

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 09, 2016

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, 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: I-2 Moved item to Public Hearing at 10:00 am.

Requested by: Economic Development

Change #2: E-1 Changed Executive Session time from 2:00 pm to 11:30 am.

Requested by: County Attorney

Change #3: R-2 Changed wording under Recommended Action from "discuss" to "approve."

Requested by: County Administration

Deletion #1: R-1 Deleted Authorize Interdepartmental Cost Allocation Policy for Capital Improvement Projects.

Requested by: Commission Office

Deletion #2: G-2 Deleted Approval of CSZ-15-12-03 Certification of Density Units.

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Tricia Duffy

COMMISSIONER CONSTANCE MOVED APPROVAL OF THE PROCLAMATIONS, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Greek Festival Days

Father Ian Hammett accepted the Proclamation and thanked the Board.

"Fit for Life" Senior Games Month

Dennis Andrews accepted the Proclamation.

Spring Training at the Charlotte Sports Park Month

Jill Boyd, Sports Park Maintenance and Operations Coordinator, Robbie Artz, Strategy and Development Director for the Tampa Bay Rays, and Raymond, Tampa Bay Rays Mascot accepted the Proclamation.

Artist of the Month - Donna Valenti

Donna Valenti accepted the Proclamation.

American Heart Association

Several representatives accepted the Proclamation.

Employee Recognition - Commissioner Tricia Duffy

5 Years: Elizabeth Billings, Public Information; Garry Decker, Public Works; Robert Herrington, Metropolitan Planning Organization (MPO); **10 Years:** Sarah Bailey, Facilities; William Barrero, Utilities; Vincent Boccio, Fire **15 Years:** Gary Harrel, Metropolitan Planning Organization (MPO); Mark Ulchinsky, Public Works; Michael Sims, Public Works; Robert Lyle, Fleet Management / Budget and Administrative Services.

Employee Recognition - January, 2016 - Travis Opsahl, Utilities

Eileyn Sobeck, Utilities Public Relations Manager gave a brief overview of the care Mr. Opsahl provided to a silver alert citizen until she was brought to safety by his efforts.

Award Presentations - No Items

CITIZEN INPUT - AGENDA ITEMS ONLY

David Kesselring spoke to payroll, Economic Development fund, commented on the economy, government, Legislative Agenda, Waters of the United States, EPA rule, Wastewater infrastructure, spending, taxes, and the Assessment Fair Housing Rule.

Pete Traverso commented on density units and urged the Board to postpone approval.

Tim Freeman mentioned a news article with regards to density units.

COMMITTEE VACANCIES

Boca Grande Street & Drainage Unit Advisory Board 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 from the date of the establishment of the Unit. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; 941.575.3600 or e-mail Kelly.Loustit@CharlottecountyFL.gov.

Buena Vista Area Waterway Unit Advisory Board 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 from the date of 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.Loustit@CharlottecountyFL.gov.

Construction Industry Licensing Board is seeking one volunteer who must be a resident of Charlotte County for a minimum of 2 years and be a licensed contractor. Terms: serve a four year term. Submit application and resume to Commission Office, 18500 Murdock Circle, Port Charlotte, FL 33948; 941.743.1300 or e-mail Diane Whidden@CharlottecountyFL.gov.

Gardens of Gulf Cove Street & Drainage Unit Advisory Board 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 from the date of 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.Loustit@CharlottecountyFL.gov.

Gulf Cove Street & Drainage Advisory Board 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 from the date of establishment of the Unit. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e-mail Kelly.Loustit@CharlottecountyFL.gov.

Gulf Cove Waterway Benefit Unit Advisory Board 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 from the date of 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.Loustit@CharlottecountyFL.gov.

Harbour Heights Street & Drainage Unit Advisory Board 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 from the date of the establishment of the Unit. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or mail Kelly.Loustit@CharlottecountyFL.gov.

