

**BOARD OF COUNTY COMMISSIONERS**

**JUNE 14, 2016**

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

The following members were present: Vice Chair Constance, Commissioner Deutsch, Commissioner Doherty, and Commissioner Duffy. Also in attendance were: County Administrator Sandroock, County Attorney Knowlton, Chief Deputy Board Services White, Minutes Supervisor DiBerardino, and Minutes Trainee Cash. The following members were absent: Chair Truex.

**The Meeting was called to order at 9:00 am**

**Vice Chair Constance** requested a Moment of Silence, followed by the Invocation and Pledge of Allegiance.

**Vice Chair Constance** conveyed a request from **Chair Truex** to attend this Meeting remotely, requested County Attorney Knowlton address issue, discussed Statute, extraordinary circumstances, Water Authority, and rules catching up to technology. **Commissioner Deutsch** spoke to technology allowing for his presence, voting, responsibilities, and Land Use. **Commissioner Doherty** commented on Statute, virtual presence, Meeting management, Land Use, Quasi-Judicial Agenda items, Public Hearing Agenda items, and changing the law to be more in line with current day technology. **Commissioner Duffy** inquired about votes, consequences, and legal challenges.

County Attorney Knowlton noted **Chair Truex's** request to participate via Skype, detailed Rules for State and Local Boards, Attorney General's opinion, judgment of Board, citizen challenges, Land Use items, and other County practices.

**COMMISSIONER DEUTSCH MOVED TO ALLOW CHAIR TRUEX TO PARTICIPATE VIA AN ELECTRONIC SCREEN, SECONDED BY COMMISSIONER DOHERTY**

**MOTION FAILED 2:2, VICE CHAIR CONSTANCE AND COMMISSIONER DUFFY OPPOSED.**

**Changes to the Agenda**

**Addition #1:** R-7 Discussion of the Charlotte County Airport Authority (CCAA) June 16, 2016 Board Meeting Agenda  
Requested by: Commission Office

**Change #1:** C-2 Updated term expiration date  
Requested by: Public Works

**Change #2:** P-2 Updated Offsite Agreement  
Requested by: County Attorney

**Change #3:** R-2 Added Sewer, Reclaimed water, and Potable water Resolutions  
Requested by: County Attorney

**Change #4:** R-3 Added Resolution  
Requested by: County Attorney

**Change #5:** R-4 Added Wastewater and Potable Water Resolutions  
Requested by: County Attorney

**Change #6:** R-5 Added Resolution  
Requested by: County Attorney

**Deletion #1:** K-1 Deleted Addition of BCC Executive Assistant Position  
Requested by: Human Resources

County Attorney Knowlton advised that she will be reading additional changes into the record for R-4.

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

**MOTION CARRIED 4:0.**

**Proclamations - Commissioner Stephen R. Deutsch**

**COMMISSIONER DOHERTY MOVED TO APPROVE THE PROCLAMATIONS, SECONDED BY VICE CHAIR  
CONSTANCE**

**MOTION CARRIED 4:0.**

**Amateur Radio Week**

Tom Mancuse, Sr. accepted the Proclamation.

**Artist of the Month - Lynne James**

Lynne James accepted the Proclamation.

**Summer Camp Month**

Lacey Solomon accepted the Proclamation.

**Employee Recognition - Commissioner Stephen R. Deutsch**

**5 Years:** Eric Bush, Budget and Administrative Services; **10 Years:** Ronald Cook, Utilities; Jeffery Jozefiak, Public Safety; Fabian Rojas, Budget and Administrative Services; Elaine Shanks, Utilities; **15 Years:** Simon Cannizzaro, Public Safety; Lorenzo Daetz, Public Works; Christopher Mott, Public Safety; **20 Years:**

Robert Hunek, Community Development; Todd Mead, Public Safety; **30 Years:** Darlene Roman, Budget and Administrative Services.

County Administrator Sandrock thanked Staff for their dedication and years of service.

### **Award Presentations**

#### Award for Operational Excellence

Dave Harrawood from Baldridge Group will be presenting the Utilities Department with an award for Operational Excellence.

Gary Hubbard, Utilities Director introduced David Harrawood, President of Florida Excellence Awards. David Harrawood gave a brief overview of award and presented to the Utilities Department.

**Vice Chair Constance** thanked Staff for addressing customer service issues, making mechanisms customer service friendly, and staying focused.

Gary Hubbard introduced his team: Matt Valentine, Customer Services Supervisor; Joan Brown, Business Services Manager; Norma Corso, HR Representative; Stephen Bozman, Treatment Facilities Superintendent; Bruce Schellinger, Wastewater Collection Supervisor; David Watson, Utility Services Manager; Steve Kipfinger, Utilities Superintendent; and Eileyn Sobeck, Public Relations Manager.

#### Combat Wounded Veteran

Award Certificate of Recognition, Combat Wounded Veteran to Robert "Bob" Bosserdet, U.S. Marine Corps.

**Commissioner Deutsch** gave a brief description of Mr. Bosserdet's tour in the U.S. Marine Corps and thanked him for his outstanding service.

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

Thomas Radcliffe spoke in support of DRC-PD-98-1 (MM) 5 Major Modification Resolution.

Paul Rizzo spoke in opposition of Phase 2 Ackerman Countryman MSBU proposal, sewer design, public input, funding, and future costs.

Elizabeth Wong read letter to Board, discussed east and west side sewer program, Florida DEP research, water sampling, water quality, CCU methodology, and proposed per household charge.

Jim Marshall, El Jobean Community League President spoke to El Jobean uniqueness, east side sewer system, dividing El Jobean, financial burden, paper streets workshop discussion, and solution to have two MSBU's.

