

**BOARD OF COUNTY COMMISSIONERS**

**OCTOBER 11, 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 Clerk Cash and Minutes Trainee Johnson. The following members were absent: None

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

The Invocation was given by Chaplain Carlo Garguilo, Bayfront Health, Punta Gorda, followed by the Pledge of Allegiance.

**Changes to the Agenda**

**Deletion #1:** R-1 Discussion of the Charlotte County Airport Authority (CCAA) October 20, 2016 Board Meeting Agenda.

Requested by: Commission Office

**Deletion #2:** N-1 Approve Third Amendment to 2008 Amendment of Charlotte County Sanitation Unit Amended Trash Collection Agreement.

Requested by: Commission Office

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Stephen R. Deutsch**

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

**MOTION CARRIED 5:0.**

**Artist of the Month - Antonio Soares**

Antonio Soares accepted the Proclamation.

**John Hackworth Pulitzer Prize Day**

**Commissioner Deutsch** accepted the Proclamation for delivery.

**Brian Gleason Pulitzer Prize Day**

Brian Gleason accepted the Proclamation.

**Taken out of order**

Combat Wounded Veteran

Award Certificate of Recognition, Combat Wounded Veteran to Charles H. Lawson, United States Army.

**Commissioner Deutsch** gave a brief description of Mr. Lawson's tour in Korea and thanked him for his service.

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

**5 Years:** Michele Duddie, Community Services; **10 Years:** Victoria Chichura, Facilities; Emily Lewis, Administration; Chris Lindecamp, Public Works; Scott Raver, Public Works; Jeremy Tuttle, Public Safety; Richard Renick, Public Works; Stephen Ruggieri, Public Works; Doreen Stoquert, Human Services; **15 Years:** Terry Barnett, Public Works; William Hanfelder, Utilities; **25 Years:** Charles Oram, Jr., Utilities; **30 Years:** Jon Miller, Public Safety.

**Award Presentations**

Achievement of Excellence in Procurement Award 2016

Recognition of award received by the Purchasing Division from the National Purchasing Institute 2016 Achievement of Excellence in Procurement Award.

Several Purchasing Department employees accepted the Award and Kim Corbett, Senior Division Manager thanked the Board and Staff for their commitment to the citizens of Charlotte County.

**CITIZEN INPUT - AGENDA ITEMS ONLY**

Susan Hutt spoke to settlement of claims not exceeding \$50,000, employee donation choices, Capital Improvements, cannabis dispensing businesses, rights-of-way, Human Services' public hearing, and I-75 Rest Areas.

**COMMITTEE VACANCIES**

Manasota and Sandpiper Advisory Committee is seeking three volunteers who must be residents of Manasota Key or Sandpiper Key. Term: three members to serve a two year term from appointment until November 30, 2018. For an application contact Diane Clim at 941.743.1956 or email Diane.Clim@CharlotteCountyFl.gov.

**REPORTS RECEIVED AND FILED - No Items**

**CONSENT AGENDA**

**COMMISSIONER DOHERTY MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF G-1, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Chair Truex referenced the report from the County Attorney regarding settlement of claims not exceeding \$50,000 and Florida Department of Transportation (FDOT) I-75 Rest Area Presentation.

**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:

September 12, 2016 BCC First Budget Hearing  
September 13, 2016 BCC Regular Meeting  
September 20, 2016 BCC Workshop  
September 22, 2016 BCC Pre-Agenda  
September 26, 2016 BCC Final Budget Hearing

BUDGETED ACTION: No action needed.

**Board of County Commissioners**

**C. Commission Office - No Items**

**D. Administration**

**(1) Board approval of upcoming Workshops**

RECOMMENDED ACTION: a) Board approval of Workshop on November 1, 2016 at 9:00 a.m.; and b) Reschedule the Workshop on December 20, 2016 to December 6, 2016 at 9:00 a.m. BUDGETED ACTION: No action needed.