Manatee Advisory Committee is currently seeking two members to serve. Volunteers must be residents of Charlotte County and be involved or represent the local fishing and boating community. Term is effective immediately and members will be reviewing the Manatee Protection Plan. To obtain an application, call 941.743.1309 or e-mail Joann.Dillon@CharlottecountyFL.gov.

Marine Advisory Committee is seeking one volunteer to serve in the capacity of Member at Large. This term will fill an unexpired term and will expire December 31, 2016. Please call the Commission Office 941.743.1300 for an application form to turn in with your resume.

Northwest Port Charlotte Street and Drainage Unit Advisory Board 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 from the date of 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 Board 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 from date of 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 Judith.Nothdurft@CharlottecountyFL.gov.

REPORTS RECEIVED AND FILED

Clerk of Court's County Investment Report, December 31, 2015.

CONSENT AGENDA

COMMISSIONER CONSTANCE MOVED TO APPROVE THE BALANCE OF THE CONSENT AGENDA WITH THE EXCEPTION OF F-2, F-3, F-4, AND G-1, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Chair Truex mentioned Florida Power and Light (FPL) funds, state requirements, incentives, and funding. **Commissioner Constance** spoke to the Solar Energy Plan and factual commentary from Citizen Input participants. **Commissioner Deutsch** pointed out non tax payers and agreed with the Board's frustration with Citizen Input. **Commissioner Doherty** commented on Tallahassee involvement with the Governor's Plan and expressed frustration with Citizen Input inaccuracy.

Clerk of the Circuit Court

A. Finance Division

(1) Finance

Approve the Clerk's Finance Memorandum

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

B. Minutes Division

(1) Minutes

RECOMMENDED ACTION: Approve the following minutes:

January 12, 2016 BCC Regular Meeting
January 21, 2016 Pre Agenda Meeting

BUDGETED ACTION: No action needed.

Board of County Commissioners

C. Commission Office

(1) Re-Appointment Edgewater North Waterway Unit Advisory Board

RECOMMENDED ACTION: Re-appoint Lucius Anthony to the Edgewater North Waterway Unit Advisory Board as a regular member for a three year term from the date of the establishment of the Unit.
BUDGETED ACTION: No action needed.

(2) Re-Appointment Harbour Heights Streets and Drainage Advisory Board

RECOMMENDED ACTION: Re-appoint Marion Gail Phillips as a regular member to the Harbour Heights Street and Drainage Advisory Committee for a three year term from the date of establishment of the Unit. BUDGETED ACTION: No action needed.

(3) Re-appointment Pirate Harbor Streets and Drainage Advisory Board

RECOMMENDED ACTION: Re-appoint Lester Patzer as a regular member to the Pirate Harbor Street & Drainage Unit Advisory Committee for a three year term from the date of the establishment of the Unit. BUDGETED ACTION: No action needed.

(4) Re-Appointment Pirate Harbor Waterway Unit Advisory Board

RECOMMENDED ACTION: Re-appoint Leroi Yaffey as a regular member to the Pirate Harbor Waterway Unit Advisory Board for a three year term from the date of establishment of the Unit. BUDGETED ACTION: No action needed.

D. Administration

Administration - No Items

Public Information Office - No Items

E. County Attorney

(Change #2) (1) Executive Session concerning the civil lawsuit captioned Joan Loveday and Peter Loveday v. Charlotte County

RECOMMENDED ACTION: Set an Executive Session for February 9, 2016 at 2:00 p.m. in the Charlotte County Attorney's Office Conference Room to discuss the settlement negotiations and strategy related to litigation expenditures concerning the civil lawsuit captioned Joan Loveday and Peter Loveday v. Charlotte County, Case No. 14-1865CA. BUDGETED ACTION: No action needed.

