

**BOARD OF COUNTY COMMISSIONERS**

**OCTOBER 27, 2015**

A Regular and Land 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 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 Father Ian Hammett, Holy Trinity Greek Orthodox Church, followed by the Pledge of Allegiance.

**Changes to the Agenda**

**(Change #1)** E-1 Added Resolution and Budget Adjustment and updated Motion and Budget Action. Requested by: County Attorney

**(Change #2)** F-1 Added Resolution. Requested by: County Attorney

**(Change #3)** F-2 Added updated Change Order #6. Requested by: Purchasing

**(Change #4)** H-1 Added updated Budget Amendment. Requested by: County Attorney

**(Change #5)** H-2 Added updated Resolution and Exhibits A and B. Requested by: County Attorney

**(Change #6)** P-1 Added updated Budget Resolution and Budget Adjustment and added Subgrant Agreement Resolution. Requested by: County Attorney

**(Change #7)** R-1 Added Economic Directors current contract. Requested by: Commission Office

**(Change #8)** S-2 Added updated Capital Improvements Program FY15/16 Ordinance Requested. by: County Attorney

**(Deletion #1)** S-5 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. Requested by: County Attorney

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Stephen R. Deutsch**

COMMISSIONER DOHERTY MOVED TO APPROVE THE PROCLAMATIONS, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

**United States Army Field Band Day**

Unknown representative accepted the Proclamation.

**JoAnn P. Helphenstine Day**

Commissioner Deutsch accepted the Proclamation.

Combat Wounded Veteran Charles Rose - Commissioner Stephen R. Deutsch  
Award Certificate of Recognition, Combat Wounded Veteran to Charles Rose, U.S. Army, Specialist 5

Commissioner Deutsch announced that Mr. Rose was hospitalized and Mr. McGinnis would accept in his honor. Mr. McGinnis accepted the Proclamation, recognized all the Veterans, and mentioned Mr. Rose appreciates the award.

**Employee of the Month**

**September 2015 Cindy DiGiacomo, Community Services**

Tommy Scott, Community Services Director gave a brief description of Ms. DiGiacomo's accomplishments, commented on her teamwork capabilities, positive attitude, and problem solving skills.

**Award Presentations**

Commissioners' Award for Customer Service - Commissioner Tricia Duffy  
Commissioners' Award for Customer Service Third Quarter 2015 Rhonda Leonard

Commissioner Duffy presented Ms. Leonard with the Award for Customer Service and requested Deputy Bill Miller say a few words.

**Port Manatee Presentation**

Presenter: Executive Director Carlos Buqueras

Chair Truex welcomed the Port Manatee Board Members and commented on the South West (SW) Region importance.

Carol Whitmore, Port Manatee Chairwoman gave a brief overview of the Port involvement, thanked the Board for the invitation to attend the meeting, extended an invitation to take a Port Tour, and introduced Carolos Buqueras, Port Manatee Executive Director.

Mr. Buqueras commented on the working relationship with Economic Development, County Staff, and hopes of foreign trade, investing, attracting more businesses to Port Charlotte and paralleled the discussion with a slide presentation of the Port Manatee Governing Board, Port location, history of the Port, Exports in Charlotte County, Growth, Florida's Future urbanized density, Seaports, Economic Impact Analysis, Seaport Jobs and Wages, Port Manatee Prime Location, Rail Connectivity, Global Gateway, Problem Solving, Trading Partners, Primary Commodities, Orange Juice from Brazil to the Port, Record numbers in containers (cargo), Waterborne Revenue, Port Tampa Bay, Cargo Capabilities, New Mexican Service World Direct Shipping, Full Service Security Department, Undeveloped Privately Owned Land, Port Manatee Long Term Vision, Future Opportunities, Future Opportunities in Cuba, and Ferry Service to Cuba.

**Chair Truex** commented on the depth of Port Manatee and expressed appreciation for all Port Members who attended the meeting. **Commissioner Constance** spoke to revenues, business expansion, and suggested a Joint Meeting with Sarasota County to discuss the Port. **Commissioner Deutsch** asked for vehicle transport costs, Security Port Card process, and Cuba trade. **Commissioner Doherty** commented on future relations with the Port, regional growth, platforms, and thanked Mr. Buqueras. **Commissioner Duffy** thanked Mr. Buqueras and requested information for full Port status and international incubators.

#### **CITIZEN INPUT - AGENDA ITEMS ONLY**

Ed Hill, Executive Director Englewood Chamber of Commerce commented community responses for Waterfest, EcoFeast mentioned, schedule of events, and positive feedback from Businesses.

