

**BOARD OF COUNTY COMMISSIONERS**

**JUNE 28, 2016**

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

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

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

The Invocation was given by Rev. Donna Loflin, Unity Church of Peace, followed by the Pledge of Allegiance.

**Changes to the Agenda**

**Deletion #1:** E-1 Approve the Interlocal Agreement between Charlotte County and Desoto County for water and sewer service to The Links subdivision.

Requested by: County Attorney

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

**MOTION CARRIED 5:0.**

**Proclamations - No Items**

**Employee Recognition - Commissioner Bill Truex**

Employee of the Month - May 2016 - Brian Orlando-Reno, Budget and Administrative Services

Cari Branco, Fiscal Services Division Manager gave a brief overview of Mr. Orlando-Reno's accomplishments.

**Award Presentations - No Items**

**CITIZEN INPUT - AGENDA ITEMS ONLY**

David Kesselring spoke to sales tax, Olean Boulevard, sewers, septic systems, utility rates, trespass warnings, and constitutional rights.

Attorney Robert H. Berntsson thanked Staff for cooperation relating to Babcock, mentioned Babcock's first plat for approval, and consent to FPL easement.

**COMMITTEE VACANCIES**

Alligator Creek Waterway Unit Advisory Board is seeking one volunteer who must be resident of Charlotte County and reside within the Unit. Terms: one regular member for a three year term which will expire August 2019. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail Kelly.Loustit@CharlotteCountyFL.gov.

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 which will expire on April 2019. 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.

Burnt Store Village 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 which will expire on April 2019. 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.

Gardens of Gulf Cove 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 which will expire on November 2019. 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.

Grove City Street and 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 which will expire on February 2019. 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 Waterway Benefit 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 which will expire on August 2019. 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.

Manchester Waterway Benefit 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 which will expire January 2020. 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.

Mid Charlotte Stormwater Utility 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 which will expire on May 2019. 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.

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 which will expire on December 2019. 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.

Northwest Port Charlotte Waterway 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 which will expire on June 2019. 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.

Rotonda West Street & Drainage Unit Advisory Board is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Term: one regular member to fill an unexpired term. The term will expire December 25, 2016. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e-mail Kelly.Louttit@CharlotteCountyFL.gov.

**REPORTS RECEIVED AND FILED - No Items**

**CONSENT AGENDA**

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

**MOTION CARRIED 5:0.**

**Clerk of the Circuit Court**

**A. Finance Division**

**(1) Finance**

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

**B. Minutes Division**

**(1) Minutes**

RECOMMENDED ACTION: Approve the following minutes:

May 24, 2016 Regular and Land Use Meeting  
June 9, 2016 Pre-Agenda  
June 10, 2016 Special Meeting

BUDGETED ACTION: No action needed.

**Board of County Commissioners**

**C. Commission Office**

(1) Re-Appointment-Don Pedro and Knight Island Street and Drainage Advisory Board

RECOMMENDED ACTION: Approve the re-appointment of Timothy Malone as a regular member to Don Pedro and Knight Island Street and Drainage Advisory Board with a term expiring on April 28, 2020.  
BUDGETED ACTION: No action needed.

(2) Appointments - Marine Advisory Committee

RECOMMENDED ACTION: Approve the following appointments to the Charlotte County Marine Advisory Committee: Mr. Paul A. Bigness as member-at-large, filling the unexpired term of Bill Hoffman expiring December 31, 2016 and Dr. Roger Strube representing the Charlotte Harbor Yacht Club, filling unexpired term of John Dauster expiring December 31, 2018. These nominations were approved by the Marine Advisory Committee at their June 9th meeting. BUDGETED ACTION: No action needed.