**Public Information Office - No Items**

**E. County Attorney**

(1) Report from the County Attorney Pursuant to Resolution No. 2012-001 Regarding Settlement of Claims Not Exceeding \$50,000

RECOMMENDED ACTION: The County Attorney requests the Board of County Commissioners to please take notice of the attached Memorandum submitted in accordance with Resolution No. 2012-001. BUDGETED ACTION: No action needed.

**F. Budget and Administrative Services**

**Fiscal Services**

(1) Approval of Not for Profit Contracts

RECOMMENDED ACTION: Approve the FY16/17 contracts for United Way of Charlotte County in the amount of \$650,000; Arts & Humanities of Charlotte County, Inc. in the amount of \$25,000; Charlotte Behavioral Health Care, Inc. in the amount of \$1,334,681; Charlotte Harbor Environmental Center, Inc. (CHEC) in the amount of \$35,000; and Military Heritage Museum, Inc. in the amount of \$15,000. BUDGETED ACTION: No action needed. Funding is from the General Fund and is budgeted for FY16/17. **AGR2016-061-AGR2016-065**

(2) Set a Public Hearing

RECOMMENDED ACTION: Set a public hearing on Tuesday, October 25, 2016 at 10:00 AM, or as soon thereafter as may be heard, to consider approving an ordinance to adopt the FY17 Capital Improvements Program (CIP). BUDGETED ACTION: No action needed.

**Information Technology - No Items**

**Purchasing**

(3) 16-398, Award, Swimming Pool Resurfacing & Renovations - Ann Dever Park (Community Services)

RECOMMENDED ACTION: Approve the award of Bid #16-398, Swimming Pool Resurfacing & Renovations - Ann Dever Park to the sole responsive, responsible, bidder, Family Pools Inc., of Port St. Lucie, Florida in the amount of \$216,950. BUDGETED ACTION: No action needed. Budgeted in CIP project "Swimming Pool Renovations", to be approved with the adoption of the FY17 Capital Improvements Program. The line item budget was adopted with the County-wide budget on September 26, 2016.

(4) 16-449, Award, Membrane Roofing System - Administration Building B (Facilities)

RECOMMENDED ACTION: Approve award of Bid #16-449, Membrane Roofing System - Administration Building B, to West Coast Florida Enterprises, Inc. of Fort Myers, FL in the amount of \$269,400. BUDGETED ACTION: No action needed. Budgeted in CIP project "Murdoch Admin Campus", to be approved with the adoption of the FY17 Capital Improvements Program. Funding is supplied from Capital Projects, Ad valorem.

(5) Property Deletions for the month of October, 2016 (Purchasing)

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

**Real Estate Services - No Items**

**G. Community Development**

(1) Set a Public Hearing to Consider the Adoption of an Ordinance Establishing a Temporary Moratorium on Cannabis Dispensing Businesses

RECOMMENDED ACTION: Set a Public Hearing for October 25, 2016, at 10:00 a.m., to consider the adoption of an Ordinance establishing a temporary moratorium on cannabis dispensing businesses. BUDGETED ACTION: No action needed. Legislative

**Chair Truex** spoke to dispensing concerns, marketing, and Zoning Ordinances. **Commissioner Constance** noted editing changes to the proposed Ordinance, discussed current legislation, ways of consumption, being proactive, dispensing locations, and State enactment. **Commissioner Deutsch** commented on being proactive, mindful voting, and dispensing locations. **Commissioner Duffy** inquired about ways of consumption and production businesses.

County Attorney Knowlton questioned the ability to change the penalty amount.

**COMMISSIONER CONSTANCE MOVED TO MAKE EDITS TO THE DRAFT ORDINANCE AND ALLOW THE COUNTY ATTORNEY TO LOOK INTO OTHER ISSUES, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO SET A PUBLIC HEARING FOR OCTOBER 25, 2016, AT 10:00 A.M., TO CONSIDER THE ADOPTION OF AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON CANNABIS DISPENSING BUSINESSES, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

**H. Community Services**

**Parks and Natural Resources**

(1) Cedar Point Environmental Center CPI Grant

RECOMMENDED ACTION: Approve submission of application for The Cedar Point Environmental Center Educational Display through the Department of Environmental Protection's Coastal Partnership Initiative Program 2017 Funding Announcement. BUDGETED ACTION: If funding is awarded, an amendment to the budget will be brought to the BCC with the agreement. In-kind services and funding from the Capital Projects Fund will be used for matching funds.