Ken Stead, General Manager of Cape Haze Marina and Co-Chair of Waterfest 2015 spoke to successful staff participation, Board support, and noted upcoming events.

Hank Killian spoke to support for reappointment of John Peszko to the Rotonda West Street and Drainage Unit Advisory Board.

Joanne Mulvaney commented on the contract for Tom Patton, Economic Development Director, usage of County Vehicles, and requested clarification for contract inclusions for County Administrator Sandrock and County Attorney Knowlton.

Bill Bigelow requested the Board not approve Mr. Patton's contract and noted correspondence given to the Board.

Susan Hutt voiced her opinion for Mr. Patton's measurements of success, mentioned contract issues, vocal minorities, and requested changes be done to the contracts for County Administrator and County Attorney Knowlton.

Scott Andrichak commented on Mr. Patton's accomplishments, past meeting discussions, contract clauses, and spoke to neighboring county contracts.

Carl Rehm declined to speak.

Robert Swan declined to speak.

David Kesselring spoke to Agenda changes, Port Manatee Presentation, contract for Mr. Patton, sewer systems, Park spending, roadway improvements, and new chairs for the Event Center.

Elaine Miller, Waterfest President thanked the Board and Community for all the efforts of participation displayed.

#### **COMMITTEE VACANCIES**

Street & Drainage Unit Advisory Committee is seeking one volunteer. The terms are for one member to serve as a regular member for a three year term from the date of unit establishment. Applicants must reside of Charlotte County and reside within the Unit. 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 Street & Drainage Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and side within the Unit. Terms: one regular member to serve a three year term from the date of appointment Submit application 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.

Northwest Port Charlotte Street and Drainage Unit Advisory Committee is seeking one volunteer who must reside in Charlotte County and within the Unit. Terms: one regular member to serve a three year term from the establishment of the unit. 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.

South Gulf Cove Beautification Advisory Committee is seeking two volunteers who must be residents of Charlotte County and reside within the unit. Terms: two regular members for three year term from date of appointment. Submit application/resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail: Judith.Noethdurft@CharlotteCountyFL.gov.

#### **REPORTS RECEIVED AND FILED - No Items**

##### **U. 10:00 A.M. Presentation**

(1) 2015 Community Health Assessment Report Summary Presentation of the 2015 Community Health Assessment Report presented by the Department of Health in Charlotte County.

Dr. Henry M. Kurban, MD, MBA, MPH Health Department Director gave a brief overview of Community Health Assessment 2015, Agenda, Mobilizing for Action through Planning and Partnerships (MAPP), Community Health Improvements, Determinants of Health, CHA Components, Community Health Status Assessment, Health Survey, Top Ten Issues Identified, Top 5 Strategic Issue Categories Identified, Community Health Status Secondary Data Analysis, Charlotte County Health Rankings, Chronic Diseases

Leading Causes of Death, Risk Factors for Chronic Diseases, Communicable Diseases, Unintentional Injuries, and Maternal & Child Health.

**Commissioner Constance** thanked Dr. Kurban, spoke to data, charts, requested clarification for latest statistics, public outreach, and commented on the elderly population. **Commissioner Deutsch** commented on clinic challenges, cut backs of State Funding, and the effectiveness for Hepatitis Clinics.

**CONSENT AGENDA**

**COMMISSIONER DOHERTY MOVED TO APPROVE THE BALANCE OF THE CONSENT AGENDA WITH THE EXEPTION OF F-9, H-1, L-2, M-1, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**Commissioner Constance** commented on item F-3 Myakka River Bridge Crossing design costs.

**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:

September 10, 2015 BCC First Budget Hearing  
September 15, 2015 BCC Workshop  
September 24, 2015 BCC Final Budget Hearing  
October 8, 2015 BCC Pre Agenda  
October 13, 2015 BCC Parkside Meeting

BUDGETED ACTION: No action needed.

**Board of County Commissioners**

**C. Commission Office**

(1) Re-Appointment Gulf Cove Waterway Advisory Committee

RECOMMENDED ACTION: Re-appoint Joel Trefry to the Gulf Cove Waterway Benefit Unit Advisory Committee as a regular member to serve for a three year term from the date of establishment of the Unit. BUDGETED ACTION: No action needed.

(2) Re-Appointment Rotonda West Street and Drainage Advisory Board

RECOMMENDED ACTION: Re-appoint John Peszko to the Rotonda West Street and Drainage Unit Advisory Board as a regular member to serve a three year term from the date of establishment of the Unit. BUDGETED ACTION: No action needed.