David Myers discussed El Jobean initial assessment, west side sewer systems not needed, water quality, west side build out, fairness, equivalent residential units (ERU's), his costs, and requested Resolution be rejected.

Patricia Myers spoke to desire not to see sewer on west side, method of assessments, costs, ERU's, square footage of property, and burden of sewer project.

Pat Spence mentioned septic, and east side of El Jobean needing sewers.

Michael Zarzano commented on Citizen Input limitations and burden of costs.

Jane Hollingsworth expressed support of Contract #14-195 Manasota Key Design, Amendment #1.

Susan Hutt spoke against Phase 2 Ackerman Countryman and El Jobean sewers, discussed funding approval, scientific evidence, proof of need, Harbor pollutions, septic systems vs. sewers, and submitted article for the record.

David Kesselring spoke to beach experiences, parking meters, sewer projects, and Florida Constitution and Statutes.

Ray Orozco, Chadwick Cove Resort and Marina Owner spoke to sidewalk issues on Manasota Key and dangers.

Brad Pinover requested Board approval of DRC-PD-98-1 (MM) 5 Major Modification Resolution and spoke to community upgrades.

Lori Johannessen spoke in support of Manasota Key sidewalk project, lighting, and safety of community.

Andy Wing spoke in favor of Manasota Key Design, requested explanation to why liaison Dawn Harrison was replaced by Ms. Musselman, redesign of lighting costs, and requested date for beach renourishment MSBU millage rate.

Bob McDuffie, Pastor El Jobean Baptist Church discussed church taxes, El Jobean sewers, trash pickup, and fees.

James Myers spoke to MSBU authority, different MSBU units for different sections of County, MSBU standards, and fairness.

#### **COMMITTEE VACANCIES**

RESTORE Act Advisory Board is seeking a volunteer to represent the environmental science or advocacy; coastal resource management category. To obtain an application, contact Mindy Collier at 941.764.4520 or email [Mindy.Collier@CharlotteCountyFL.gov](mailto:Mindy.Collier@CharlotteCountyFL.gov).

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

**CONSENT AGENDA**

**COMMISSIONER DUFFY MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F5, F11 AND P2, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 4:0.**

**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:

May 10, 2016 Regular Meeting  
May 10, 2016 MSBU Workshop  
May 17, 2016 Board Workshop  
May 19, 2016 Pre-Agenda

BUDGETED ACTION: No action needed.

**Board of County Commissioners**

**C. Commission Office**

**(1) Re-Appointment Northwest Port Charlotte Waterway Unit Advisory Board**

RECOMMENDED ACTION: Approve the re-appointment of Paul Elliott as a regular member to the Northwest Port Charlotte Waterway Advisory Board with the term expiring on June 14, 2019. BUDGETED ACTION: No action needed.

**(2) Re-Appointment Placida Area Street and Drainage Advisory Board (Change #1) Updated term expiration date**

**(Change #1) Updated term expiration date**

RECOMMENDED ACTION: Approve the re-appointment of Arthur Hanson as a regular member to the Placida Area Street and Drainage Advisory Board with the term expiring on January 14, 2020. BUDGETED ACTION: No action needed.

**D. Administration**

(1) Reschedule the First and Final Budget Public Hearings

RECOMMENDED ACTION: a) Reschedule the First Budget Public Hearing from Thursday, September 8, 2016 to Monday, September 12, 2016 at 5:01 p.m.; and b) Reschedule the Final Budget Public Hearing from Thursday, September 22, 2016 to Monday, September 26, 2016 at 5:01 p.m. BUDGETED ACTION: No action needed.

**Public Information Office - No Items**

**E. County Attorney - No Items**

**F. Budget and Administrative Services**

**Fiscal Services**

(1) Application of the Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) allocation

RECOMMENDED ACTION: a) Approval to apply for the 2016 US Department of Justice (DOJ) Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$26, 859, with the Budget and Administrative Services administering the grant; and b) Approve County Resolution authorizing the County Administrator to execute all the necessary grant documents related to this grant. BUDGETED ACTION: No action needed. Fiscal Services portion of the grant will be added to the FY17 budget. There is no County match required. **RES2016-080**

**Information Technology - No Items**

**Purchasing**

(2) 12-050 Stump Pass 10-yr Amend #4

RECOMMENDED ACTION: a) Approve Amendment #4 to Contract #12-050 Stump Pass Ten-Year Management Plan with Coastal Engineering Consultants, Inc. of Naples, FL for an increase of \$658,337; and b) Authorize the Chairman to sign associated amendment. BUDGETED ACTION: No action needed. Budgeted in CIP project "Stump Pass Maintenance Dredging", as approved in the FY16 budget process. Funding is supplied from MSBU/TU assessments in the Stump Pass Beach Nourishment Unit.

(3) 14-195 Manasota Key Design, Amendment #1

RECOMMENDED ACTION: Approve Amendment #1 to Contract #14-195, Manasota Key Master Plan Design with The Weiler Engineering Corp. of Punta Gorda for an additional \$23,375. This amendment is for the preparation of 60% Plan Redesign for Gulf Boulevard portion of the project. BUDGETED ACTION: No action needed. Budgeted in CIP project "Manasota Key Community Plan", as approved in the FY16 budget process. Funding is supplied from assessments in the Manasota Key Street and Drainage MSTU.

(4) 16-147, Award, Elevator Modernization - Justice Center

RECOMMENDED ACTION: Approve Award of Bid #16-147, Elevator Modernization - Justice Center, to the lowest responsive/responsible Contractor, General Elevator Solutions, LLC of Cape Coral, FL, for a total cost of \$189,931. BUDGETED ACTION: No action needed. Budgeted in CIP project "Capital Infrastructure Replacements", as approved in the FY16 budget process. Funding is supplied from Capital Projects, ad valorem.