F. Budget and Administrative Services

Fiscal Services - No Items

Information Technology - No Items

Purchasing

(1) 14-119 CO #1 Radio System Upgrade Microwave Phase 4

RECOMMENDED ACTION: Approve Change Order #1 to Contract #14-119, Radio System Upgrade Microwave Phase 4 with Alpha-Omega Communications, LLC of Sarasota, Florida to add two (2) additional GigE Microwave System Links in the amount of \$90,000. BUDGETED ACTION: No action needed.

(2) 16-149 Purchase 3000 Gallon Mobile Water Supply Fire Apparatus

RECOMMENDED ACTION: a) Approve File #16-149 for the purchase of one (1) 3000 Gallon Mobile Water Supply Fire Apparatus; a 2016 E-One Commercial Tanker on a 2016 Freightliner 114SD chassis, from Hall-Mark Fire Apparatus, Inc. of Ocala, FL; piggybacking of the Florida Sheriff's Association Contract #15-11-0116, Specification #15, at the total cost of \$449,823.55; and b) Approve the property deletion of Asset #11178 to be sold via an on-line auction service with Gov-Deals, Inc. BUDGETED ACTION: No action needed.

Commissioner Constance requested staff clarification for equipment ages and purchase pricing.

Don Finkelstein, Public Safety Vehicle / Equipment Services responded to Board inquiries.

COMMISSIONER CONSTANCE MOVED TO APPROVE FILE #16-149, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(3) 16-184 Piggyback Purchase, Replace Dump Trucks

RECOMMENDED ACTION: a) Approve the Award of File #16-184, for the Piggyback Purchase of Seven (7) each 2016 International Workstar 7500 Steel 6x4 Dump Trucks to Rechten International Trucks, Inc. under the Florida Sheriffs Association Contract #15-13-0904, Specification #14 for a total cost of \$862,260; and b) Approve the property deletion of Asset #29399, #30270, #30271, #30272, #30279, #30280, and #30281 to be sold via an on-line auction service with Gov-Deals, Inc. BUDGETED ACTION:

No action needed. Budgeted in CIP "Dump Truck, Tandem Wheel (Replacement), as approved in the FY16 budget process.

Commissioner Constance requested staff clarification for dump trucks, market rates, and return policy.

Kim Corbett, Senior Purchasing Division Manager gave a brief overview of State contracts, Sheriff contracts, rates, and sales process.

Gordon Burger, Fiscal Services Budget and Administrative Director spoke to equipment and the return process.

COMMISSIONER CONSTANCE MOVED APPROVAL OF AWARD OF FILE #16-184, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

(4) Property Deletions for the Month of February 2016

RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of February, 2016. BUDGETED ACTION: No action needed.

Commissioner Constance commented on the Reserve Officers Training Corps (ROTC) request for a bus.

Ms. Corbett detailed the qualifications for a donation of a bus and mentioned the School Board.

COMMISSIONER CONSTANCE MOVED TO APPROVE DELETION OF PROPERTY INVENTORY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

G. Community Development

(1) Resolution Approving CSZ-15-10-01, Certification of Density Units by Andrew Dodd

RECOMMENDED ACTION: Adopt a Resolution approving CSZ-15-10-01, the certification of 122 units of density from property owned by Andrew Dodd. Quasi-Judicial. BUDGETED ACTION: No action needed.
RES2016-019

Commissioner Constance requested staff clarification for the Certification of Density, velocity, flood zones, and questioned the maximums.

Shaun Cullinan, Planning and Zoning Official gave a brief overview of the Certification of Density process, history, and guidelines.

COMMISSIONER CONSTANCE MOVED TO OPEN THE PUBLIC HEARING, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Public Hearing:

Andy Dodd thanked the Board and noted his approval to proceed.

