

BOARD OF COUNTY COMMISSIONERS

OCTOBER 13, 2015

A Regular Meeting was held at the Murdock Administration Complex in Commission Chambers; Room 119, Port Charlotte, Florida.

Members present were: Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, and Commissioner Duffy. Also in attendance were: County Administrator Sandrock, County Attorney Knowlton, Chief Deputy Board Services White, Minutes Supervisor Lansing, and Minutes Clerk Russo. The following members were absent: None

The meeting was called to order at 9:00 am.

The Invocation was given by **Commissioner Doherty**, followed by the Pledge of Allegiance.

Changes to the Agenda

Addition #1 R-3 Approve and authorize the Chairman to execute the FY 15/16 County/State Department of Health Contract for the operation of the Charlotte County Health Department.

Requested by: Budget and Administrative Services

Addition #2 Proclamation Added Southwest Florida Pet Rescue Day.

Requested by: Commission Office

Change #1 N-1 Updated Requested Motion / Action to: Approve Amendment #1 to Lease Agreement (File #12-390) for the Lease of County Owned Two-Acre parcel located at the Landfill. This Amendment provides for automatic renewals of one year each, subject to either party's right to terminate by providing notice of intent now to renew at least 30 days prior to the expiration of any renewal term. Requested by: Purchasing

Change #2 R-1 Completed evaluations attachments added.

Requested by: Commission Office

Change #3 R-2 Completed evaluations attachments added.

Requested by: Commission Office

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

MOTION CARRIED 5:0.

Proclamations - Chair Bill Truex

COMMISSIONER DOHERTY MOVED TO APPROVE PROCLAMATIONS, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Artist of the Month - Dave Shumway

Mr. Shumway accepted the Proclamation with thanks.

Chuck Listowski Day

Commissioner Deutsch accepted the Proclamation.

Robert Markel Day

Mr. Markel accepted the Proclamation with thanks.

Gulfshore Opera Day

Commissioner Deutsch accepted the Proclamation.

John Oddo Day

Mr. Oddo accepted the Proclamation.

(Addition #2) Southwest Florida Pet Rescue Day

Chair Truex accepted the Proclamation.

Employee Recognition - Chair Bill Truex

5 Years: Kyle Chermansky, Public Safety; Edwin Cooper, Public Works; Llewella Francis, Utilities. **10 Years:** David Donohew, Human Services; Bryan Peyton, Public Safety; Robert Netz, Public Works; Martin Maberino, Utilities; Eddie Tucker, Public Works; James Wheeler, Community Services. **15 Years:** Richard Bokoski, Facilities; Charles Rine, Utilities. **20 Years:** Marc Davidson, Public Works. **25 Years:** Lindsey Herdez, Public Works; Stanley Irish, Public Works; Dianna Stanfield, Budget and Administrative Services

Award Presentations

Waste Management - Keep Charlotte Beautiful

Presentation by: Stephanie Kissinger from Waste Management presented \$10,000 Grant to Keep Charlotte Beautiful.

Stephanie Kissinger, Waste Management gave a brief overview of the Grant process with thanks to the Board and County staff. Rhonda Harvey, Public Works Keep Charlotte Beautiful spoke to the Grant Funding, noted the funds usage for educational materials, recyclable education, Youth Leadership Program, new website, and thanked Waste Management for all their efforts to help keep Port Charlotte beautiful.

CITIZEN INPUT - AGENDA ITEMS ONLY

James Mulligan, Suncoast Realty introduced himself to the Board for consideration on the Murdock Village CRA.

David Kesselring spoke to non-profits, landscape funding, change orders, Justice Center Project, grants, evaluations, and Sales Tax Projects.

Susan Hutt commented on the Justice Center Project, code enforcement, the jail infirmary, and change orders.

Stephanie Kissinger, Waste Management commended County Staff, Legal Division, and Administration for constant communication.

COMMITTEE VACANCIES

Deep Creek Non-Urban Street & Drainage Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one regular member to serve a three year term consistent with the date establishing the advisory board. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

Don Pedro & Knights Island Street & Drainage Unit Advisory Committee is seeking one volunteer who must be a resident elector of the Unit and must provide a copy of their voter registration or similar proof of residency on the Island and reside in Zone 3 as shown on the district map. Terms: one regular member to serve a 3 year term from the date of appointment and reside in Zone 1. Submit application, resume and proof of residency to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

Edgewater North Waterway Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one regular member to serve a three year term consistent with the date establishing the advisory board. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail MSBU-TU@CharlotteFL.com.