(5) 16-152 Multi-Space Parking Meter System

RECOMMENDED ACTION: a) Approve the ranking of firms for Request for Proposal #16-152, Multi-Space Parking Meter System: 1st-T2 Systems, Inc. of Indianapolis, IN; 2nd-Parkeon, Inc. of Moorestown, NJ; and 3rd-IPS Group, Inc. of San Diego, CA; and b) Approve start of negotiations; and c) Authorize the Chair to sign the contract after completion of negotiations. This project is to provide a multi-space parking meter system at various beach locations and public boat ramps. BUDGETED ACTION: No action needed. Budgeted in CIP project "Parking Meter Replacement", as approved in the FY16 budget process. Funding is supplied from Capital Projects, ad valorem.

**Vice Chair Constance** discussed Staff providing several scenario options, current bids, past revenue generation, revenue projections, cost and expenses, different options for park maintenance revenue, possible West Coast Inland Navigation District (WCIND) contributions, Placida land utilization, Staff time expenditure assessment, and new bids with additional options. **Commissioner Deutsch** spoke to the Marine Advisory Committee (MAC), boat ramp parking, costs of parking meter maintenance, parking meter revenue, charges for parking, meter elimination at parks with low meter fee collections, current parking meter bids and factoring all parking meter expenses vs. revenue profits. **Commissioner Doherty** commented on meter locations, Staff providing additional options for discussion, meter program costs and expenses, bidding negotiations, and new request for bids with additional options. **Commissioner Duffy** discussed charges for parking, boat ramps, County wide parking permits for boats, past years' revenue, equipment replacement frequency, labor costs, elimination of parking fees in some areas, taxes, paid parking philosophy, and equipment replacement capital outlay.

Mike Koenig, Resource Coordinator spoke to different boat ramp locations, revenue and expenses, County parking meter system, annual parking passes and Staff positions to collect meter fees. Cheryl Mastin, Sr. Contract Specialist commented on bidding caveats and increasing or decreasing meter units with the current request for proposals. Tommy Scott, Community Services Director discussed future revenues, meter revenue uses, budgeting processes, staffing costs, elimination of meters from specific locations, other revenue sources, parking fees used collectively for facilities, and Staff time given to parking meter maintenance. Lori Tetreault, Deputy County Attorney spoke to deleting meter units within the current request for proposals.

**COMMISSIONER DOHERTY MOVED TO APPROVE (A) THE RANKING OF FIRMS FOR REQUEST FOR PROPOSAL #16-152, MULTI-SPACE PARKING METER SYSTEM: 1<sup>ST</sup> – T2 SYSTEMS, INC. OF INDIANAPOLIS, IN; 2<sup>ND</sup> – PARKEON, INC. OF MOORESTOWN, NJ; AND 3<sup>RD</sup> – IPS GROUP, INC. OF SAN DIEGO, CA; AND (B) START OF NEGOTIATIONS; AND MODIFY (C) THAT STAFF WILL PRESENT THE FINAL COSTS WITH OPTIONS BACK TO THE BCC FOR APPROVAL AND THEN AUTHORIZE THE CHAIR TO SIGN THE CONTRACT AFTER COMPLETION OF NEGOTIATIONS, SECONDED BY VICE CHAIR CONSTANCE**

**MOTION WITHDRAWN BY COMMISSIONER DOHERTY  
COMMISSIONER DEUTSCH MOVED TO POSTONE UNTIL THE FIRST MEETING IN JULY, SECONDED BY  
COMMISSIONER DOHERTY**

**MOTION CARRIED 4:0.**

(6) 16-208, Award, Rotonda West Sidewalk Construction (Public Works)

RECOMMENDED ACTION: Approve the award of Bid #16-208, Rotonda West Sidewalk Construction to the lowest responsive, responsible bidder, General Contracting Services, Inc. of Port Charlotte, Florida in the amount of \$363,433. BUDGETED ACTION: No action needed. Budgeted in CIP project "Rotonda West - Parade Circle Pathways", as approved in the FY16 budget process. Funding is from assessments in the Rotonda West Street & Drainage MSBU.

(7) 16-251, Award, Landscaping - Toledo Blade Blvd. (Public Works)

RECOMMENDED ACTION: Approve Award of Bid #16-251, Landscaping - Toledo Blade Boulevard, to MRT Lawn and Garden Center, Inc. of Venice, FL, for the total bid price of \$146,313.30. BUDGETED ACTION: No action needed. Budgeted in CIP project "Thoroughfare Landscaping" as approved in the FY16 budget process. Funding is supplied from Capital Projects, ad valorem and gas taxes.

(8) 16-289 Alligator Creek Waterway Dredging (Public Works-Engineering)

RECOMMENDED ACTION: Approve the award of Bid #16-289, Alligator Creek Waterway Dredging to the lowest responsive, responsible bidder, Waterfront Property Services, LLC dba Gator Dredging, for the total project amount of \$798,714. BUDGETED ACTION: No action needed. Budgeted in CIP project "Alligator Creek 6' Dredging", as approved in the FY16 budget process and later amended. Funding is supplied from assessments in the Alligator Creek Waterway MSBU.