**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) Interlocal Agreement with the Lee County Housing Finance Authority

RECOMMENDED ACTION: Approve the Interlocal Agreement with the Lee County Housing Finance Authority. BUDGETED ACTION: No action needed. **AGR2016-066**

- M. Public Safety - No Items
- N. Public Works

~~(Deletion #2) (1)Third Amendment to 2008 Amendment of Charlotte County Sanitation Unit Amended Trash Collection Agreement~~

~~RECOMMENDED ACTION: Approve Third Amendment to 2008 Amendment of Charlotte County Sanitation Unit Amended Trash Collection Agreement. BUDGETED ACTION: No action needed. Funding for residential mandatory service is budgeted in the Charlotte Sanitation MSBU, Boca Grande Sanitation MSBU, and the Don Pedro Sanitation MSBU.~~

(2) Panama Boulevard - Parking Waiver for Palm Island Art Festival 2016

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 12, 2016 between 9:00 a.m. - 5:00 p.m. BUDGETED ACTION: No action needed. Legislative **RES2016-168**

(3) Set a Public Hearing to Consider the Adoption of an Ordinance Establishing a Temporary Moratorium on the Placement of Wireless Communications Facilities in Rights-of-way.

RECOMMENDED ACTION: Set a Public Hearing on October 25, 2016, at 10:00 a.m., to consider the adoption of an Ordinance establishing a temporary moratorium on the placement of wireless communications facilities in rights-of-way. BUDGETED ACTION: No action needed.

- O. Tourism Development - No Items
- P. Utilities - No Items
- Q. Other Agencies - No Items

**REGULAR AGENDA**

**R. Regular Agenda**

~~(Deletion #1) (1) Commission Office~~

~~Discussion of the Charlotte County Airport Authority (CCAA) October 20, 2016 Board Meeting Agenda~~

~~RECOMMENDED ACTION: Discussion of the Charlotte County Airport Authority (CCAA) October 20, 2016 Board Meeting Agenda.~~

(2) County Administration

State Legislative Agenda

RECOMMENDED ACTION: Approve the 2017 State Legislative Agenda.

Emily Lewis, Legislative Manager gave a brief overview of the 2017 State Legislative Agenda and Policy Statements: Support Economic Development and Job Creation, Support Fiscal Responsibility, Support the Environment, Support Public Health, Support Transportation Funding, Support Public Safety, River Road expansion support, and responded to Board inquiries.

**Chair Truex** discussed the Regional Visitors Center of Southwest Florida, organizing Legislative Agenda, WOTUS Rule, Metropolitan Planning Organization (MPO) definition revision, Burnt Store Road State land right-of-way, State roads, and medical marijuana. **Commissioner Constance** spoke to the Regional Visitors Center in Southwest Florida, organizing Legislative Agenda, MPO definition revision, Burnt Store Road State land right-of-way, State roads, and medical marijuana. **Commissioner Deutsch** commented on State Roads and adding language to State roads criteria. **Commissioner Doherty** discussed Regional Visitors Center in Southwest Florida, WOTUS Rule, MPO definition revision, and State roads. **Commissioner Duffy** spoke to Regional Visitors Center of Southwest Florida, organizing Legislative Agenda, Legislators meeting with Commissioners, and State roads.

