al. v. Charlotte County matter, Case No. 10-0639CA. BUDGETED ACTION: None

Agreement 2011-051

F. Budget and Administrative Services

Budget and Administrative Services

(1) RECOMMENDED ACTION: Approve Budget amendments and transfers. Amendments and transfers which impact various funds are required to complete the Fiscal Year 2010/11 budget closing process. BUDGETED ACTION: Approval of Budget Amendments and transfers referenced on Attachment A. Funding is provided from available budget balances in various funds.

Commissioner Starr explained why he pulled the item and expressed concerns related to the Sheriff's office and the stadium.

COMMISSIONER STARR MOVED TO DENY AGENDA ITEM F-1. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

Commissioner Skidmore suggested amending the Motion to go line item by line item.

COMMISSIONER STARR MOVED TO AMEND HIS PREVIOUS MOTION TO GO LINE ITEM BY LINE ITEM, SECONDED BY COMMISSIONER SKIDMORE

Gordon Burger gave a detailed explanation of the item and addressed several Board inquiries. Tommy White and Ray Sandrock responded to additional inquiries. **Commissioner Duffy** spoke in support of the staff recommendations. **Commissioner Skidmore** gave related detail.

MOTION CARRIED 4:1. COMMISSIONER DUFFY OPPOSING.

COMMISSIONER SKIDMORE MOVED TO APPROVE LINE ITEM #1 FOR VARIOUS MSBU FUNDS, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE LINE ITEM #2 FOR THE SPORTS PARK M&O FUND IN THE AMOUNT OF \$110,789 WITH A CONCURRENT TECHNICAL ADJUSTMENT TRANSFER OF GENERAL FUND 0001 IN THE AMOUNT OF \$70,789, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

COMMISSIONER SKIDMORE MOVED TO APPROVE ITEM #3 FOR A TECHNICAL ADJUSTMENT TRANSFER OF THE IMPACT FEE FUND FOR \$345,201, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE ITEM #4 FOR A TECHNICAL ADJUSTMENT TRANSFER OF GENERAL FUND 0001 FOR \$57,600 FOR CLERK'S SICK LEAVE PAYOUT, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO DENY ITEMS #5 AND #6 FOR THE TRANSFER OF GENERAL FUND 0001 IN THE AMOUNT OF \$1,289,435 AND FOR THE PUBLIC SAFETY FUND 1031 CONCURRENTLY TO DENY THE BUDGET REQUEST AND THE BUDGET AMENDMENT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1. COMMISSIONER DUFFY OPPOSING.

COMMISSIONER SKIDMORE MOVED TO KEEP THE SAVINGS FROM THE SHERIFF'S BUDGET FY10/11 IN THE GENERAL FUND, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(2) RECOMMENDED ACTION: a) Determine Utilities, Inc. of Sandalhaven's Rate Application as sufficient and complete, with all required Minimum Filing Requirements (MFRs) met; and b) Vote to withhold consent to the implementation of Utilities, Inc. of Sandalhaven's requested rate increase, thereby suspending the proposed rates, and authorize County staff and rate consultant to complete their review

of the requested increase and further investigate background information as appropriate. BUDGETED ACTION: No action needed. Funds are provided in the Utility Regulatory Fund.

Commissioner Skidmore requested clarification on the item. Mr. Burger addressed inquiries. **Commissioner Skidmore** opined the Rate Application should be sent back to Tallahassee and explained why.

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

Board discussion ensued. Assistant County Attorney Marty Burton responded to additional inquiries. **Commissioner Skidmore** pointed out the rate would be recommended by the hearing officer and commented further. Attorney Knowlton advised legalities.

MOTION CARRIED 5:0.

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(3) RECOMMENDED ACTION: Approve Change Order #1 to Contract #11-074, Paving Program FY10/11 with APAC Southeast Inc. in the amount of \$157,958.17, for a revised contract amount of \$5,983,477.07 with an additional 30 calendar days added to the contract term. This is for Paving Program FY10/11, originally approved by the Board on March 22, 2011. This change is requested and funded by the Punta Gorda Non-Urban MSBU and consists of paving 1.4 miles of additional roadways in accordance with the original contract prices, terms and conditions. BUDGETED ACTION: No action needed. Budgeted in approved CIP project C411116 PGNU Paving. Funds are supplied from the Punta Gorda Non-urban Streets and Drainage MSBU.