**D. County Administration**

**Administration - No Items**

**Public Information Office - No Items**

**E. County Attorney**

**(Change #1)** (1) Added Resolution and Budget Adjustment and updated Motion and Budget Action

Southwest Florida Vietnam Memorial Wall

RECOMMENDED ACTION: Provide funds, in the amount of \$50,000 for the construction of the Vietnam Wall of Southwest Florida. BUDGETED ACTION: No action at this time. If approved, a budget adjustment and a contract will be brought back to the Board for approval. **AGR2015-054, RES2015-119**

**F. Budget and Administrative Services**

**RECESS: 10:45 am - 10:50 am**

**Fiscal Services**

**(Change #2)** (1) Added Resolution Arthropod Control Budget Amendment Requested by County Attorney.

RECOMMENDED ACTION: a) Approve, and authorize the Chairman to sign the Arthropod Control Budget Amendment No. 16-002 for FY 15-16; and b) Approve the Resolution for Budget Adjustment #BA16-002 in the amount of \$1,489.00. BUDGETED ACTION: Approve the resolution for the budget adjustment #BA16-002 in the amount of \$1,489.00. **RES2015-113**

**Information Technology - No Items**

**Risk Management - No Items**

**Purchasing**

**(Change #3)** (2) Added updated Change Order #6 13-314 Change Order #6 Cleaning Services Requested by Purchasing.

RECOMMENDED ACTION: Approve Change Order #6 to Contract #13-314, Cleaning Services, Charlotte County Facilities, Group A, with United States Services Industries, Inc. (USSI) for the monthly amount of

\$5,042 for cleaning at the Health Department. BUDGETED ACTION: No action needed. Funding for the Health Dept. Fund was approved in the FY16 budget process.

(3) 15-162 SR 776/Myakka River Bridge Crossing

RECOMMENDED ACTION: Approve award of File #15-162, Work Order #30, Contract #10-269, Engineers of Record-CCU, SR 776/Myakka River Bridge Crossing Design Services, to Stantec Consulting Services, Inc. of Sarasota, FL for the not to exceed amount of \$188,723. BUDGETED ACTION: No action needed. Budgeted in CIP "Myakka River Crossings - River to SR776", with funding from Utilities Capital Improvements Fund as approved in the FY16 budget process.

(4) 15-315 Cape Haze Force Main WO#35

RECOMMENDED ACTION: Approve award of File #15-315, Work Order #35, Contract #10-269, Engineers of Record - Utilities, Cape Haze Force Main Design & Construction Services, to Giffels-Webster Engineers, Inc. of Englewood for the not to exceed amount of \$169,560. BUDGETED ACTION: No action needed. Funding from CCU Wastewater Connection Fee Fund approved in CIP Wastewater Force Main Replacement in the FY16 Budget Process.

(5) 15-383, Award, Asphalt Repairs - Annual Contract

RECOMMENDED ACTION: a) Approve award of Bid #15-383, Asphalt Repairs - Annual Contract to Sunland Paving, Inc. of Port Charlotte, FL at the unit prices as indicated on the bid form; and b) Authorize the County Administrator to approve the renewal options up to two (2) additional one-year terms at the same prices, terms and conditions, by mutual consent. The Contract period will be effective from date of award through and including September 30, 2016. This is an annual contract for the services to repair and/or replace asphalt along selected roads within Charlotte County. BUDGETED ACTION: No action needed. Amount budgeted in FY16 \$139,225.

(6) 15-394 Ranking-Design Renovations of Recreation Centers-Harold, South County, & Tringali

RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #15-394, Design Renovations of Recreation Centers-Harold, South County, & Tringali: 1st - ADG Architecture, LLC; 2nd - C. Alan Anderson Architect, P.A., and 3rd - Hall Architects, PA; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for a qualified firm to provide park and recreation facility design for renovations of three (3) recreation centers located at Harold Avenue Park, 23400 Harold Avenue, Port Charlotte, Florida; South County Regional Park, 670 Cooper Street, Punta Gorda, Florida; and Tringali Community Park, 3460 North Access Road, Englewood, Florida. BUDGETED ACTION: No action needed. Funding from the 2014 Sales Tax Extension Fund approved in CIP Recreation Center Additions/Improvements in the FY16 Budget Process.