Gardens of Gulf Cove Street & Drainage Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one member to serve as regular member for a three year term consistent with the date establishing the advisory board. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

Grove City Street & Drainage Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Term: one regular member to serve a three year term consistent with the date establishing the advisory board. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

Gulf Cove Waterway Benefit Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one regular member to serve a three year term consistent with the date establishing the advisory board. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

Manasota and Sandpiper Advisory Committee is seeking one volunteer who must be a resident of Manasota Key or Sandpiper Key. Term: one member to serve a two year term from appointment until November 30, 2017. For an application contact Diane Clim at 941.743.1956 or email Diane.Clim@CharlotteCountyFL.gov.

Mid Charlotte Stormwater Utility Advisory Committee is seeking two volunteers who must be residents of Charlotte County and reside within the Unit. Terms: two regular members for a three year term consistent with the date establishing the advisory board. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

Murdock Village Community Redevelopment Agency Advisory Committee is seeking one volunteer who must be a resident of Charlotte County. Terms: one Member at Large effective immediately and shall expire September 20, 2018. Please contact the Commission Office for an application: 941.743.1300 or send an e-mail to Assistant.Commissioner@CharlotteCountyFL.gov requesting an application form. Then submit a resume along with the application form by regular mail to: Board of County Commissioners Attn: Commission Assistant 18500 Murdock Circle, Port Charlotte, FL 33948 or by e-mail to same address above.

Northwest Port Charlotte Street and Drainage Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one regular member to serve a three year term consistent with the date establishing the advisory board. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

Punta Gorda Community Redevelopment Agency is seeking one volunteer who must be a Charlotte County resident and shall serve for a four year term. The purpose of the Agency is to implement the policies, projects and programs contained in the Punta Gorda Downtown Redevelopment Plan. Please contact Diane Whidden, Commission Office for an application or for additional information call 941.743.1300 or email: Diane.Whidden@CharlotteCountyFL.gov.

Rotonda West Street & Drainage Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Term: one regular member to serve a three year term consistent with the date establishing the advisory board. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

South Gulf Cove Beautification Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one regular member to fill a three year term consistent with the date establishing the advisory board. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

West Charlotte Stormwater Utility Advisory Committee is seeking two volunteers who must be residents of Charlotte County and reside within the Unit. Terms: two regular members to serve a three year term consistent with the date establishing the advisory board. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

REPORTS RECEIVED AND FILED - No Items

U. 10:00 A.M

(1) WCIND Presentation

Presentation by Justin McBride, Executive Director of West Coast Inland Navigation District

Commissioner Deutsch introduced Mr. McBride, detailed background, and commented on the West Coast Inland Navigation District (WCIND) interview process.

Mr. McBride spoke to the WCIND History, Timeline of the Gulf Intracoastal Waterway (GIWW), WCIND Legislation, Governing Board, District Map, Regional Map, Public Benefits, Funding and Budget, Project Categories for Waterway Development Program, and Regional Projects.

Commissioner Constance pointed out issues with bridges and environmentally sensitive areas. **Commissioner Deutsch** thanked Mr. McBride for the presentation, noted the invitation to present at the next Marine Advisory Committee (MAC) meeting, and mentioned Regional Funding assistance for waterway projects.

RECESS: 9:45 am - 9:53 am

CONSENT AGENDA

COMMISSIONER DOHERTY MOVED TO APPROVE THE BALANCE OF THE CONSENT AGENDA WITH THE EXCEPTION OF E-1, F-5, F-9, L-2, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) Finance

RECOMMENDED ACTION: Approve the Clerk's Finance Memorandum. BUDGETED ACTION: No action needed.

B. Minutes Division

(1) Minutes

RECOMMENDED ACTION: Approve the following minutes:
July 28, 2015 Regular and Land Use Meeting
August 25, 2015 BCC Workshop with Representative Caldwell
September 8, 2015 BCC Regular Meeting
September 17, 2015 Pre-Agenda

BUDGETED ACTION: No action needed.

Board of County Commissioners

C. Commission Office

(1) Appointment - Englewood East Non-Urban Streets and Drainage Advisory Committee

RECOMMENDED ACTION: Appoint Leonard M. Guckenheimer to the Englewood East Non-Urban Street and Drainage Advisory Committee for a three year term consistent with the date establishing the advisory board.
BUDGETED ACTION: No action needed.