(9) 16-294, Award, Stormwater Control Structure - Lion Heart Waterway

RECOMMENDED ACTION: Approve award of Bid #16-294, Stormwater Control Structure - Lion Heart Waterway to the lowest responsive, responsible bidder, Pac Comm, Inc. of Miami, Florida for the total project cost of \$1,464,183.34. BUDGETED ACTION: No action needed. Budgeted in CIP projects "Greater Port Charlotte Drainage Control Structure Replacements" and "Water & Sewer Waterway Crossings", as approved in the FY16 budget process. Funding for the structures comes from assessments in the Mid Charlotte Stormwater MSBU (\$1,416,454.64); funding for the utility impacts, comes from the Utility Repair & Replacement fund (\$47,728.70).

(10) 16-295 Manasota Key Beach Renourishment 10 Year Management Plan

RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #16-295 Manasota Key Beach Renourishment 10 Year Management Plan: 1st - Coastal Engineering Consultants, Inc. of Naples, FL; 2nd - Johnson Engineering, Inc. of Port Charlotte, FL; and 3rd Taylor Engineering, Inc. of Sarasota, FL.; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. BUDGETED ACTION: No action needed. Budgeted in CIP project "North

Manasota Key Beach Renourishment", as approved in the FY16 budget process and later amended. Funding is being provided from BP Settlement funds.

(11) 16-303, Award, Sale of County Owned Properties

RECOMMENDED ACTION: Approve the award of Bid #16-303, Sale of County Owned Properties, to the highest bidder per parcel as identified on the attached tabulation - recommendation of award. BUDGETED ACTION: No action needed.

Vice Chair Constance highlighted the excellent job done by Real Estate Services and the Board, discussed revenues, creation of jobs, and taxable property.

**COMMISSIONER DOHERTY MOVED TO APPROVE THE AWARD OF BID #16-303, SALE OF COUNTY OWNED PROPERTIES, TO THE HIGHEST BIDDER PER PARCEL AS IDENTIFIED ON THE ATTACHED TABULATION – RECOMMENDATION OF AWARD, SECONDED BY VICE CHAIR CONSTANCE**

**MOTION CARRIED 4:0.**

**RECESS: 10:50 am – 11:00 am**

(12) 16-353, Approve, Lighting Retrofit - North Charlotte Regional Park

RECOMMENDED ACTION: Approve File #16-353, Lighting Retrofit - North Charlotte Regional Park, for sports lighting, which is a piggyback off of the Clay County Contract RFP#13/14-8, with Musco Sports Lighting, LLC, located in Muscatine, Iowa, for the total amount of \$423,000. BUDGETED ACTION: No action needed. Budgeted in CIP project "Sports Lighting Replacement & New Construction" as approved in the FY16 budget process and later amended. Funding is supplied from Capital Projects Fund, ad valorem.

(13) 16-355, Award, Waste Compactor - Solid Waste Division

RECOMMENDED ACTION: a) Approve the piggyback purchase off of the Florida Sheriffs Association Contract #15-13-0904, Cab & Chassis & Other Fleet Equipment, Specification #60, 80,000lb Landfill Compactor, and award File #16-355 Waste Compactor - Solid Waste Division to Nortrax, of Lutz, Florida in the amount of \$553,504.80; and b) Approve the on-line sale of Fixed Asset #33502 with Gov-Deals, Inc. BUDGETED ACTION: No action needed. Budgeted in CIP project "Waste Compactor", as approved in the FY16 budget process. Funding is supplied from the Solid Waste Enterprise Fund.

(14) Property Deletions for the month of June, 2016

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

**Real Estate Services - No Items**

**Risk Management**

(15) Section 125 Cafeteria Plan

RECOMMENDED ACTION: Approve and sign standard Section 125 Cafeteria Plan Document. BUDGETED ACTION: No action needed. **AGR2016-035**

**G. Community Development**

(1) DRC-PD-98-1(MM) 5 Major Modification

RECOMMENDED ACTION: Approve the DRC-PD-98-1 (MM) 5 Major Modification Resolution authorizing Community Blue Heron Pines Joint Venture to develop Blue Heron Pines North Parcel located at 29225 Jones Loop Road. BUDGETED ACTION: No action needed. **RES2016-078**

(2) Resolution Approving CSZ-16-05-01, Certification of Density Units by Andress Family Florida Limited Partnership

RECOMMENDED ACTION: Adopt a Resolution approving CSZ-16-05-01, the certification of 55 units of density from property owned by the Andress Family Florida Limited Partnership. BUDGETED ACTION: No action needed. Quasi-Judicial **RES2016-079**

**H. Community Services**

**Parks and Natural Resources - No Items**

**Recreation - No Items**

**Libraries and Historical - No Items**

**I. Economic Development - No Items**

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

**K. Human Resources**

~~(Deletion #1)(1) Addition of BCC Executive Assistant position~~

~~RECOMMENDED ACTION: a) Request Board approval to add an additional full-time Executive Assistant for the office of the Board of County Commissioners; and b) Request approval of the Resolution authorizing budget adjustment BA16-041 in the amount of \$12,332. BUDGETED ACTION: Approval of the Resolution authorizing budget adjustment BA16-041 in the amount of \$12,332.~~

**L. Human Services - No Items**

**M. Public Safety**

(1) FY 16/17 Hazard Analysis Grant

RECOMMENDED ACTION: a) Approve an agreement with the Florida Division of Emergency Management for the FY 16/17 Hazard Analysis Update Grant in the amount of \$3,793.00; and b) Approve Budget Adjustment #BA16-037 in the amount of \$3,793.00; and c) Authorize the Chair to sign any related documents. BUDGETED ACTION: Approve Budget Adjustment #BA16-037 in the amount of \$3,793.00. There is no County match. **AGR2016-034, RES2016-081, RES2016-082**

(2) Florida Alert Memorandum of Agreement

RECOMMENDED ACTION: Request Board approval of a Memorandum of Agreement between Charlotte County and the Florida Division of Emergency Management governing the use of the Florida Alert System. BUDGETED ACTION: No action needed. **AGR2016-030**

**N. Public Works**

(1) Set a Public Hearing - Slow Speed Minimum Wake Zone in the vicinity of Boca Grande Causeway

RECOMMENDED ACTION: Set a public hearing for Tuesday, June 28, 2016 at 10:00 a.m., or soon thereafter as may be heard, to consider approval of an ordinance amending article II, Chapter 3-1 of the Charlotte County Code; amending the size of the slow speed minimum wake zone for vessels operating in areas adjacent to the Boca Grande Causeway. BUDGETED ACTION: No action needed. New marine markers are budgeted in the Boater Improvement Fund, as approved in the FY16 budget process. Funding is supplied from State boater registration fees.