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED APPROVAL OF RESOLUTION 2016-019, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

~~(Deletion #2) (2) Resolution Approving CSZ 15-12-03, Certification of Density Units by Sage Andress, Holly Andress, Noel Andress, Karen Savulis Andress, the Andress Family Florida Limited Partnership, and Rotonda Lakes II Limited Partnership. RECOMMENDED ACTION: Adopt a Resolution approving CSZ 15-12-03, the certification of 339 units of density from property owned by Sage Andress, Holly Andress, Noel Andress, Karen Savulis Andress, the Andress Family Florida Limited Partnership, and Rotonda Lakes II Limited Partnership.~~

(3) Set Public Hearing for Approval of Ordinance for Annual Update of Appendix II, Appendix III, and adding Appendix IV to the Capital Improvements Element of the Charlotte County Comprehensive Plan
RECOMMENDED ACTION: Set a public hearing on February 23, 2016 at 10:00 for the approval of an Ordinance for the Annual Update of Appendix II, Appendix III, and adding Appendix IV to the Capital Improvements Element of the Charlotte County Comprehensive Plan.

H. Community Services

I. Economic Development

(1) Incentive Fund allocation

RECOMMENDED ACTION: a) Approve an additional appropriation in the amount of \$1,000,000 to replenish the Economic Development Incentive Fund, and b) Further request that funds encumbered for FPL Solar Field be reallocated to the Economic Development Incentive Fund annually as available.
BUDGETED ACTION: Approve an appropriation in the amount of \$1,000,000 to replenish the EDO Incentive Program. Funding for this incentive will come from General Fund Reserve for Contingency and will increase the overall EDO Incentive Program Budget to \$2,664,200.

(Change #1)(2) EDI Ordinance and Process Resolution Revisions

RECOMMENDED ACTION: Request approval of revised Ordinance and Resolution as proposed.
BUDGETED ACTION: No action needed. **ORD2016-009 / RES2016-020**

Lucienne Pears, Economic Development Director gave a brief overview of the EDI Ordinance and Process Resolution Revisions.

Public Hearing – No Public Input

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED APPROVAL OF AN ORDINANCE 2016-009 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 1-7, FINANCE AND TAXATION, ARTICLE V, ECONOMIC DEVELOPMENT INCENTIVE PROGRAM, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR REVISED ELIGIBILITY CRITERIA AND CALCULATION OF INCENTIVES; PROVIDING FOR ADDITIONAL INCENTIVES; PROVIDING FOR CORRECTIONS AND CLARIFICATIONS; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Commissioner Constance requested clarification for the performance base clause. Commissioner Doherty mentioned involvement with the Purchasing department.

County Attorney Janette Knowlton spoke to the process and suggested verbiage changes.

COMMISSIONER CONSTANCE MOVED APPROVAL OF RESOLUTION 2016-020 WITH CHANGES, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

- K. Human Resources - No Items
- L. Human Services - No Items
- M. Public Safety - No Items
- N. Public Works - No Items
- O. Tourism Development - No Items
- P. Utilities - No Items
- Q. Other Agencies - No Items
- R. Regular Agenda

~~(Deletion #1) (1) County Administration~~

~~Authorize Interdepartmental Cost Allocation Policy for Capital Improvement Projects~~

~~RECOMMENDED ACTION: Approve Policy~~

(Change #3) (2) County Administration

Discussion and Direction on the 2016 Federal Legislative Agenda

RECOMMENDED ACTION: Approve and review additional water demand populations from several other counties for comparison, as per directed by the Board on Jan. 26 BCC Meeting.

Emily Lewis, Legislative Manager gave a brief overview of the 2016 Legislative Agenda in detail and introduced Greg Burns, Van Scoyoc Federal Lobbyist.

Mr. Burns provided detailed information for the 2016 Federal Legislative Agenda.

Chair Truex spoke to remapping and updates for Federal Emergency Management Agency (FEMA). **Commissioner Constance** commented on Waters of the United States, DEP, drilling, requested Monroe County's implementation plan process for comparison. **Commissioner Doherty** mentioned agenda flexibility, Waters of the United States, and FEMA. **Commissioner Duffy** spoke to Waters of the United States, health insurance, penalty taxes, commented on the process of it, lack of never going to Congress, glad it is on hold.