(2) Appointment - Murdock Village Community Redevelopment Agency Advisory Committee

RECOMMENDED ACTION: Appoint Mr. James Mulligan to the Murdock Village Community Redevelopment Agency Advisory Committee as the Real Estate Broker. This term is effective immediately and shall expire September 20, 2018.
BUDGETED ACTION: No action needed.

(3) Re-Appointment - Pirate Harbor Waterway Unit Advisory Committee

RECOMMENDED ACTION: Re-appoint Dennis McCulloch as a regular member to the Pirate Harbor Waterway Unit Advisory Committee for a three year term consistent with the date establishing the advisory board.
BUDGETED ACTION: No action needed.

(4) Canceling December 15, 2015 Board Workshop

RECOMMENDED ACTION: Cancel the Tuesday, December 15, 2015 Monthly Board Workshop at 9 a.m. in B106.
BUDGETED ACTION: No action needed.

D. Administration

Administration - No Items

Public Information Office - No Items

E. County Attorney

(1) MSBU/TU Master Advisory Board Ordinance

RECOMMENDED ACTION: Set a public hearing for October 27, 2015 at 10:00 a.m., or as soon thereafter as may be heard, to consider approving a master ordinance to streamline regulations for all MSBU/MSTU advisory boards countywide.
BUDGETED ACTION: No action needed.

COMMISSIONER DOHERTY MOVED TO APPROVE A PUBLIC HEARING FOR OCTOBER 27, 2015 AT 10:00 AM, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Chair Truex spoke to the changes. **Commissioner Doherty** commented on the qualifications, volunteer requests, suggested an applicant disclose if they are on multiple Boards, and requested a list of absent or

removed Advisory Board Members be provided to the Board monthly. **Commissioner Duffy** suggested flexibility with emergency situations that may arise.

County Attorney Knowlton noted changes.

F. Budget and Administrative Services

Fiscal Services

(1) Accept Settlement Disbursement Check from BP Oil Settlement

RECOMMENDED ACTION: Accept the check in the amount of \$5,897,917.06 which represents the final settlement from BP (British Petroleum) Oil from the multi-State litigation matter. BUDGETED ACTION: No action needed.

(2) Not for Profit Contracts

RECOMMENDED ACTION: Approve the FY15/16 contracts for the United Way of Charlotte County in the amount of \$592,188; the Arts & Humanities Council of Charlotte County, Inc., in the amount of \$25,000; the Charlotte Harbor Environmental Center (CHEC) in the amount of \$35,000; the Military Heritage Museum in the amount of \$15,000; and the Charlotte Behavioral Health Care in the amount of \$1,334,681. BUDGETED ACTION: No action needed. Funding from General Fund and is budgeted in the FY15/16 Budget. **AGR2015-048 – AGR2015-052**

(3) 2015-2016 Federal Election Activities Funds

RECOMMENDED ACTION: a) Approve and authorize the Chairman to sign the Grant Certificate Regarding Matching Funds for the Supervisor of Elections to meet the State requirement to receive Charlotte County's share of the 2015-2016 Legislature-appropriated funds to be distributed to State Supervisors of Elections for the federal election activities; and b) Approve and authorize the Chairman to sign The Certificate of Equipment for Casting and Counting Ballots. BUDGETED ACTION: No action needed. Grant funds are included in the budget process for FY15/16 Supervisor of Elections operating budget. **GRT2015-017**

(4) Acceptance of the Florida Department of Law Enforcement Edward Byrne Memorial Justice Assistance Grant contract award numbers 2016-JAGC-2675 and 2016-JAGC-2677 RECOMMENDED ACTION: a) Request the Board to accept the Florida Department of Law Enforcement's (FDLE) 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$65,859; and b) Authorize the Chairman or his designee to sign all necessary documents related to this grant. BUDGETED ACTION: No action needed. Funding for the grant will be budgeted in the Charlotte County Sheriff's Office and the Punta Gorda Police Department's Operating budgets. There is no County match required. **GRT2015-018**

(5) Marine Advisory Funding Recommendations

RECOMMENDED ACTION: Adopt the attached resolution which accepts the Marine Advisory Committee (MAC) recommendations for West Coast Inland Navigation District (WCIND) and Boater Improvement Fund Boater Improvement Fund (BIF) emergency (out of cycle) expenditures for the 2015-2016 fiscal year in the amount of \$84,118.86. BUDGETED ACTION: Approve the revenues and expenditures for the WCIND and BIF funds as set

forth in the attached resolution. Expenditures will be budgeted in the Boater Improvement Fund in the FY15/16 budget. **RES2015-111**

Commissioner Constance announced he would need to abstain from the vote because of land ownership.