(7) 15-400 Design-West County Annex

RECOMMENDED ACTION: a) Approve the ranking of firms for Request for Proposal #15-400, Design-West County Annex: 1st-Fawley Bryant Architects of Sarasota, FL; 2nd- Heery International Inc. of Orlando, FL; and 3rd-ADG Architecture LLC of Punta Gorda, FL; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This project is for the design of a new government services annex in western Charlotte County (Englewood, FL) BUDGETED

ACTION: No action needed. Funding from the 2014 Sales Tax Extension Fund approved in CIP West County Annex Replacement in the FY16 budget process.

(8) 15-403 RFP Ranking, Design Recreation Centers - Ann Dever Memorial and North Charlotte Regional Park

RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #15-403, Design Recreation Centers - Ann Dever Memorial and North Charlotte Regional Parks: 1st - Fleischman & Garcia Architects and Planners AIA, PA; 2nd - ADG Architecture LLC., and 3rd - Parker/Mudgett/Smith Architects, Inc.; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for a qualified firm to provide an experienced A/E-based multi-disciplinary team for the programming, planning and design of major new recreation centers at the Ann Dever Memorial Regional Park (ADM RP) and North Charlotte Regional Park (NCRP). The design shall include site Planning for the exact location of the new facilities within each regional park. BUDGETED ACTION: No action needed. Funded in CIP projects "North Charlotte Regional Park Recreation Center" and "Ann Dever Memorial Regional Park" as approved in the FY16 budget process. Funding is supplied from the 2014 Sales Tax extension.

(9) 15-416, Award, Event Center Chair Replacement

RECOMMENDED ACTION: Approve award of Bid #15-416, Event Center Chair Replacement, with Edward Don & Company of Miramar, FL for a total cost of \$205,820. BUDGETED ACTION: No action needed. Funding from the Capital Projects fund approved in CIP Charlotte Harbor Event and Conference Center Improvements in the FY16 budget process.

**Commissioner Constance** spoke to chair replacements and requested staff clarification.

David Milligan, Facilities Construction & Maintenance Director detailed the damaged chairs, evidence of rust, maintenance, cost evaluation, and checklist for replacement criteria.

**COMMISSIONER DUFFY MOVED TO APPROVE AWARD OF BID #15-416, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED.**

(10) 15-468, Award - Sand, Rock, and Rock Screening

RECOMMENDED ACTION: a) Approve the split "per item" Award of Bid #15-468, Sand, Rock, and Rock Screening, to two firms--Youngquist Brothers, of Fort Myers, FL, and Grippo Pavement Maintenance, Inc. of Lehigh Acres, FL, at the unit prices attached, with an initial contract term from date of award through and including September 30, 2016; and b) Authorize the County Administrator to approve renewal options for up to two additional one-year terms at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: No action needed. Budgeted in various MSBU/TU work programs as approved in the FY16 budget process.

(11) 16-023, Approve, Maintenance/Repair of 800 MHz Communication Infrastructure

RECOMMENDED ACTION: Approve the Renewal Agreement, File #16-023, Maintenance and Repair of 800 MHz Communication Infrastructure, to Motorola, for the period of October 1, 2015 through and including September 30, 2016 for an annual cost of \$148,315.68. BUDGETED ACTION: No action needed. Budgeted in the Radio Communications Fund and approved in the FY16 budget process.

**Real Estate Services**

(12) Charlotte County Real Property being declared as Surplus to County Needs

RECOMMENDED ACTION: Approve the attached Resolution that declares the real property listed on Exhibit "A" to be surplus to County needs and authorizes County staff to dispose of the real property in accordance with the provisions of Florida Statutes 125. BUDGETED ACTION: No action needed. **RES2015-114**

**S. 10:00 A.M. Public Hearing**

(1) County Attorney

MSBU/TU Master Advisory Board Ordinance

Conduct a public hearing to consider approving a master ordinance to streamline regulations for all MSBU/MSTU advisory boards countywide. **ORD2015-045**

County Attorney Knowlton gave a brief description of the MSBU/TU Hearing process.

**Public Hearing:**

Hank Killian commended County Attorney Knowlton for all her work with the term limits, suggested merging non-active committees, elimination of Chair term limits, requested excused absence clarification, and thanked the Board.

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

**MOTION CARRIED 5:0.**

**Chair Truex** requested staff clarification for revisions. **Commissioner Constance** noted the revision language. **Commissioner Deutsch** spoke to excused absence allowances and term limits. **Commissioner Doherty** requested staff clarification for the establishment clause. **Commissioner Duffy** commented on term limits and combining MSBU's.

**COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2015-045 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA ADOPTING A COUNTY-WIDE UNIFORM STANDARD FOR MUNICIPAL SERVICE BENEFIT UNIT (MSBU) AND MUNICIPAL SERVICE TAX UNITS (MSTU) ADVISORY BOARDS; AMENDING THE INDIVIDUAL AND DUPLICATIVE LANGUAGE RELATING TO ADVISORY BOARD LOCATED IN PART IV – MUNICIPAL SERVICE BENEFIT AND TAXING UNITS OF THE CHARLOTTE COUNTY CODE OF LAWS AND ORDINANCES; AMENDING THE ORDINANCE(S) CREATING**

**THE INDIVIDUAL ADVISORY BOARD(S); PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

**(Change #8)** (2) Added updated Capital Improvements Program FY15/16

Ordinance Requested by County Attorney Budget and Administrative Services Capital Improvements Program FY15/16 Conduct a public hearing to consider adopting an Ordinance updating and modifying the Capital Improvements Program FY15/16 through FY20/21. **ORD2015-046**

Gordon Burger, Budget & Administrative Services Director gave a brief overview of the Capital Improvements Program FY 15/16.

**Public Hearing: No Public Input**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2015-046 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AUTHORIZING AND APPROVING MODIFICATIONS TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CHARLOTTE COUNTY COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3177(3) (B), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

(3) County Attorney

Revisions Chapter 3-6; Assessment

Conduct a public hearing to consider deleting Chapter 3-6, Article II, Division 2, Sections 3-6-36 through Sections 3-6-40, of the Code of Laws and Ordinances, Charlotte County, Florida, in their entirety, and repeal ordinances 72-12, 82-44, and 88-21. **ORD2015-047**

County Attorney Knowlton gave a brief description for the Public Hearing and Ordinance 2015-047.

**Public Hearing:**

Susan Hutt commented on the MSBU revisions.

Scott Andrichak requested clarification for the MSBU revisions, taxes, and petitions.

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

**MOTION CARRIED 5:0.**

**Chair Truex** confirmed Special Assessments. **Commissioner Constance** commented on the process for assessments. **Commissioner Doherty** spoke to special assessment projects and noted past conversations with County Attorney Knowlton.

County Administrator Sandrock mentioned Administration will follow up with staff to discuss options and the process.

**COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2015-047 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; RELATING TO SPECIAL ASSESSMENTS; REPEALING ORDINANCES 72-12, 82-44, AND 88-21 AS CODIFIED IN CHAPTER 3-6, ARTICLE II, DIVISION 2, SECTIONS 3-6-36 THROUGH 3-6-40, OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

(4) Public Safety

Public Hearing to consider revising Article III, Chapter 2-1 of the Codes of Ordinances of Charlotte County

Conduct public hearing to consider amending Article III of Chapter 2-1 of the Codes of Ordinances of Charlotte County, Florida, to allow the Emergency Management Office to charge and collect reasonable fees for the review of emergency management plans of health care facilities as defined in Chapter 252, Florida Statutes. **ORD2015-048**

Marianne Taylor, Director of Public Safety gave a brief overview of Article III of Chapter 2-1 of the Codes of Ordinances revisions.

**Public Hearing:**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2015-048 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING ARTICLE III, EMERGENCY MANAGEMENT, OF CHAPTER 2-1, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

~~(Deletion #1) (5) 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. Requested by 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.~~

G. Community Development - No Items

H. Community Services

Parks and Natural Resources - No Items

Recreation

(Change #4) (1) Added updated Budget Amendment  
Requested by County Attorney Englewood Waterfest Funding Agreement

RECOMMENDED ACTION: a) Approve and authorize the Chairman to sign the Englewood Beach Waterfest Funding Agreement between Charlotte County and the Englewood Beach Waterfest Inc.; and b) Approve and sign Resolution authorizing Budget Adjustment #BA16-03 in the amount of \$82,550. BUDGETED ACTION: Approve Budget Adjustment #BA16-03 in the amount of \$82,550. The Englewood Beach Waterfest, Inc. is requesting an amount not to exceed \$118,000 which will be a combination of direct funding, in-kind contributions, and services provided. This expenditure is funded in the General Fund - BCC Control. See attached Funding Request List. **AGR2015-055, RES2015-115**

Chair Truex thanked the Sheriff's Department, Fire, and EMS. Commissioner Deutsch spoke in favor of the amount. Commissioner Doherty suggested using the British Petroleum (BP) Funds with a "Not to Exceed" (NTE), keep the \$70,000 in General Funds, and requested staff clarification for last year's left over funds. Commissioner Duffy suggested usage of the \$70,000.