**D. Administration**

Administration - No Items

Public Information Office - No Items

**E. County Attorney**

~~(Deletion #1)(1) Interlocal Agreement with DeSoto County for Water and Sewer Service RECOMMENDED ACTION: Approve the Interlocal Agreement between Charlotte County and Desoto County for water and sewer service to The Links subdivision. BUDGETED ACTION: No action needed.~~

(2) Prairie Creek Park License Agreement

RECOMMENDED ACTION: Approve a License Agreement between James C. Fox and Linda M. Fox, Co Trustees of the Fox Family Trust, and Charlotte County allowing the Fox's certain private access to Prairie Creek Park. BUDGETED ACTION: No action needed. **AGR2016-036**

**F. Budget and Administrative Services**

Fiscal Services - No Items

Information Technology - No Items

Purchasing

(1)16-333, Award, Annual Road Grading - Don Pedro/Knight Island - Public Works

RECOMMENDED ACTION: a) Approve award of Bid #16-333, Annual Road Grading - Don Pedro/Knight Island to the lowest responsive, responsible bidder, Kelley Enterprises Inc. of Englewood, Florida at the unit prices submitted. Term of contract is from date of award through and including December 17, 2017; and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year terms at the same prices, terms and conditions, by mutual consent. BUDGETED ACTION: No action

needed. Budgeted in the Don Pedro/Knight Island MSTU, as approved in the FY16 budget process. Funding is supplied from assessments in the Don Pedro/Knight Island Street & Drainage MSTU.

(2) 16-218, Sewer Master Plan Consultant – Utilities

RECOMMENDED ACTION: a) Approve new Capital Improvements Project c351603 "Charlotte County Utilities Sewer Master Plan"; and b) Approve the ranking of Firms for Request for Proposal #16-218 Sewer Master Plan Consultant: 1st-Jones Edmunds & Associates, Inc. of Sarasota, FL; 2nd-Hazen & Sawyer of Sarasota, FL; and 3rd-Cardno, Inc. of Fort Myers, FL; and c) Approve start of negotiations; and d) Authorize the Chairman to sign the contract after completion of negotiations. This project is for a Consultant to provide comprehensive professional services for the completion of a Sewer Master Plan. BUDGETED ACTION: No action needed.

(3) 16-324, Award, C.A.R.E. Facility Expansion – Facilities

RECOMMENDED ACTION: Approve the award of Bid #16-324, C.A.R.E. Facility Expansion to the lowest responsive, responsible bidder, Reyes Inc. of Cape Coral, Florida in the amount of \$163,580. BUDGETED ACTION: No action needed. Budgeted in CIP project "Master Space Plan", as approved in the FY16 budget process. Funding is supplied from Capital Projects, Ad valorem.

**Real Estate Services**

(4) Real Property Acquisition - Olean Boulevard Pond Site

RECOMMENDED ACTION: Authorize the Chairman to execute the attached agreement for purchase and sale of real property needed for the Olean Boulevard improvement project. BUDGETED ACTION: No action needed. Budgeted in CIP project "Olean Blvd Widening" as approved in the FY16 budget process. Funding is supplied from the 2014 Sales Tax Extension. **AGR2016-037**

(5) Resolution to Acquire - Olean Boulevard

RECOMMENDED ACTION: Approve the Resolution authorizing and directing the voluntary acquisition of the real property or easement interests that may be required for the Olean Boulevard US 41 to Harbor Project. BUDGETED ACTION: No action needed. **RES2016-094**

(6) Lease Approval - Sheriff at Town Center Mall

RECOMMENDED ACTION: Approve the lease for 3,000 square feet of office space to be utilized by the Sheriff Department at Port Charlotte Town Center Mall. BUDGETED ACTION: No action needed. **AGR2016-038**

(7) FPL-Fire Station #9

RECOMMENDED ACTION: Approve the Resolution approving and authorizing the Chairman to execute "Consent" to Babcock Property Holdings, LLC to grant Florida Power & Light Company (FPL) a perpetual, non-exclusive power line easement adjacent to Fire Station #9, located off State Road 31. BUDGETED ACTION: No action needed. **RES2016-095**

**G. Community Development**

(1) DRC-PD-90-7(MM)3 Major Modification for the Charlotte Behavioral Health CSU Building Expansion

RECOMMENDED ACTION: Approve the DRC-PD-90-7(MM)3 Major Modification to the Final Detail Plan Resolution permitting Charlotte Behavioral Health Care, Inc. to construct a 7,719 s.f. building addition to the existing Crisis Stabilization Unit building located at 1700 Education Way. Quasi-Judicial BUDGETED ACTION: No action needed. **RES2016-096**

(2) FP-15-04-01, Babcock Phase 1A

RECOMMENDED ACTION: Approve Final Plat for Babcock Property Holdings, LLC for Petition FP-15-04-01. Quasi-Judicial BUDGETED ACTION: No action needed.