COMMISSIONER DEUTSCH MOVED TO ADOPT RESOLUTION 2015-111, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:0., COMMISSIONER CONSTANCE ABSTAINED (FORM 8B FILED)

Information Technology - No Items

Purchasing

(6) #15-465, Award Piggyback, Tire Purchase Program

RECOMMENDED ACTION: Approve award of "Piggyback" tire purchases off the Florida Sheriff's Association Contract #15/17-07-0220, Tires & Related Services, for File #15-465, Tire Purchase Program. BUDGETED ACTION: No action needed. Budgeted in Fleet Management Fund.

(7) #15-291, Award, Multi-Use Recreational Trail & Sidewalks in South Gulf Cove

RECOMMENDED ACTION: a) Approve the Award of Bid #15-291, Multi-Use Recreational Trail & Sidewalks in South Gulf Cove, at the unit prices bid to Bonness, Inc., of Port Charlotte, FL for an estimated cost of \$1,564,786.13. BUDGETED ACTION: Budgeted in CIP project South Gulf Cove Bridge and MURT Landscaping to be approved with the adoption of the FY16 Capital Improvements Program. Budgets to complete the multi-use recreational trail in South Gulf Cove were identified in CIP project "South Gulf Cove Sidewalks/Bike Paths"; budget to complete the sidewalk on Gulfstream Blvd was identified in CIP "Sidewalks 2009 Sales Tax Extension".

Commissioner Constance noted funding was through the 2009 Sales Tax Extension.

(8) #15-024, Change Order #6, 2015 County Paving Program

RECOMMENDED ACTION: Request the Board to approve Change Order #6 to Contract #15-024, 2015 County Paving Program, with Ajax Paving Industries, Inc., adding 65 calendar days and \$3,040,424.70 for a revised estimated cost of \$11,112,084.80. BUDGETED ACTION: No action needed. Budgeted in CIP project "Road & Bridge Paving Program" as approved in the FY16 budget process.

Commissioner Constance commented on Veterans Boulevard results, additional projects, and re-inspections contributing to the Change Order #6.

(9) #15-374, Ranking, Justice Center Expansion Design

RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #15-374, Justice Center Expansion - Design: 1st Sweet Sparkman Architects of Sarasota, FL; 2nd Aecom Technical Services, Inc. of Coral Gables, FL; and 3rd Harvard Jolly, Inc. of St. Petersburg, FL; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for professional services for

the design of the judicial center and its site plan. BUDGETED ACTION: No action needed. Budgeted in CIP "Justice Center Expansion" approved during the FY2016 budget process in engineering, with funding coming from Impact Fees and Capital Projects ad valorem.

Commissioner Constance spoke to Justice Center property for expansion, drafted plans, and stopping the point process with planners. **Commissioner Deutsch** requested timeline for the Justice Center Project.

David Milligan, Director Facilities Construction & Maintenance commented the need for plans to be drafted, archive relocation, security center, and programming.

COMMISSIONER DOHERTY MOVED TO APPROVE #15-374 RANKING JUSTICE CENTER EXPANSION DESIGN, SECONDED BY CHAIR TRUEX

MOTION CARRIED 5:0.

(10) #15-406, Ranking, Jail Infirmary Construction Manager at Risk

RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #15-406, Jail Infirmary - Construction Manager at Risk: 1st Wharton Smith, Inc. of Punta Gorda, FL; 2nd Ajax/Tandem Construction of Sarasota, FL; and 3rd Florida Premier Contractors of Punta Gorda, FL; and b) Approve start of negotiations; and c) Authorize Chairman to sign the contract upon completion of negotiations. This is for professional CM at Risk services as part of a construction team, which includes design consultants and the County. BUDGETED ACTION: No action needed. Funding from Sales Tax Extension 2014 Revenues was approved by Resolution and by Budget Amendment BA15-024 in the FY2015 Budget at the Public Hearing held February 24 2015 during the regular Charlotte County Board of County Commissioners Meeting.

(11) Property Deletions for the Month of October, 2015

RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of October, 2015. BUDGETED ACTION: No action needed.