**COMMISSIONER DOHERTY SUGGESTED USAGE OF THE BRITISH PETROLEUM (BP) FUNDS WITH A NTE AMOUNT AND KEEPING THE \$70,000 IN GENERAL FUNDS, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED: 4:1., COMMISSIONER CONSTANCE OPPOSED**

Tommy Scott, Community Services Director spoke to reductions and requested Parks & Receptions Waterfest Budget amount.

County Attorney Knowlton advised Mr. Scott that the Agreement states NTE \$25,000 for Parks & Recreation.

(Change #5) (2) Added updated Resolution and Exhibits A and B Resolution Authorizing Golf Carts at Englewood Beach

RECOMMENDED ACTION: Approve a Resolution authorizing the temporary use of golf carts on designated county roads at Englewood Beach solely by Event Personnel and Designated County Staff during the Englewood Beach Waterfest. BUDGETED ACTION: No Action Needed **RES2015-116**

**Libraries and Historical - No Items**

**Environmental Services - No Items**

**I. Economic Development - No Items**

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

**K. Human Resources - No Items**

**L. Human Services**

(1) State Housing Initiatives Partnership (SHIP) Final Closeout F/Y 2013-2014

RECOMMENDED ACTION: a) Approve revisions to the FY12/13 Closeout SHIP Annual Report; and b) Approve the FY13/14 Closeout SHIP Annual Report; and c) Board authorization for the Chairman to sign the annual certification forms for FY12/13 and FY13/14 BUDGETED ACTION: No action needed.

**Chair Truex** requested staff clarification on the Pledging Costs and status of the Verandas Project. **Commissioner Duffy** mentioned past meetings with the Housing Authority. **Commissioner Constance** spoke to collateralization, agreements, loans, and said more information is needed before he could vote.

**COMMISSIONER DUFFY MOVED APPROVAL OF THE CLOSEOUT FOR FY13/14 SHIP ANNUAL REPORT AND CHAIR SIGNATURE FOR CERTIFICATION FORMS FY12/13-FY13/14, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED: 4:1., COMMISSIONER CONSTANCE OPPOSED**

Robert Hebert, Housing/Community Initiatives Manager introduced Assistant County Attorney Marilyn Miller to detail past conversations with the Housing Authority, confirmed Grant Funding requirements, process, and agreements. Assistant Attorney Miller detailed the closings for Verandas 1 & 2, liens, policy decisions, and property development.

(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. **AGR2015-056, AGR2015-057**

**M. Public Safety**

(1) Emergency Communication Equipment Use Agreement with Gone Country Motor Sports, Inc. d/b/a Redneck Yacht Club

RECOMMENDED ACTION: Approve the Emergency Communication Equipment Use Agreement with Gone Country Motor Sports, Inc. d/b/a Red Neck Yacht Club BUDGETED ACTION: No action needed. **AGR2015-058**

**COMMISSIONER CONSTANCE MOVED TO APPROVE EMERGENCY COMMUNICATION EQUIPMENT USE AGREEMENT, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

County Attorney Knowlton gave a brief description of revisions for Agreement 2015-058.

**RECESS: 11:47 am - 1:00 pm**

**N. Public Works**

(1) ArtFest - Panama Boulevard Parking Waiver

RECOMMENDED ACTION: Approve a resolution temporarily waiving parking restrictions within the right-of-way consistent with the procedure outline in Section 2-4-80, Charlotte County Code of Laws and Ordinances, allowing parking along the eastbound section of Panama Boulevard between Intracoastal Waterway and Placida Road (CR 775) on November 14, 2015 between 9:00 a.m. - 5:00 p.m. BUDGETED ACTION: No action needed. Funding is supplied from general fund - BCC Control, approved in the FY16 budget process. **RES2015-117**

**O. Tourism Development**

(1) Sugar Bert Boxing Productions

RECOMMENDED ACTION: Review and approve Memorandum of Understanding for the Sugar Bert Boxing Regional/National Championship Qualifier Tournament. BUDGETED ACTION: No action needed. Funding from the Tourist Development Tax Trust Fund approved in the FY16 budget process. **AGR2015-059**

**P. Utilities**

**(Change #6)** (1) Added updated Budget Resolution, Budget Adjustment, and added SubGrant Agreement Resolution - SubGrant Agreement--Department of Economic Opportunity CDBG Neighborhood Revitalization