**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** - No Items

**L. Human Services**

(1) Family Service Center Tenant Lease Agreement with the Florida Center for Early Childhood, Inc.

RECOMMENDED ACTION: Approve a new 12-month lease agreement for existing tenant, The Florida Center for Early Childhood, Inc., at the Family Service Center (FSC). BUDGETED ACTION: No action needed. **AGR2016-039, RES2016-097**

**M. Public Safety**

(1) Emergency Management Preparedness and Assistance Grant

RECOMMENDED ACTION: Approve a grant between Charlotte County and the Florida Division of Emergency Management for the FY16/17 Emergency Management Preparedness & Assistance (EMPA) Base Grant in the amount of \$105,806. BUDGETED ACTION: No action needed. Grant funds are included in the budget process for FY16/17 Emergency Management operating budget. The County match approved budget is \$105,806. **GRT2016-009**

(2) Emergency Management Performance Grant

RECOMMENDED ACTION: Approve a grant agreement between Charlotte County and the Florida Division of Emergency Management for the FY16/17 Emergency Management Performance Grant (EMPG) in the amount of \$80,187. BUDGETED ACTION: No action needed. Grant funds are included in the budget process for FY16/17 Emergency Management operating budget. The County match approved budget is \$80,187. **GRT2016-010**

**N. Public Works - No Items**

**O. Tourism Development - No Items**

**P. Utilities**

(1) Sewer Master Plan - Clean Water SRF Loan Application

RECOMMENDED ACTION: Adopt a Resolution authorizing the Charlotte County Utilities department to submit an application to the Florida Department of Environmental Protection (FDEP) for a loan from the State Revolving Fund (SRF) program to finance the planning of the Sewer Master Plan and designating the County Administrator to execute the loan agreement and any other documents required by the Loan Agreement. BUDGETED ACTION: No action needed. **RES2016-098**

(2) Request for Inclusion - FDEP Clean Water SRF Loan - Loveland Grand Master

RECOMMENDED ACTION: a) Authorize staff to submit Request for Inclusion (RFI) forms to the Florida Department of Environmental Protection (FDEP) to be placed on the priority funding list for Clean Water (wastewater) State Revolving Fund (SRF) projects in Charlotte County; and b) Staff will subsequently bring back to the Board a request for authorization to submit the applications to the program as part of the FDEP submittal process. BUDGETED ACTION: No action needed.

**Q. Other Agencies - No Items**

**REGULAR AGENDA**

**R. Regular Agenda - No Items**

**CITIZEN INPUT - ANY SUBJECT**

Susan Hutt discussed State Revolving Fund (SRF) program, Sewer Master Plan, Family Services Center, sewers, septic systems, scientific evidence, and pollution.

David Myers spoke to El Jobean sewer project, El Jobean assessment rolls, developer lots inter-dispersed with other lots, MSBU notice not received, MSBU taxing and school taxing, and requested the Board look into the developer.

Peggy Burton commented on the Englewood Beach Guy still not having a signed contract.

**AA. County Administrator:** None

**BB. County Attorney:**

County Attorney Knowlton requested Board direction for recommended approach to interview Dr. Frank LePore, newly selected County Health Administrator, discussed Englewood Beach Guy's proposed contract, and U.S. Fish and Wildlife Service's proposed changes.

**Chair Truex** commented on Englewood Beach Guy being present at meeting and moving forward with a solution. **Commissioner Constance** spoke to Skype interviews for the County Health Administrator and final selection being the Board's collective decision. **Commissioner Deutsch** discussed County's position if Englewood Beach Guy uninsured, following other governing agencies' rules, and demonstrating cooperation. **Commissioner Doherty** spoke to a Skype interview with Dr. LePore. **Commissioner Duffy** commented on the Englewood Beach Guy's contract, insurance, payments, desire to find solution, and Florida Fish and Wildlife Conservation Commission (FWC) requirements for All Terrain Vehicle (ATV)'s on beach.