Real Estate Services - No Items

G. Community Development

(1) Addition of Code Enforcement Position

RECOMMENDED ACTION: a) Request Board approval to add a Code Enforcement position to handle all cases referred to Code Enforcement by the Charlotte County Health Department; and b) Approve Resolution authorizing Budget Adjustment #BA16-01 in the amount of \$67,699; and c) Authorize the addition of one vehicle to County fleet. BUDGETED ACTION: Approve Budget Adjustment #BA16-01 in the amount of \$67,699. **RES2015-112**

Chair Truex commented on the State being responsible for the Code Enforcement position requirement and mentioned will support the request. **Commissioner Duffy** mentioned the State should be accountable for the Code Enforcement position.

H. Community Services

Parks and Natural Resources - No Items

Recreation

(1) Charlotte Sports Park Improvements

RECOMMENDED ACTION: Approve Charlotte Sports Park Improvements list for a total estimated cost of \$109,048. This is an annual process between the County and the Tampa Bay Rays per the Charlotte Sports Park Agreement. BUDGETED ACTION: No action needed. Funding from the Stadium Improvement Fund approved in the FY16 Budget Process.

Libraries and Historical - No Items

I. Economic Development

(1) Cheney - Matching LGDAM Grant

RECOMMENDED ACTION: a) Request the Board to accept the Local Government Distressed Area Matching Grant funding from the Florida Department of Economic Opportunity, Division of Strategic Business Development in the amount of \$50,000; and b) Direct payment of \$50,000 to Cheney Brothers, Inc. BUDGETED ACTION: No action needed. Funding will come from the reimbursement of the LGDAM Grant within the Capital Projects Fund.

J. Facilities Construction and Maintenance - No Items

K. Human Resources

(1) IUPAT Re-opener for 2015-16

RECOMMENDED ACTION: Approve a re-opener with the Affiliate Local 1010, District Council 78, of the International Union of Painters and Allied Trades (IUPAT), AFL-CIO for the purpose of wages and benefits. The tentative agreement grants an increase of 1.5% to the employee's base pay and 2.5% budgeted for implementation of pay-for-performance to commence with the first pay period following the date of ratification. BUDGETED ACTION: No action needed. Any costs associated with implementation are budgeted within respective departments' operating budgets.

L. Human Services

(1) Community Action Agency Advisory Board (CAAAB) Membership Approval

RECOMMENDED ACTION: Appoint Ms. Paula Wilman, Punta Gorda Housing Authority Resident Services and Program Manager, to the Charlotte County Community Action Agency Advisory Board (CAAAB). BUDGETED ACTION: No action needed.

(2) Agreements with Punta Gorda Housing Authority for SHIP

RECOMMENDED ACTION: a) Approve two agreements with the Punta Gorda Housing Authority for SHIP funding for The Verandas of Punta Gorda Phase I and The Verandas of Punta Gorda Phase II; and b) Authorize the Chairman to sign both Agreements. BUDGETED ACTION: No action needed. Funding for the expenditure is provided in Charlotte County SHIP budget, in the Grants and Aids account. Funding is included in the FY 14/15 and FY 15/16 budget processes. There is no County match required.

Commissioner Constance noted he is not ready to approve. **Commissioner Deutsch** requested staff clarification for the State Housing Initiatives Partnership (SHIP) funding. **Commissioner Doherty** suggested the item be tabled for two (2) weeks to allow time to further research.

Robert Hebert, Housing / Community Initiatives Manager explained funding, SHIP budget allocation, Phase 1 & 2 Program, City of Punta Gorda approvals, home ownership qualifications, and suggested meeting individually with Commissioners to discuss in detail.

Assistant County Attorney Miller mentioned Compliance Laws.

COMMISSIONER DOHERTY MOVED TO TABLE THE ITEM UNTIL OCTOBER 27, 2015 FOR FURTHER RESEARCH, SECONDED BY CHAIR TRUEX

COMMISSIONER DEUTSCH MOVED TO AMEND THE MOTION TO APPROVE THE FIRST AGREEMENT AND DELAY THE SECOND AGREEMENT

MOTION LOST FOR LACK OF SECOND

Commissioner Constance pointed out past history and County responsibility for payment; if compliance is not met.

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

M. Public Safety

(1) Set Public Hearing to Consider Plan Review Fees

RECOMMENDED ACTION: Set a public hearing for October 27, 2015 at 10:00am, or as soon thereafter, to consider amending Article III of Chapter 2-1 of the Codes of Ordinances of Charlotte County, Florida. BUDGETED ACTION: No action needed. Revenues from fees would be received in the Emergency Management operating budget.