**(Board Consensus: To pull the Regional Visitor Center in Southwest Florida item off the 2017 State Legislative Agenda, and add language; "Charlotte County believes there are roads within our jurisdiction that meet the criteria, "or once were State secondary roads" and should be designated State roads as a part of the SIS.)**

**COMMISSIONER DOHERTY MOVED TO APPROVE THE 2017 STATE LEGISLATIVE AGENDA WITH THE EDITS DISCUSSED, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

**PUBLIC HEARING AGENDA**

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

(1) Human Services

Ordinance Repealing Ordinance 81-21 which created the Charlotte County Housing Finance Authority

Conduct a Public Hearing to consider and adopt an Ordinance repealing Ordinance 81-21 which created the Charlotte County Housing Finance Authority. **ORD2016-034**

County Attorney Knowlton gave a brief overview of Ordinance 2016-034 repealing Ordinance 81-21 which created the Charlotte County Housing Finance Authority and responded to Board inquiries.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2016-034 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA REPEALING ORDINANCE 81-21 AS CODIFIED IN CHAPTER 1-8, ARTICLE II, SECTIONS 1-8-16 THROUGH 1-8-25 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, THEREBY TERMINATING THE CHARLOTTE COUNTY HOUSING FINANCE AUTHORITY AND PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

**Taken out of order**

**PRESENTATION AGENDA**

**T. 10:00 A.M.**

(1) FDOT Presentation - I-75 Rest Areas PD & E Study

Rick Langlass, Florida Department of Transportation (FDOT) Consultant Project Manager gave a brief overview of I-75 Rest Areas Project Development and Environment (PD&E) Study, Project Background/Purpose, Project Limits, Site Selection Screening Results, Public Information Meeting Held– August 2, 2016, Site Alternatives Evaluation Matrix, Preferred Alternatives: SB-2 and NB-2B, and responded to Board inquiries.

**Commissioner Constance** commented on public information meeting held, objective options explored, public hearing date, and possible presentation at Metropolitan Planning Organization (MPO) meeting. **Commissioner Doherty** inquired about the design and construction schedule. **Commissioner Duffy** asked about location sites and Jones Loop Rest Area closing.

**CITIZEN INPUT - ANY SUBJECT**

Susan Hutt thanked **Commissioner Constance** for addressing bridge park bathroom, and spoke to rest area project, Murdock Village land sale concerns, extending citizen input, and repairing water/sewer infrastructure priorities.

**AA. County Administrator:**

County Administrator Sandrock reviewed the October 18<sup>th</sup> Workshop Agenda and responded to Board inquiries.

**Chair Truex** commented on medical marijuana workshop item and Airport Rescue funding issue. **Commissioner Constance** inquired about Workshop agenda updates and spoke to medical marijuana workshop item.

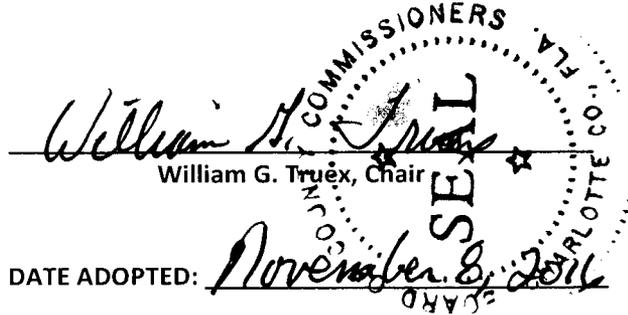
**BB. County Attorney: None**

**CC. Commissioner Comments:**

**Chair Truex** discussed fiber infrastructure costs and MSBU legislature. **Commissioner Constance** commented on Murdock Village, fiber infrastructure, South Gulf Cove Master Park Plan, and MSBU diversity. **Commissioner Deutsch** spoke to the South Gulf Cove facilities, US 41 traffic flow and safety, the MSBU system, and commended **Commissioner Duffy** for Facelift 41. **Commissioner Doherty** discussed South Gulf Cove Master Park Plan, MSBU case law, and US 41 and Harbor Boulevard intersection. **Commissioner Duffy** commented on South Gulf Cove Master Park Plan, MSBU legislature, welcomed back Charlotte, and Facelift 41 update.

County Attorney Knowlton spoke to MSBU concept and special purpose parks.

**ADJOURNED: 11:04 am**

  
William G. Truex, Chair  
DATE ADOPTED: November 8, 2016

**ATTEST:**

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

By: Michelle D. Berardino  
Deputy Clerk