**(Board Consensus: Set up interview with Dr. Frank LePore via Skype)**

**CC. Commissioner Comments:**

**Chair Truex** requested an update on Placida Road from Staff. **Commissioner Constance** spoke to El Jobean sewer options, asked for patience, excited for Dr. LePore to join Health Department, Tourism Marketing Program and Budget Meeting, Gulf Consortium Meeting, and wished everyone a happy 4th of July. **Commissioner Deutsch** commented on the West Coast Inland Navigation District (WCIND) audit, Airport Authority audit, WCIND attorney hiring process, WCIND moving monthly meetings, Charlotte County hosting WCIND meeting last Friday in August, WCIND financial support to remove sections of Tressel, El Jobean proposed development, equitable resolution in El Jobean, sewer system availability, getting information to make best decisions, septic system usefulness, scientific information for sewers in County, and wished everyone a wonderful July 4<sup>th</sup>. **Commissioner Doherty** discussed Deep Creek infrastructure on Sandhill Boulevard, requested Deep Creek road projects schedule, and wished everyone a happy 4th of July. **Commissioner Duffy** spoke to the El Jobean Sewer project options, clarification of west side developers, adapting to find a solution, and Englewood Beach Guy situation.

County Administrator Sandrock confirmed El Jobean MSBU notices mailing date and various options available for consideration for west side at El Jobean Public Hearing.

**Recess: 9:44 am - 10:00 am**

#### **PUBLIC HEARING AGENDA**

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

(1) Public Works

Slow Speed Minimum Wake Zone in the vicinity of Boca Grande Causeway

Conduct a public hearing 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. **ORD2016-026**

Dan Quick, Public Works Director gave a brief overview of Ordinance 2016-026 amending article II, Chapter 3-1 of the Charlotte County Code.

**Chair Truex** explained the zoned area and speeding issues. **Commissioner Duffy** inquired about the area for the zone.

**Public Hearing**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2016-026 OF THE BOARD OF COUNTY COMMISSIONERS, OF CHARLOTTE COUNTY, FLORIDA, AMENDING ARTICLE II, CHAPTER 3-1 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; AMENDING THE SIZE OF THE SLOW SPEED MINIMUM WAKE ZONE FOR VESSELS OPERATING IN AREAS ADJACENT TO THE BOCA GRANDE CAUSEWAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(2) County Attorney

Request approval of Facility Rules applicable to County-owned or managed buildings & Conduct a Public Hearing to consider an Ordinance relating to Trespass Warnings on County property

a) Conduct a Public Hearing to consider an Ordinance relating to Trespass Warnings on County property; and b) Approve Facility Rules applicable to all County owned or managed buildings, structures, conveyances and lands, for inclusion in the Administrative Code. **ORD2016-027**

County Attorney Knowlton gave a brief overview of Ordinance 2016-027 relating to Trespass Warnings on County property and Facility Rules applicable to all county owned or managed buildings, structures, conveyances and lands, for inclusion in the Administrative Code.

**Public Hearing**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2016-027 OF THE BOARD OF COUNTY COMMISSIONERS, OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 1-2, ARTICLE III OF THE**

JUNE 28, 2016

CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; CREATING SECTION 1-2-82 RELATING TO TRESPASS WARNINGS FOR COUNTY PROPERTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR TRESPASS WARNINGS ON COUNTY PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

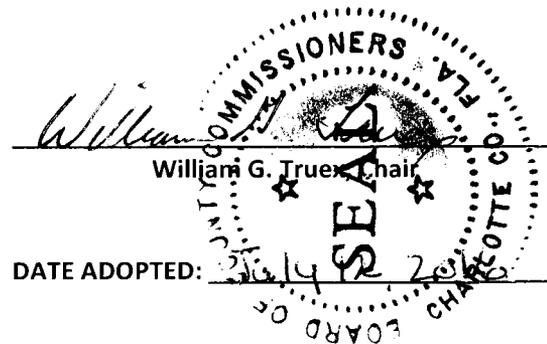
COMMISSIONER DOHERTY MOVED TO APPROVE THE FACILITY RULES APPLICABLE TO ALL COUNTY OWNED OR MANAGED BUILDINGS, STRUCTURES, CONVEYANCES AND LANDS, FOR INCLUSION IN THE ADMINISTRATIVE CODE, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

PRESENTATION AGENDA

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

ADJOURNED: 10:07 am

  
DATE ADOPTED: July 22, 2016

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

By: Michelle D. Beaudino  
Deputy Clerk