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

(6) RECOMMENDED ACTION: The parent company of GES-Port Charlotte, LLC, Lime Energy is obtaining financing for the landfill Gas-to-Energy Project. The lender is requiring all outstanding matters below, to be resolved before closing. (a) Approve amendment #2 to the Utility and Infrastructure Easement Agreement with GES-Port Charlotte, LLC; b) Approve amendment #3 to the Site Lease Agreement; c) Approve the Access Easement Agreement; and d) Authorize the Chairman to sign the amendments and the Agreement. BUDGETED ACTION: None

(7) RECOMMENDED ACTION: a) Approve Amendment #4 to Contract #06-283R, Design/Build-Human Services Bldg., with Mathews/Taylor Construction, LLC for the Guaranteed Maximum Price of \$561,153.36; and b) Authorize Chairman to sign Amendment. This is for the build-out of additional space in the Human Services Building which is currently under construction. BUDGETED ACTION: No action needed. This amount is budgeted in the approved FY11/12 CIP Project c191201.

Commissioner Starr opined there is a sufficient amount of room in the existing space.

COMMISSIONER STARR MOVED TO DENY AGENDA ITEM F-7, SECONDED BY COMMISSIONER SKIDMORE

David Milligan gave detail related to funding and responded to Board inquiries. Board discussion ensued. Mr. Sandroock and Mr. Burger addressed further inquiries. **Commissioner Duffy** commented on the Capital Improvement Program (CIP) Meeting and suggested either continuing the item or putting it on hold in order to gather more information.

MOTION FAILED 2:3.

COMMISSIONER DUFFY MOVED TO APPROVE AGENDA ITEM F-7, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Real Estate Services

(8) RECOMMENDED ACTION: Approve the Board of County Commissioners authorize the Chairman to execute the attached "Termination of Lease Agreement" between Charlotte County and the Florida Department of Juvenile Justice. BUDGETED ACTION: No action needed.

Agreement 98-270

G. Community Development

(1) RECOMMENDED ACTION: Set the public hearing for adoption of a Resolution approving Petition #NOPC-11-07-19, Babcock Ranch Community, for December 13, 2011 at 10:00 AM or as soon thereafter as it may be heard. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve a Certification of a Sending Zone to sever 46 units of density from Thornton Key Preserve. All 46 units of this property are located in the Coastal High Hazard Area. Conservation Charlotte purchased this property in order to provide preservation of the many environmental resources located on the property. Any money made from the sale of these units must be returned to the Conservation Charlotte fund. BUDGETED ACTION: No action needed.

Resolution 2011-398

H. Community Services

Parks and Natural Resources

(1) RECOMMENDED ACTION: Approve the attached contract with Charlotte Harbor Environmental Center, Inc. (CHEC) to provide environmental programs and services to Charlotte County's Cedar Point Environmental Center (Park), including workshops and guided trail walks at multiple facilities, wading trips, youth programs, etc. BUDGETED ACTION: No Action needed - Amount Budgeted in FY12 is

\$32,400. Funding for this expenditure comes from General Fund, Community Services, and Environmental Lands Mgmt. account.

Agreement 2011-052

(2) RECOMMENDED ACTION: Approve stadium improvements listed. This is an annual process between the County and the Rays per the Charlotte Sports Park Agreement. BUDGETED ACTION: No action needed. Amount budgeted in FY12 \$200,000.

Commissioner Starr commented on his understanding of the item and expressed concerns.

COMMISSIONER STARR MOVED TO DENY AGENDA ITEM H-2. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

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

Mr. Sandrock clarified the funding of the item and responded to inquiries. Kelly Shoemaker gave related detail. **Commissioner Duffy** thanked **Chairman Constance**, Mr. Sandrock, and staff for their efforts on the item.

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Libraries and Historical - No Items.

J. Economic Development

(1) RECOMMENDED ACTION: Authorize staff to submit an application to Livability Solutions for free technical assistance to implement smart growth principals in Charlotte County with the focus on Parkside and Charlotte Harbor Community Redevelopment Areas and authorize the Chairman to sign a letter of support. Added in Novus, Livability Solutions Technical Assistance Application - Local Government Commitment Letter. BUDGETED ACTION: No action needed.

Commissioner Deutsch requested staff give more detail. Debrah Forester provided an explanation of the application and goals, noted organizations involved, and responded to Board inquiries. **Commissioner Deutsch** addressed citizen concerns.

Commissioner Skidmore encouraged concerned citizens to attend the workshops scheduled.

COMMISSIONER STARR MOVED TO DENY AGENDA ITEM J-1. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

Commissioner Duffy commented on Agenda 21, expressed concerns, and suggested having a workshop. **Commissioner Deutsch** spoke in support of the item.

COMMISSIONER DEUTSCH MOVED TO APPROVE AGENDA ITEM J-1, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

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: Approve and execute Arthropod Control Budget Amendment 12-A03 to adjust the Local Mosquito Control Certified budget as required by the Florida State Department of Agriculture to carry over unspent Fiscal year 2010/2011 budgeted funds to Fiscal Year 2011/2012 as required by Florida Administrative Code 5E-13. BUDGETED ACTION: Approve budget amendment 12-A03 in the amount of \$233,822. Funds are supplied from general revenues. Funds are supplied from General Revenues.