RECOMMENDED ACTION: a) Approve a Resolution authorizing the Chairman to execute a Subgrant Agreement with the Florida Department of Economic Opportunity and any other documents required in order to accept the SubGrant; and b) Approve Budget Amendment #BA16-001 which will budget funds in the Utilities System-CCU Operating Fund and the Parkside Redevelopment Fund. BUDGETED ACTION:

Approve Budget Amendment #BA16-001 in the amount of \$750,000.00. Funding will be split equally between the Utilities System-CCU Operating Fund in CIP Parkside Gertrude Ave and Aaron St Improvements, and the Parkside Redevelopment Fund in CIP Parkside CRA Multi-use Trails & Greenway.  
**RES2015, RES2015-120, AGR2015-060**

**Q. Other Agencies - No Items**

**CITIZEN INPUT - ANY SUBJECT**

Wendy Atkinson congratulated Tom Patton for a great job with Western Michigan.

Bill Bigelow spoke to sewer costs, CCU, Parkside, economy issues, future recession, employment, lack of growth, and budgets.

Joanne Mulveney commented on Mr. Patton's contract, home visit from Gary Hubbard, Utilities Director with regards to sewer lines, mentioned Parkside, septic tanks, trees, and canal conditions.

Susan Hutt discussed water testing, sewers, Elkam Boulevard, Parkside planning, and emails sent to the County.

Christopher Beers, P.E., P.S.M., Johnson Engineering spoke to local preference, benefits, mentioned positive growth, and pointed out new contracts obtained in Sarasota.

Ian Vincent commented on Local Preference Policy, process, benefits, opined Western Michigan will be great addition to Charlotte County, spoke to Cheney Brothers, and pointed out his excitement for sewers coming to his neighborhood.

Scott Andrichak mentioned the application denial for Circle K, turn signals, CCU lines, grant applications, and the evaluations for County Administrator Sandrock and County Attorney Knowlton.

Vic Poitras presented a letter to the Board with suggestions for the Punta Gorda Airport, spoke to fee implementation, and Allegiant Airlines.

Todd Rebol, Banks Engineering commented on the positive feedback from the Enterprise Charlotte Economic Council (ECEC), mentioned members are happy with the Board, Administration, and the Economic Development Division, expressed support for Local Preference, spoke to recent hires, Western Michigan, and Cheney Brothers.

**R. Regular Agenda**

**(Change #7)** (1) Added Economic Directors current contract Requested by Commission Office  
Economic Development Director's Contract Renewal

RECOMMENDED ACTION: Discussion and direction on Economic Development Director's contract renewal.

**Chair Truex** commented on decision struggles and moving forward. **Commissioner Constance** requested staff clarification for other options, noted the process for termination, mentioned transition period, and commended Mr. Patton for Western Michigan and Babcock Ranch. **Commissioner Deutsch** spoke to Tom Patton, Economic Development Director's history with the County, excellent work history, accomplishments, Western Michigan efforts, incubators, employment contract, salary savings for the County, and commented on support for Mr. Patton's wishes. **Commissioner Duffy** commented on renewal of the contract, Board discussion with Attorney Knowlton, and spoke in opposition of the terminate without cause clause.

**COMMISSIONER DEUTSCH MOVED TO DISMISS MR. PATTON WITHOUT CAUSE, SECONDED BY COMMISSIONER DOHERTY**

**Commissioner Doherty** requested clarification from County Attorney Knowlton and asked for non-renewal option to the contract.

County Attorney Knowlton responded to Board inquiries.

**MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED**

**COMMISSIONER DEUTSCH MOVED TO APPROVE LUCIENNE PEARS AS THE INTERIM ECONOMIC DEVELOPMENT DIRECTOR, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

**RECESS: 1:50 pm - 2:00 pm**

**T. 2:00 P.M. Land Use Public Hearing**

**Chair Truex** polled the Board for exparte disclosures.

(1) Community Development

PP-15-07-02, Island Lake Estates Approve Preliminary Plat for Island Lake Estates Subdivision for Edgewater Opportunity Fund II, LP, for Petition #PP-15-07-02. Quasi-Judicial

Minutes Supervisor Lansing swore in potential witnesses.

Steven Ellis, Community Development Planner gave a brief overview of the Preliminary Plat Approval.

Todd Rebol, Banks Engineering spoke to access points and right of way.