**O. Tourism Development - No Items**

**P. Utilities**

(1) Line Extension Program and Rebate Resolution

RECOMMENDED ACTION: a) Request Board approval of the Line Extension Rebate Resolution; and b) Approve the Resolution authorizing Budget Adjustment BA16-036 in the amount of \$126,692. BUDGETED ACTION: Approve the Resolution authorizing Budget Adjustment BA16-036 in the amount of \$126,692. **RES2016-083, RES2016-084**

(2) Utility Agreement - Palmetto Punta Gorda-Burnt Store Rd., LLC

**(Change #2) Updated Offsite Agreement**

RECOMMENDED ACTION: The Utility Department is seeking approval from the Board of County Commissioners to enter into an off-site Utility Agreement with Palmetto Punta Gorda-Burnt Store Rd., LLC. BUDGETED ACTION: No action needed. Following approval of Utility Agreement, funding will be provided from Utilities Wastewater Connection Fee Fund and Water Connection Fee Fund. **AGR2016-031**

**Commissioner Doherty** inquired about the Utility Agreement, reimbursements, and noted Scrivener's errors.

Mr. Hubbard explained inspection fee collection and reimbursements.

**COMMISSIONER DOHERTY MOVED TO APPROVE AGREEMENT 2016-031 WITH THE EDIT AS NOTED, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**Q. Other Agencies - No Items**

**REGULAR AGENDA**

**R. Regular Agenda**

(1) WCIND June 24, 2016

RECOMMENDED ACTION: Discussion and direction of the West Coast Inland Navigation District's (WCIND) June 24, 2016 Board Meeting Agenda.

Tina Powell, Parks and Natural Resources Manager gave a brief description of the WCIND Board Meeting Agenda.

**Vice Chair Constance** inquired about the Charlotte County Tressel Project cost share, thanked **Commissioner Deutsch** for his negotiation efforts, and discussed the agenda publication schedule. **Commissioner Deutsch** commented on Charlotte County Tressel Project negotiations, Executive Director's evaluation process, agenda publication, meeting location changes, and meeting presentations on Channel 20.

(2) Utilities

**(Change #3)** Added Sewer, Reclaimed water, and Potable water Resolutions

Initial Assessment Resolution - US 41 Utility Expansion MSBU

RECOMMENDED ACTION: Adopt three initial assessment resolutions (water, sewer and reclaimed water) for the US 41 MSBU. **RES2016-087, RES2016-088, RES2016-089**

Mr. Hubbard gave a brief description of the Resolutions for water, sewer and reclaimed water for the US 41 MSBU and suggested providing graphic examples for the calculations of Offset Front Footage (OFF).

**Vice Chair Constance** discussed charges for usage, pipe size, ability to serve, future capacity, OFF formula application, lot profiles, and Fuccillo Kia prepaying for sewer. **Commissioner Doherty** commented on newspaper notices, mailed notices to property owners, map of tax parcels, pipe size accommodating capacity, proposed assessments, sewer maximum assessments, clarification of charges on notices, and calculations for OFF. **Commissioner Duffy** spoke to businesses getting potable water, sewer, and reclaimed water, clarification of potable water lines, and inquired about larger assessed parcels.

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2016-087, RESOLUTION 2016-088, AND RESOLUTION 2016-089 WITH CHANGES IN THE NOTICES AS RECOMMENDED AND THE CORRECTION OF SCRIVENER'S ERRORS, SECONDED BY COMMISSIONER DUFFY**

**MOTION CARRIED 4:0.**

(3) Utilities

**(Change #4)** Added Resolution Initial

Assessment Resolution - El Jobean MSBU

**RECOMMENDED ACTION:** Adopt one initial assessment resolution (sewer) for the El Jobean MSBU.  
**RES2016-090**

Mr. Hubbard discussed initial assessment Resolution for the El Jobean MSBU, west side developers, Riverwood service area, density increases, total area assessments, equalizing costs, different situations in each area, Equivalent Residential Units (ERU's) and east side vs. west side calculations.

Marilyn Miller, Assistant County Attorney explained Unity of Title, restraints on alienation of property, and design changes.

**Vice Chair Constance** spoke to west side developers, assessments based on domiciles, and equitable shares. **Commissioner Deutsch** commented on separating east and west side, Riverwood, west side developers, east side sewers, resident hardships, different area alternatives, single family home assessments, GPDs, kill and combine with reverter provision, and an equitable resolution. **Commissioner Doherty** discussed Appendix C assessed properties, workshop discussions, east side construction, west side developers plans, paper streets, assessment methodology, wastewater based on flows, various lot sizes, homogeneous lots, different land uses, and a west side revised approach. **Commissioner Duffy** spoke to sewers before development, three different groups of needs, and kill and combine lots.