N. Public Works

(Change #1) (1) Updated Requested Motion / Action to: Approve Amendment #1 to Lease Agreement (File #12-390) for the Lease of County Owned Two-Acre parcel located at the Landfill. This Amendment provides for automatic renewals of one year each, subject to either party's right to terminate by providing notice of intent now to renew at least 30 days prior to the expiration of any renewal term. Requested by: Purchasing **A.AGR2012-048**

Amendment to Lease between Charlotte County and Culture Fuels, Inc.

RECOMMENDED ACTION: Approve Amendment to Lease that provides for automatic renewals of one year each, subject to either party's right to terminate by providing notice of intent not to renew at least 30 days prior to the expiration of any renewal term. BUDGETED ACTION: No action needed. The amendment addresses the contract term only.

Commissioner Constance commended Staff and County Attorney's Office for being proactive with cost saving efforts.

O. Tourism Development - No Items

P. Utilities - No Items

Q. Other Agencies - No Items

(TAKEN OUT OF ORDER)

S. 10:00 A.M. Public Hearing

(1) County Attorney

Ordinance Amending Section 3-8 of the County Code of Ordinances Relating to Mandatory Connection to Public and Private Utilities Conduct a public hearing to consider approving an Ordinance amending County Code Chapter 3-8, Articles II and IV, Relating to Mandatory Connection to Public and Private Utilities.

Assistant County Attorney Miller gave a brief overview of the timeline of events for the Mandatory Connection Public and Private Utilities, spoke to the Current Section 3-8-41, New Section 3-8-41, Current Section 3-8-42, mentioned could be revised for restrictive or less restrictive, the Definition of Private or Public, Current Sections 3-8-43 & 3-8-44, Current Section 3-8-103, Current Section 3-8-233, and mentioned Redrafted Grandfathering of existing developed properties with cisterns.

Commissioner Doherty requested Staff clarification, if the Ordinance would be applied to the entire County; if approved. **Commissioner Duffy** commented on water quality and grandfathering.

Public Hearing:

Max E. Beil noted they have the same water issues in Missouri, detailed University research, filtration systems, student involvement, water quality from the dunes, water testing, expenses, and the water hook up process.

Jack Boyer, Little Gasparilla Water Utility Manager commented on mandatory water connection, a past Resolution, Little Gasparilla Advisory Committee, Island Residents consensus for hook up, negative comments, regulations for Little Gasparilla Utilities, piping, and advised Little Gasparilla Utility is in support of the Ordinance.

Kathleen Stokes mentioned cistern success, past meetings, hardship conversations, Ordinance discussions, permitting, and enforcement issues.

Richard Shafe expressed water quality concerns.

Attorney Clay Brooker spoke to mandates, urban sprawl, infrastructure, water provisions, developed properties, policy language, comprehensive plan, citizen safety, wellness, environmental issues, pointed out there are no health cases reported, and suggested new homes are required to hook up.

Cheryl K. Smith spoke to past history of systems, water supply, mandatory hook up notice, commented on Little Gasparilla Water Utility, water testing, rental properties, false statements, and grandfathering Amendment.

Charles O'Hara commented on homes with cisterns, water testing, water lines, fire hydrants, workshops, grandfathering, building codes, suggested annual testing from the Department of Health (DOH), and said new homes or changes in ownership are required to hook up.

William Lee Roberts spoke to cisterns, Smart Charlotte, policies, ground water, mentioned past quotes from Commissioners, and requested reconsideration of the Ordinance.

Taylor Stokes outlined hook up costs, lack of health reports from cisterns, interconnect information, past conversations with Mr. Boyer, water testing, mandatory requirements, Department of Environmental Protection (DEP) responsibilities, County requirements, and requested inspection results from work completed by Mr. Boyer.

Phil Phillips commented on pet Ordinances, water safety, and lack of law enforcement on the beaches.

Carol Staninger spoke to water connection fees, cisterns, water testing, and grandfathering.

Susan Hutt mentioned CCU, citizen surveys, Spring Lake residents, water quality, and requested elimination of MSBU's.

Bruce Kelsey provided timeline of events with cisterns for forty five (45) years while residing in his home, spoke to distillers, water supply, building permits, elimination of wells, water meters, and requested grandfathering.

Diane Boyer, Little Gasparilla Utility President responded to citizen comments, mentioned cisterns, wells, ecosystems, mandatory utilities, Smart Charlotte, septic tanks, meter readings, and rental community.

Marjorie O'Hara spoke to written citizen responses, discussed cisterns since the 1960's, purifier, awareness, line breakage issues, fire hydrant concerns, taxes, engineering reports, annual testing, and water flow.