**Public Hearing:**

Brian Oaks expressed concern with driveways, right of way, road widening, loss of property, buffer zones, and tortoises.

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

**MOTION CARRIED 5:0.**

**Commissioner Constance** requested clarification of the conditions. **Commissioner Deutsch** asked if negative egress would be present. **Commissioner Doherty** questioned gate access.

**COMMISSIONER DOHERTY MOVED APPROVAL FOR PP-15-07-02 ISLAND LAKE ESTATES PRELIMINARY PLAT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(2) Community Development

PA-15-05-06-LS, TAG Creekside LLC / Jones Loop Rd. RV Park Transmit a Large Scale Plan Amendment to the Department of Economic Opportunity for review and comment; this amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Commercial (COM) (36.94&plusmn; acres) and Agriculture (AG) (2.67&plusmn; acres) to Low Density Residential (LDR) (39.61&plusmn; acres) with an annotation to the 2030 Future Land Use Map stating that 1) the base density of the site is two units; and 2) the use of the site for a recreational vehicle park will be limited to 198 units and will not require a transfer of density, and from Agriculture (AG) (0.65&plusmn; acres) to Preservation (PR) (0.65&plusmn; acres); for property located at 26925 and 27005 Jones Loop Road, in the Punta Gorda area, containing 40.26&plusmn; acres; Commission District II; Petition No. PA-15-05-06-LS; Applicant: TAG Creekside, LLC; providing an effective date. Legislative

Jie Shao, Planner gave a brief overview of the Large Scale Plan Amendment.

Attorney Geri Waksler spoke to PA-15-05-06-Large Scale Plan Amendment, RV Park project planning, zoning, provisions, location, access, water, sewer, buffers, proposed changes, and pointed out recreational usages.

**Public Hearing:**

Christine Austin commented on the RV Park Project, pointed out noise from the Punta Gorda Airport driving homeowners away and expressed concern that RV presence will make more residents move.

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

**MOTION CARRIED 5:0.**

**Commissioner Constance** requested staff clarification for buffer widths and egress. **Commissioner Duffy** asked about water & sewer lines, agreements with the Airport, zoning, and spoke to the Economic Center and the Visitors Center.

Todd Rebel, Banks Engineering provided intersection and turn lane information.

**COMMISSIONER CONSTANCE MOVED TO APPROVE PA-15-05-06 LARGE SCALE PLAN AMENDMENT, SECONDED BY CHAIR TRUEX**

**MOTION CARRIED 5:0.**

(3) Community Development Revisions to Section 3-9-10: Amendments Approve an Ordinance amending Charlotte County Code Chapter 3-9, Zoning, providing for requirements and procedure that Land Development Regulations and the Office Zoning Atlas may be amended or repealed; providing for standards for approval; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners. Legislative **ORD2015-049**

Jie Shao, Planner gave a brief overview of Ordinance for Revisions to Section 3-9-10

**Public Hearing:**

Attorney Geri Waksler expressed excitement for the changes and thanked County staff for all their hard work.

**COMMISSIONER DOHERTY MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY CHAIR TRUEX**

**MOTION CARRIED 5:0**

**COMMISSIONER DUFFY MOVED TO APPROVE ORDINANCE 2015-049, SECONDED BY CHAIR TRUEX**

**MOTION CARRIED 5:0.**

**V. 2:00 P.M. Presentation - No Items**

**PUBLIC WORKSHOP AGENDA**

**W. 10:00 A.M. - No Items**

**X. 2:00 P.M. - No Items**

**BOARD WORKSHOP AGENDA**

**Y. 10:00 A.M. - No Items**

**Z. 2:00 P.M. - No Items**

**AA. County Administrator:**

**BB. County Attorney:**

CC. Commissioner Comments:

Chair Truex commented on unresponsive attempts related to mining, spoke to permits, revenue growth, and permit delays. Commissioner Constance thanked Mr. Patton for all of his hard work and successes, opined Ms. Pears will do a great job, spoke to Airport ideas, and suggested a Workshop to discuss the issues further. Commissioner Doherty mentioned RPC meeting, Community Health Partnership, commended Commissioner Duffy for her assistance and suggested letting the mining issue take its course. Commissioner Duffy spoke to the City of Punta Gorda mining lawsuit, an upcoming hearing, allowances for mining projects, Paragraph 3b, language our staff presented, Shell Creek water supply concerns, face lift for US 41, and requested Board approval to work on the Agreement.

ADJOURNED: 2:53 pm

  
*William G. Truex*  
William G. Truex, 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