**COMMISSIONER DEUTSCH MOVED TO TABLE THIS ITEM UNTIL LATER TODAY ONCE THERE IS WORD FROM ADMINISTRATION THAT THE GRAPHIC IS AVAILABLE AND THE BOARD CAN PROCEED WITH DISCUSSION, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 4:0.**

Mr. Hubbard provided the Board with an updated map showing proposed MSBU's, map with colors representing account amounts with associated ERU's, accounts assessed 1 1/2 or less ERU's, accounts assessed greater than 1 1/2 ERU's, map showing new boundaries on N. River Beach Road if lots removed from MSBU, map with purple lots that could be removed, map with yellow lots owned by developers, and discussed design process, lines to system, bid packages on east side, ERU assessments based on land size, reserves for master planning, design of the west side, available revenue, State Revolving Fund (SRF) interest rate and setting maximum assessments.

Ms. Miller commented on several lots under one ownership, reconfiguration of vacant lots, imposing assessments this year, tax bill statute, mailing notices and assessment modifications. Gordon Burger,

Budget and Administrative Services Director discussed trim notices, public hearings for budgets and MSBU's, public hearing notifications, reestablishing maximum assessments and an additional insert with mailed notices.

**Vice Chair Constance** discussed mission, sewers on waterfront properties, unit assessment formula, paper streets, MSBU notices, benefits of having a design, different levels of ownership and use, construction costs on east side, and maximum assessments. **Commissioner Deutsch** spoke to public hearings, splitting east and west side, and reserves for master planning design of west side. **Commissioner Doherty** affirmed that the east side should be designed, permitted, and constructed and spoke to methodology, MSBU assessments, infrastructure construction, wastewater collection systems, paper streets, vacuum pump station on west side, financial model, maximum rate assessment, assessing by flows, storm water MSBU's, wastewater assessed by gallons per day per residential unit, Equivalent Residential Connections (ERC's) based on flows, receiving answers for west side by July 20th, additional costs of design borne by utility, master planning design, and adjusting the maximum assessment. **Commissioner Duffy** commented on the MSBU assessment notices, public awareness of possible modifications, ERU assessments, finding an assessment solution for the west side, west side split three ways with one portion suspended, moving forward on the east side, trim notices, legal requirements, and modifications in July.

County Attorney Knowlton discussed developer owned properties on the west side and the initial assessment Resolution.

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2016-090 WITH MULTIPLE PARAMETERS, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

(4) Utilities

**(Change #5)** Added Wastewater and Potable water Resolutions

Initial Assessment Resolution - Ackerman Countryman MSBU

RECOMMENDED ACTION: Adopt two initial assessment resolutions (water and sewer) for the Ackerman Countryman MSBU. **RES2016-091, RES2016-092**

Mr. Hubbard gave a brief description of the water and sewer initial assessment Resolutions for the Ackerman Countryman MSBU.

County Attorney Knowlton read into the record several edits to the sewer and water Resolutions.

**Commissioner Doherty** suggested mailed notices clarify the first year assessment.

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2016-091 AND RESOLUTION 2016-092, SECONDED BY COMMISSIONER DUFFY**

**MOTION CARRIED 4:0.**

(5) County Attorney

**(Change #6)** Added Resolution

San Sebastian Harbor Sewer MSBU

RECOMMENDED ACTION: a) Approve an Interlocal Agreement with the City of Punta Gorda for the creation of an MSBU to fund the construction of sewer collection facilities in the San Sebastian Harbor Neighborhood; and b) Approve an Initial Assessment Resolution for the San Sebastian Harbor Sewer MSBU. **AGR2016-032, RES2016-093**

County Attorney Knowlton gave a brief overview of the Interlocal Agreement with the City of Punta Gorda for the creation of an MSBU to fund the construction of sewer collection facilities in the San Sebastian Harbor Neighborhood and the Initial Assessment Resolution for the San Sebastian Harbor Sewer MSBU.

**Commissioner Duffy** stated that the majority of the San Sebastian Harbor citizens asked for the construction of sewer collection.

**COMMISSIONER DOHERTY MOVED TO APPROVE AGREEMENT 2016-032 AND RESOLUTION 2016-093, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

(6) Approve and Authorize the Mailing of the MSBU Notices

RECOMMENDED ACTION: Approve and authorize the mailing of the required first-class notification of proposed Municipal Services Benefit Unit (MSBU) assessment rates for FY16/17 for those units with a proposed rate increase above the previously established maximum or MSBUs assessed for the first time. BUDGETED ACTION: No action needed. Mailing costs are budgeted in the General Fund - BCC Controlled, and will be charged back to the appropriate MSBU.

Mr. Burger gave a brief overview of the required first-class notification of proposed Municipal Services Benefit Unit (MSBU) assessment rates for FY 2016/2017, discussed the Statutory process, public hearing timeframes, declaring tentative rates for mailing notices, and increasing or decreasing rates. Ms. Miller discussed how modifications would affect public hearing notices.

**Vice Chair Constance** discussed the El Jobean proposed rates and fine tuning the assessments. **Commissioner Doherty** inquired about what is needed for the El Jobean public hearing notices to be mailed, El Jobean maximum assessment rates, and redistribution of the dollars required on design.

County Administrator Sandrock spoke to the changes that can be made at the public hearing and west side changes affecting the east side.