Andrew Hagelin commented on system expenses, grandfathering, ground water systems, time limits, water testing, health issues, and Ordinance language.

Brittany Essig spoke to emotional opinions, lack of accurate data, expenses, septic systems, utilities, and water safety.

Attorney Rob Berntsson provided compliance information, commented on permit records, CCU payments, mandatory hook ups, water theft occurrences, island density, septic systems, sewers, and suggested changes to the Ordinance.

Frank Camporn mentioned usage of water purifiers, permits, water safety, hook up costs, rentals, unlicensed plumbing, grandfathering, and customer enticements.

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

MOTION CARRIED 5:0.

Chair Truex asked for confirmation on the Engineering Components and expressed concern for the fire lines. **Commissioner Constance** questioned fire suppression, fees, and mentioned the need of further research. **Commissioner Deutsch** thanked citizens for the Public Hearing participation, commented on lack of records, and grandfathering. **Commissioner Doherty** spoke to County Ordinances, Amendments, distribution systems, water mains, DEP regulations, permits, certifications, Fire Prevention Codes, Fire Marshall Inspections, lots, water connections, and plumbing inspections. **Commissioner Duffy** requested staff clarification for existing regulations, cistern usage, property owner rights, grandfathering, new home requirements for hook up, and commented on work without permits.

County Attorney Knowlton suggested tabling the item for further revisions and research. Assistant County Attorney Miller responded to language provisions and engineering certifications.

Clair Jubb, Community Development Director explained citations, provided issued permit statistics, and commented on contact with homeowners for clarification.

COMMISSIONER DEUTSCH MOVED TO TABLE THE ITEM UNTIL OCTOBER 27, 2015, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED: 5:0.

(2) Public Works

Inactive Advisory Boards

Conduct a public hearing to consider approving an ordinance to abolish multiple MSBU Advisory Boards that have been inactive for more than one year. **ORD2015-043**

Dan Quick, Public Works Director spoke to Ordinance 2015-043 to abolish multiple MSBU Advisory Boards that have been inactive for more than one year.

Public Hearing – No Public Comment

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

MOTION CARRIED: 5:0.

COMMISSIONER CONSTANCE MOVED APPROVAL OF ORDINANCE 2015-043 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; ABOLISHING THE FOLLOWING ADVISORY BOARDS BY REPEALING THE ORDINANCES THAT CREATED SUCH BOARDS: THE ACKERMAN WATERWAY UNIT ADVISORY BOARD; THE FARABEE ROAD AND STREET DRAINAGE UNIT ADVISORY BOARD; THE LEMON BAY STREET AND DRAINAGE UNIT ADVISORY BOARD; THE PUNTA GORDA NON-URBAN STREET AND DRAINAGE ADVISORY

BOARD; THE SOUTH BRIDGE WATERWAY UNIT ADVISORY BOARD; SUNCOAST WATERWAY MAINTENANCE UNIT ADVISORY BOARD; SUNCOAST BOULEVARD STREET AND DRAINAGE UNIT ADVISORY BOARD; TOWN ESTATES STREET AND DRAINAGE UNIT ADVISORY BOARD; TROPICAL GULF ACRES STREET AND DRAINAGE UNIT ADVISORY BOARD; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(3) County Attorney

Repeal Charlotte Ambulance District MSTU

Conduct a public hearing to approve an Ordinance to abolish the Charlotte Ambulance District thereby repealing Chapter 4-1, Article II, Sections 4-1-16 through 4-1-20 of the code of laws and ordinances of Charlotte County, Florida (Ordinance No. 78-35). **ORD2015-044**

County Attorney Knowlton detailed the need for Ordinance 2015-044.

Public Hearing:

Susan Hutt requested confirmation of MSTU funding.

Chair Truex responded to Ms. Hutt that the referendum failed.

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

MOTION CARRIED 5:0.

COMMISSIONER DUFFY MOVED TO APPROVE ORDINANCE 2015-044 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA REPEALING CHAPTER 4-1, ARTICLE II, SECTIONS 4-1-16 THROUGH 4-1-20 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA (ORDINANCE 78-35), THEREBY ABOLISHING THE CHARLOTTE AMBULANCE DISTRICT MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

R. Regular Agenda

(Taken Out Of Order)

(Addition #1) (3) Approve and authorize the Chairman to execute the FY 15/16 County/State Department of Health Contract for the operation of the Charlotte County Health Department. Requested by Budget and Administrative Services

Gordon Burger Budget and Administrative Services Director gave a brief description of the FY 15/16 County/State Department of Health Contract and funding combination for non-profits.