COMMISSIONER DOHERTY MOVED APPROVAL OF THE 2016 FEDERAL LEGISLATIVE AGENDA, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(3) Utilities Water Demands Projects Comparison

Gary Hubbard, Utilities Director gave a brief overview of the Water Demands Projects Comparisons, commented on deltas, and customer base usage.

Chair Truex mentioned past projection numbers. **Commissioner Constance** presented the BEBR Population Projections, pointed out the population counts, and thanked Mr. Hubbard for the information provided to the Board.

COMMISSIONER CONSTANCE MOVED TO APPROVE WATER DEMANDS PROJECTS COMPARISON, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

- S. 10:00 A.M. Public Hearing - No Items
- T. 2:00 P.M. Land Use Public Hearing - No Items
- U. 10:00 A.M. - No Items
- V. 2:00 P.M. - No Items

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

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

Citizen Input

Bob McDuffie, El Jobean Baptist Church spoke to property taxes and sewer systems.

AA. County Administrator:

County Administrator Sandrock mentioned Utilities need for a position to be filled for enforcement.

BB. County Attorney:

CC. Commissioner Comments:

Chair Truex thanked Ms. Lewis and staff for their assistance with the Tallahassee trip. **Commissioner Constance** spoke to the trip to Tallahassee, Governor's policies, funding, workforce, educational system, tax incentives, balanced budgets, and thanked Ms. Lewis for all her efforts and quick thinking abilities. **Commissioner Duffy** commented on the Babcock Solar Plant and the Facelift 41 kick off on February 17, 2016, 5:30 pm at the Port Charlotte Beach Complex. **Commissioner Doherty** commented on the trip to Tallahassee, pointed out beneficial meetings attended, thanked Ms. Lewis, Carrie Roth, Lobbyist, and spoke to the Hands Across the Harbor Event.

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 09, 2016

An Executive Session was held at the Murdock Administration Complex in Commission Chambers, Room 119, Port Charlotte, Florida. The following members were present: Commissioner Constance, Commissioner Doherty, and Commissioner Duffy. Also in attendance was: County Administrator Sandrock, County Attorney Knowlton and Minutes Clerk Russo.

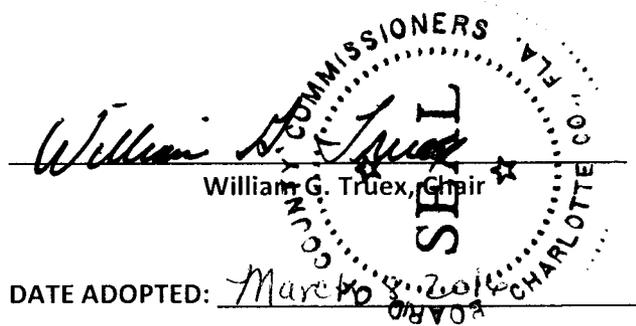
The Executive Session was called to Order at 11:30 am.

The opening of the public portion of the Executive Session was announced. County Attorney Janette Knowlton informed the attorney/client portion of the Executive Session would be held in the County Attorney's Conference Room, advised the purpose of the session is to discuss the lawsuit captioned Joan Loveday and Peter Loveday v. Charlotte County Case No. 14-1865-CA, and stated the following would be in attendance: **Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, Commissioner Duffy**, County Attorney Knowlton, County Administrator Sandrock, Assistant County Attorney Philip Fairman.

EXECUTIVE SESSION RECESS: 11:30 am – 11:50 am.

The Executive Session was reconvened and closed in Room 119 with Commissioner Constance, Commissioner Doherty, Commissioner Duffy, County Attorney Knowlton, and Minutes Clerk Russo present.

ADJOURNED: 11:59 AM


DATE ADOPTED: March 10, 2016

ATTEST:

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

By: Michelle DiBernardino
Deputy Clerk