**COMMISSIONER DOHERTY MOVED TO TABLE THIS ITEM UNTIL ADDRESSING THE ASSESSMENT RESOLUTION FOR THE EL JOBEAN MSBU LATER IN THE MEETING, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0**

**COMMISSIONER DOHERTY MOVED TO APPROVE AND AUTHORIZE THE MAILING OF THE MSBU NOTICES, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0**

**(Addition #1)** (7) Commission Office

Discussion of the Charlotte County Airport Authority (CCAA) June 16, 2016 Board Meeting Agenda

**Vice Chair Constance** discussed governance of the Airport Authority Agenda, timely electronic publication of the Agenda, Mr. Parish's contract, and the Agenda on website for public viewing. **Commissioner Deutsch** spoke to his attendance at the meetings, the Airport Authority operating independently, future workshop discussion on the Airport Authority, will request Agenda to be available earlier, and adding Agenda to their website. **Commissioner Doherty** commented on **Commissioner Deutsch** making the request for the Agenda to be available earlier. **Commissioner Duffy** discussed her review of the Airport Authority Agenda.

#### **PUBLIC HEARING AGENDA**

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

(1) Public Works

Conduct a Public Hearing for No Thru Trucks on a Portion of Olean Blvd

Conduct a public hearing on June 14, 2016 at 10:00 a.m. or soon thereafter as may be heard to repeal ordinance 78-24; amend article II, Chapter 2-4, of the code of laws and ordinances, Charlotte County, Florida; amend section 2-4-24 to provide for the prohibition of vehicles over six wheels on Olean Blvd between Kings Hwy and Easy Street. **ORD2016-023**

Venkat Vattikuti, County Transportation Engineer gave a brief description of Ordinance 2016-023 and responded to Board inquiries.

**Vice Chair Constance** stated the road is residential and asked for clarification of authorized vehicles and exemptions. **Commissioner Duffy** conveyed that neighbors are asking for this Ordinance and the change in prohibition regulation.

#### **Public Hearing**

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

**MOTION CARRIED 4:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2016-023 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; REPEALING ORDINANCE 78-24; AMENDING**

**ARTICLE II, CHAPTER 2-4, OF THE CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA; AMENDING SECTION 2-4-24 TO PROVIDE FOR THE PROHIBITION OF VEHICLES OVER SIX WHEELS ON PORTIONS OF OLEAN BOULEVARD BETWEEN KINGS HIGHWAY AND EASY STREET IN CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DUFFY**

**MOTION CARRIED 4:0.**

(2) Community Development

Conduct a Public Hearing to consider amendments to Chapters 2-2, 3-2, 3-3 and 3-8 of the Charlotte County Code relating to contractor licensing, building, the fire prevention code and the elimination of the Construction Board of Adjustments and Appeals and associated redistribution of their duties

Conduct a Public Hearing at 10am or as soon thereafter to consider amendments to Chapters 2-2, 3-2, 3-3, and 3-8 of the Charlotte County Code of Laws and Ordinances relating to contractor licensing, building, the fire prevention code and the elimination of the Construction Board of Adjustment and appeals - this item will also redistribute the duties of the CBAA as appropriate. **ORD2016-024**

Claire Jubb, Community Development Director gave a brief description of Ordinance 2016-024.

**Public Hearing**

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

**MOTION CARRIED 4:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2016-024 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-2 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, FIRE PROTECTION; AMENDING CHAPTER 3-2, BUILDINGS AND BUILDING REGULATIONS; AMENDING CHAPTER 3-3, FIRE PREVENTION CODE; AMENDING CHAPTER 3-8, WATER AND SEWERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 4:0.**

(3) Settlement Agreement Fees & Costs Andress, et al. v. CC

RECOMMENDED ACTION: a) Approval of the Settlement Agreement regarding attorney fees and costs on the Andress Family et al. v. Charlotte County lawsuit; and b) Authorize the Chairman and County Attorney to execute the Settlement Agreement and take all steps necessary to effectuate the same.  
BUDGETED ACTION: No action needed. **AGR2016-033, RES2016-085**

County Attorney Knowlton gave a brief description of Resolution 2016-085 and Settlement Agreement 2016-033 regarding attorney fees and costs on the Andress Family et al. v. Charlotte County lawsuit.

**Public Hearing**

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

**MOTION CARRIED 4:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2016-085, AND SETTLEMENT AGREEMENT 2016-033 WITH AUTHORIZATION FOR THE CHAIRMAN AND COUNTY ATTORNEY TO EXECUTE THE SETTLEMENT AGREEMENT AND TAKE ALL STEPS NECESSARY TO EFFECTUATE THE SAME, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 3:1., COMMISSIONER CONSTANCE OPPOSED.**

**1 P.M. CITIZEN INPUT - ANY SUBJECT**

David Myers discussed commercial properties, non-profit entities, Ackerman uniformed lots, combining lots, El Jobean Resolution, El Jobean citizen meetings, and vacuum sewer system.

Cindy Roe spoke to being anti-sewer, Spring Lake area, Lincoln Park, construction nightmare, Charlotte County Utilities equipment, and bulldozer speeds on street.

Susan Hutt commented on septic vs. sewer article sent to Board this morning, Charlotte County Utilities needing to fix crumbling infrastructure, requested reason sewers needed, reminded Phase 2 area under-occupied, vote on sewers, and Spring Lake sewer construction.

David Kesselring spoke to the morning meeting, and sewer connection prices.

**AA. County Administrator:**

County Administrator Sandrock reminded the Board and public of next Tuesday's Monthly Workshop and discussed Agenda.