Dr. Henry M. Kurban, MD, MBA, MPH Charlotte County Director of Health commented on Lee County's search for a Health Director.

Commissioner Constance spoke to County contribution and past budget reductions. **Commissioner Doherty** requested Dr. Kurban to provide the status for replacement of Lee County's Health Director, spoke to the funds balance and the process for reserve funding.

COMMISSIONER DEUTSCH MOVED TO APPROVE FY 15/16 COUNTY/STATE DEPARTMENT OF HEALTH CONTRACT, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

RECESS: 1:02 pm - 2:00 pm

(Addition #3) (4) Reconsideration to take Veterans Wall off of the Legislative Agenda

Commissioner Duffy mentioned Veterans do not want to be on the Legislative Agenda for the Veterans Wall Project.

COMMISSIONER DUFFY MOVED TO ELIMINATE THE VETERANS WALL REQUEST OFF OF THE LEGISLATIVE AGENDA, SECONDED BY COMMISSINER DEUTSCH

MOTION CARRIED 5:0.

(1) County Administration

(Change #2) (1) Completed evaluations attachments added.

Requested by: Commission Office Performance Evaluation - County Administrator, Raymond J. Sandrock

RECOMMENDED ACTION: Discussion of County Administrator, Raymond Sandrock's annual performance evaluation.

Commissioner Duffy commended Mr. Sandrock for his efforts and hard work.

COMMISSIONER DEUTSCH MOVED TO APPROVE EVALUATION AND APPROPRIATE SALARY ADJUSTMENT, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

(2) County Attorney

(Change#3) (2) Completed evaluations attachments added.

Requested by: Commission Office Performance Evaluation - County Attorney, Janette S. Knowlton

RECOMMENDED ACTION: Discussion of County Attorney, Janette Knowlton's annual performance evaluation.

Commissioner Doherty commented that the evaluations are reflections of the constant working relationship with one another.

COMMISSIONER DOHERTY MOVED TO APPROVE EVALUATION AND APPROPRIATE SALARY ADJUSTMENT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED: 5:0

(Board Discussion under Commissioner Comments to put Addition 4 & 5 under Regular Agenda)

Addition #4 (5) To Discuss the Water Authority Agenda Changes

COMMISSIONER CONSTANCE MOVED TO DISCUSS WATER AUTHORITY AGENDA CHANGES, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Addition #5 (6) Request for the Chair send a letter to clarify Pipeline involvement.

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CHAIR TO SEND A LETTER USING LAST YEARS DRAFT, PAST DISCUSSION, NOTES FROM COUNTY ATTORNEY, ALONG WITH WEBSITE LINK OF RECENT WATER AUTHORITY DISCUSSION, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

CITIZEN INPUT - ANY SUBJECT

Susan Hutt spoke the Sunrise Waterway, citizen issue with sewage in bathroom, application, code compliance for tall grass, water testing from the Harbor, and pointed out a Vero Beach scenario.

Steven Carter spoke to West Tarpon and Master Plans.

AA. County Administrator:

County Administrator Sandrock polled the Board to add the local preference topic to the November workshop and thanked the Board for his evaluation feedback.

BB. County Attorney:

County Attorney Knowlton thanked the Board for their input on her evaluation.

CC. Commissioner Comments:

Chair Truex commended County staff for their time, expressed his appreciation, decision making, challenges faced, expressed his appreciation, spoke to a letter distributed with regards to the Pipeline Project, and requested Board approval to write a letter of response. Commissioner Constance noted the reasons for the Board research, RO Plant involvement, and suggested the Chair attach the original letter along with Attorney notes for the new drafted letter of response. Commissioner Doherty and Commissioner Deutsch commented on misinformation relayed and pointed out Board support for the City of Punta Gorda. Commissioner Doherty

spoke to miscommunication, timeline, and letter suggestions. Commissioner Duffy noted support for the Punta Gorda RO Plant and commented on the misinformation topic.

ADJOURNED: 2:32 pm

The seal is circular with a dotted border. The text "COMMISSIONERS" is at the top, "FLORIDA" is on the right, "CHARLOTTE COUNTY" is at the bottom, and "BOARD" is on the left. In the center, there is a star and the word "SEAL".
William G. True
William G. True, Chair
DATE ADOPTED: Nov. 24, 2015

ATTEST:

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

By: Michelle DiBernardino
Deputy Clerk