Q. Tourism Development - No Items.

R. Utilities

(1) RECOMMENDED ACTION: Approve Cooperative Funding Application between the Southwest Florida Water Management District (SWFWMD) and Charlotte County for one continuation project, as required each year by SWFWMD to continue funding for projects approved and initiated in previous years. BUDGETED ACTION: No action needed. Funding will be provided by a SWFWMD grant and has been budgeted in the appropriate CIP.

(2) RECOMMENDED ACTION: Set a public hearing to be held on Tuesday, December 13, 2011 at 10:00 a.m., or as soon thereafter as 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 North Shore Drive & Harper Avenue Wastewater Expansion MSBU, and the US 41 Utility Expansion MSBU. BUDGETED ACTION: None. This item has no impact on the FY 11/12 budget. However, if approved and the MSBUs are created, revenues and expenditures will be budgeted in the FY 12/13 budget in the appropriate MSBU fund.

S. Other Agencies - No Items.

Commissioner Skidmore requested item Z-1 be heard before the 10:00 AM Public Hearing. **(Consensus)**

V. REGULAR AGENDA

Z. Regular Agenda

(1) Purchasing - Approve Award of Bid #12-024, Sale of County Owned 35 Acre ECAP Parcel, to the highest responsive, responsible bidder, Cheney Brothers, Inc. of Riviera Beach, FL for \$2,500,000. (a)

Approve the purchase and sale agreement of County owned 35 acre ECAP Parcel to the highest responsive, responsible bidder, Cheney Brothers, Inc. of Riviera Beach, FL for \$2,500,000; and (b) Authorize the Chairman to sign the purchase and sale agreement.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM Z-1, SECONDED BY COMMISSIONER STARR

Attorney Knowlton clarified the item and advised legalities.

MOTION CARRIED 5:0.

Commissioner Skidmore requested a recess for signing of the Cheney Brothers, Inc. agreement. **(Consensus)**

RECESS: 10:29 AM - 10:45 AM

Bruce Laishley commented on the passage of Agenda Item Z-1 and the signing of the contract and recognized key participants involved. The Commissioners thanked Mr. Laishley for his efforts and commended Mr. Sandrock, Attorney Knowlton, and County staff.

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

(1) County Attorney - RECOMMENDED ACTION: Continue a Public Hearing to approve an Ordinance amending Chapter 1-10 of the Charlotte County Code regulating fortunetellers, clairvoyants, palmists, taxicab vehicles and drivers.

Attorney Knowlton noted it is the third Public Hearing regulating the Ordinance, gave detail related to the prior hearings, advised of changes to be incorporated into any motion made, and clarified the definition of limousine. Assistant County Attorney Kira Honse described additional changes to the proposed Ordinance. Ms. Honse and Attorney Knowlton responded to Board inquiries.

Commissioner Duffy expressed concern with the insurance amount for limousines.

Chris Specht of Amber Taxi provided feedback on the proposed Ordinance, offered suggestions, and questioned grandfathering of stickers.

COMMISSIONER STARR MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE

Ms. Honse addressed a concern raised by Mr. Specht related to permanent signage.

MOTION CARRIED 5:0.

Commissioner Deutsch distributed a memo to the Board and highlighted its contents.

COMMISSIONER DEUTSCH MOVED TO TABLE THE ITEM UNTIL FEBRUARY 2012. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

Commissioner Deutsch explained the reason for his Motion. Attorney Knowlton advised legalities.

COMMISSIONER DEUTSCH MOVED TO AMEND THE PREVIOUS MOTION TO TABLE THE ITEM TO NO DATE CERTAIN, SECONDED BY COMMISSIONER SKIDMORE

Commissioner Deutsch expressed concern with the proposed Ordinance. Attorney Knowlton suggested holding a workshop and responded to inquiries related to the Punta Gorda Ordinance. **Commissioner Skidmore** spoke in opposition. **Commissioner Starr** opined a decision should be made today. **Commissioner Duffy** agreed and commented on the material distributed. Board discussion ensued.

MOTION FAILED 1:4.

COMMISSIONER STARR MOVED TO APPROVE ORDINANCE 2011-041 WITH THE CHANGES THAT WERE READ INTO THE RECORD BY THE COUNTY ATTORNEY AND THE ASSISTANT COUNTY ATTORNEY, SECONDED BY COMMISSIONER DUFFY

Ms. Honse and Bob Pryor responded to further inquiries. Board discussion ensued.

MOTION FAILED 2:3.