**BB. County Attorney: None**

**CC. Commissioner Comments:**

**Vice Chair Constance** questioned East West Spring Lake Contractor's Reclamation Plan and Lincoln Park returning to normal conditions, discussed pervious lattice work as option to refresh County owned property, City of Punta Gorda newspaper box Ordinances, sentiments for Orlando tragedy, letter from Florida Association of Counties (FAC) President Barbara Sharief, donating blood, Punta Gorda Library site land options, Justice Center's records storage center, Western Michigan University Physician's Assistant student, National Association of Counties (NACO) Leadership Institute in Washington, and commended Sean Doherty and Tourism Development on the Sugar Bert Boxing Classic event. **Commissioner Deutsch** discussed resurfacing concept, access road property owners, Sugar Bert Boxing Classic event, Flag Day, negativity level of community, tragedy in Orlando, political correctness, and Punta Gorda Library location options at Edison campus or South County Regional Park. **Commissioner Doherty** addressed

Lincoln Park conditions, El Jobean MSBU vote, conceptualizing options for refreshing County owned properties, Punta Gorda Library programming discussion at Workshop, discussion with City of Punta Gorda regarding Punta Gorda Library land options, and parameters for building design relocation. **Commissioner Duffy** spoke to Punta Gorda Library technological focus, Facelift 41, plan for islands, landscaping proposals, refreshing County owned property, asphalt for parking, Southwest Florida Water Management District (SWFWMD), McGuire Park Phases 1 & 2, newspaper boxes, Flag Day, sentiments of Orlando tragedy, Sheriff Prummel working with other law enforcement officials on a campaign, "If you see something, say something," Punta Gorda Library land options at Edison location, and building design relocation to other sites.

County Administrator Sandrock discussed affordable opportunities to refresh County property and City of Punta Gorda library location options.

County Attorney Knowlton noted other counties' and cities' regulation of newspaper boxes.

Mr. Hubbard spoke to the East West Spring Lake Contractors getting rid of spoils, pipe clean up, chain link fence alteration, willing to accommodate citizens and upgrading Lincoln Park restoration.

Lucienne Pears, Economic Development Director discussed Western Michigan University receiving a letter from Department of Education, working to expedite process, groundbreaking for the Western Michigan University and Florida South Western State College partnership, Western Michigan University Kalamazoo students looking for spaces, and kick-off of new branding effort from Strategic Plan.

**RECESS: 2:00 pm – 2:06 pm**

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

(1) Community Development

PA-16-03-04-LS, Remedial Amendment per Stipulated Settlement Agreement - Charlotte County Comprehensive Plan

Approve an ordinance adopting an amendment to the County's Comprehensive Plan. Petition PA-16-03-04-LS is a remedial plan amendment to the County's Comprehensive Plan involving the requirements identified in the Stipulated Settlement Agreement for DOAH Case No. 16-001071GM. Legislative **ORD2016-025**

Shaun Cullinan, Planning and Zoning Official gave a brief overview of Petition PA-16-03-04-LS in detail.

**Public Hearing**

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

**MOTION CARRIED 4:0.**

COMMISSIONER DUFFY MOVED TO APPROVE ORDINANCE 2016-025 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, ADOPTING A TEXT AMENDMENT TO CHARLOTTE COUNTY'S COMPREHENSIVE PLAN TO AMEND FLU POLICY 1.2.2: SCRIVENER'S ERRORS FOR FLUM SERIES MAPS; FLU POLICY 2.1.2: 2050 FRAMEWORK – CONSERVATION LANDS; FLU POLICY 2.1.5: ACCESS TO PUBLIC WATER BODIES; FLU POLICY 5.4.2: LIMIT EXPANSION OF STRIP COMMERCIAL; SPECIAL PROVISIONS FOR SUB-NEIGHBORHOOD COMMERCIAL USE UNDER THE LOW DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL LAND USE CATEGORIES DESCRIBED IN FLU APPENDIX I: LAND USE GUIDE; AND ADD DEFINITION OF "SUB-NEIGHBORHOOD COMMERCIAL" TO FLU APPENDIX III: DEFINITIONS PER THE SETTLEMENT AGREEMENT IN DOAH CASE NO. 16-001071GM; PETITION NO. PA-16-03-04-LS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

**MOTION CARRIED 4:0.**

(2) Community Development

FP-16-01-01, Rowland Country Estates Approve Final Plat for a two-lot minor subdivision to be named Rowland Country Estates, for Matthew D. Adams. Quasi-Judicial

Minutes Supervisor DiBerardino administered oath for testimony.

**Vice Chair Constance** polled the Board for Ex-Parte Disclosures and **Commissioner Doherty** advised he submitted the required forms to the Clerk's Office.

Steven Ellis, Planner II gave a brief overview of Final Plat FP-16-01-01 in detail and responded to Board Inquiries.

**Vice Chair Constance** inquired about Rowland Drive making a right turn, access points, two structures on the property, and an agreement continuing access.

Ms. Adams acknowledged that she is aware of the access issue and wants approval.

**Public Hearing**

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

**MOTION CARRIED 4:0.**

COMMISSIONER DOHERTY MOVED TO APPROVE FINAL PLAT FP-16-01-01, SECONDED BY COMMISSIONER DUFFY

**MOTION CARRIED 4:0.**

**PRESENTATION AGENDA**

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

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

PUBLIC WORKSHOP AGENDA - Public input permitted.

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

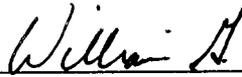
X. 2:00 P.M. - No Items

BOARD WORKSHOP AGENDA - No public input.

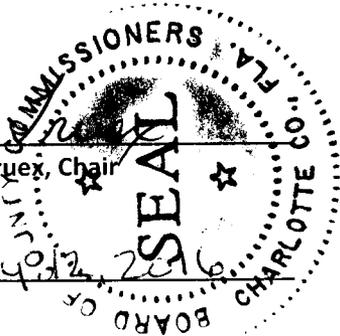
Y. 10:00 A.M. - No Items

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

ADJOURNED: 2:54 pm

  
 \_\_\_\_\_  
 William G. Truex, Chair

DATE ADOPTED: July 12, 2016



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

By: Michelle D. Beaudin  
Deputy Clerk