COMMISSIONER DUFFY MOVED TO DIRECT THE COUNTY ATTORNEY TO ADDRESS THE INSURANCE ISSUE, WORK WITH THE CITY OF PUNTA GORDA, AND BRING IT BACK TO THE BOARD. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

Commissioner Skidmore pointed out Board Rules requires six months before the Ordinance can come back.

COMMISSIONER DUFFY MOVED TO AMEND HER PREVIOUS MOTION THAT THE ORDINANCE BE BROUGHT BACK IN SIX MONTHS. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

Board discussion continued.

COMMISSIONER DUFFY MOVED TO RECONSIDER THE ORDINANCE, SECONDED BY CHAIRMAN CONSTANCE.

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

COMMISSIONER DUFFY MOVED TO APPROVE ORDINANCE 2011-041 WITH THE AMENDMENTS AS STATED BY ATTORNEY KNOWLTON, SECONDED BY COMMISSIONER STARR

Commissioner Deutsch questioned the type of license required and expressed concern with other issues.

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

VII. PRESENTATION AGENDA - No Items.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Howard Shaw thanked **Commissioner Starr** for his service as Chair, commented on the issues related to the passing of the Ordinance, and suggested lowering building permit costs for minor residential repairs.

Grace Amodeo congratulated the new Chair and Vice-Chair, expressed concern with the paintings in the building, and explained the steps she took to resolve the issue.

Chris Specht thanked the Board for passing the Ordinance.

Judy Malbuisson of the Arts and Humanities Counsel responded to Ms. Amodeo's concerns, stated the Counsel does not censure their artists, and added if the Board has a problem, it can let the Counsel know.

Sharynn Kozinko and Jim Kelly requested Board action for funding Parkside improvements.

Deborah Corrigan, licensed tarot card reader, commented on storefront requirements relative to the Ordinance.

Bruce Erbaugh expressed concern with being denied the right to use the highway going into Paradise Park and stated no deputy was available to direct traffic.

Keith Walson commented on Parkside, expressed concern with Sunshine Law, and offered suggestions related to the paintings in the corridor.

Sharon Erbaugh commented on the art work and expressed relief that taxpayer monies were not used.

AA. County Administrator:

Mr. Sandrock noted the Joint Meeting with Punta Gorda scheduled for December 2, 2011 has been cancelled and commended Derek Rooney and Paul Payette for their efforts related to Cheney Brothers.

BB. County Attorney:

Attorney Knowlton gave an update on the Repeal of the Animal Control Special Act and provided detail related to the assignment of the issue to the Community and Military Affairs Subcommittee. **Commissioner Skidmore** commented further. Board discussion ensued. Attorney Knowlton advised she was reviewing the Board Rules of Procedure and would bring it forward for revision, suggested discussing the Land Use Public Hearings at the Strategic Planning Meeting, and responded to a citizen's comment related to storefront requirements. **Commissioner Constance** inquired about bringing medical transportation back as a separate Ordinance. Attorney Knowlton responded in detail and asked for confirmation from the Board. **(Consensus)**

CC. Economic Development Director: None

DD. Commissioner Comments:

Commissioner Deutsch thanked **Commissioner Starr** for his service as Chairman, congratulated **Chairman Constance**, and wished everyone a Happy Thanksgiving. **Commissioner Duffy** addressed comments related to the art exhibit and building permits, commended the residents of Parkside for their efforts, expressed concerns about Parkside funding, mentioned attending Celebrate Safe Communities at the Cultural Center, noted the creation of five new neighborhood watch groups, and gave related detail. **Commissioner Starr** applauded the decision on Cheney Brothers. **Commissioner Skidmore** suggested having a workshop on Parkside. **Commissioner Duffy** agreed and proposed having a bus tour. **Commissioner Skidmore** opined a Community Redevelopment Association (CRA) needs to be established, provided detail related to the Association of Counties' legislative priorities, commended Attorney Knowlton, Ms. Honse, and Phil Fairman for their presentation on Rotonda, encouraged the Board to continue involvement, responded to citizen concerns, and congratulated **Chairman Constance**. Attorney Knowlton indicated she would look into traffic issues related to the Redneck Yacht Club. **Chairman Constance** recognized **Commissioner Starr** for a job well done over the past two years, thanked the Commission for their act of faith, expressed satisfaction on the Cheney Brothers item, noted the upcoming Burnt Store Road Summit on November 29, 2011, suggested a letter of thanks be sent to the two physicians involved with the Pill Mill Ordinance, and provided an update on HR 421 and Senate Bill 604 related to fertilizer ordinances. **Commissioner Skidmore** requested Board approval to represent the County at a Water Coalition Meeting on December 2, 2011 if his schedule allows him to attend. **(CONSENSUS)**

ADJOURNED: 12:20 PM

Chairman

ATTEST:

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

By: _____
Deputy Clerk

sfc