

BOARD OF COUNTY COMMISSIONERS

OCTOBER 20, 2016

A Pre-Agenda Meeting was held in preparation for the **October 25, 2016** Regular and Land Use Meeting at the Murdock Administration Complex in Room B-106, Port Charlotte, Florida.

The following members were present: Chair Truex, Commissioner Constance, Commissioner Deutsch, and Commissioner Doherty. Also in attendance were: Deputy County Administrator Shoemaker, Assistant County Administrator Flores, County Attorney Knowlton, Minutes Clerk Cash, Minutes Trainee Johnson, and various County staff members. The following members were absent: Commissioner Duffy.

**The Meeting was called to order at 1:30 pm**

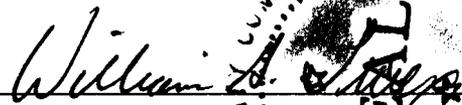
There was Board discussion on the following items:

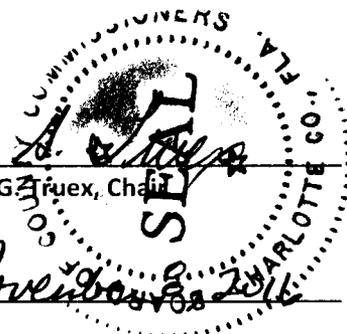
**County Attorney: E-1**

**Recreation: H-1**

**2:00 P.M. Land Use Public Hearing: U-2**

**ADJOURNED: 1:43 pm**

  
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 DiBerardino  
Deputy Clerk

# COUNTY OF CHARLOTTE

## Board of County Commissioners

18500 Murdock Circle  
Port Charlotte, FL 33948  
[www.CharlotteCountyFL.gov](http://www.CharlotteCountyFL.gov)

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### County Commissioners

Bill Truex, District 3, Chairman  
Christopher Constance, District 2, Vice-Chairman  
Ken Doherty, District 1  
Stephen R. Deutsch, District 4  
Tricia Duffy, District 5



### County Administrator

Raymond J. Sandrock

### County Attorney

Janette S. Knowlton

### Clerk of the Circuit Court

Barbara T. Scott

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### Regular and Land Use Meeting

October 25, 2016 9:00 am

18500 Murdock Circle, Commission Chambers, Room #119

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to [David.Lyles@CharlotteCountyFL.gov](mailto:David.Lyles@CharlotteCountyFL.gov).

#### 9:00 A.M. Call to Order and Roll Call

**Invocation** - For those who wish to join, please rise for the invocation

**Pledge of Allegiance**

**Changes to the Agenda:** See separate sheet

#### **Proclamations** - Commissioner Tricia Duffy

Amanda Carr Day  
The Boogiemmen Day  
Dennis McCulloch Day  
Jane H. Sturges Appreciation Day  
Vietnam Wall Memorial Day

#### **Employee Recognition** - Commissioner Tricia Duffy

Employee of the Month - September 2016  
Monty Rodriguez  
Community Services

#### **Award Presentations** - Commissioner Tricia Duffy

##### Commissioners' Award for Customer Service

Commissioners' Award for Customer Service - Third Quarter 2016 - John Elias

##### Combat Wounded Veteran

Award Certificate of Recognition, Combat Wounded Veteran to Robert Metcalfe, United States Marine Corps.



## CITIZEN INPUT - AGENDA ITEMS ONLY

Anyone wishing to address the Board during this portion of the meeting must fill out a card, state their name for the record, and state which agenda item(s) will be addressed. Remarks shall be limited to 3 minutes (max) and shall be addressed to the Commission as a body, and not to individual members. There will not be any discussion.



## COMMITTEE VACANCIES

**Charlotte County is seeking volunteers to serve on the following Committees:**

**Environmentally Sensitive Lands Oversight Committee** is seeking volunteers' who must be Charlotte County residents to represent the following groups: two Environmental Experts, two Business/Land Development Representatives and one Community Representative. Terms will expire three year term from the date of appointment. To obtain an application, please contact Lisa Eby at 941.743.1300 or email Lisa.Eby@CharlotteCountyFL.gov.

**Historical Advisory Committee** is currently seeking one at-large volunteer who must be a Charlotte County resident and voter to represent disciplines of architecture, history, urban planning, archaeology or related disciplines such as American Studies or American Civilization. The committee meets the 2nd Wednesday of each month at 9:00 a.m. Term will expire in October 2019. To obtain an application, please contact Joann Dillon at 941.743.1300 or email Joann.Dillon@CharlotteCountyFL.gov.

**Charlotte County Marine Advisory Committee** is seeking three members-at-large volunteers who must be Charlotte County residents to represent the following groups: fishing guides or bait and tackle store operators; commercial fishing industry (including clamming industry); marina operation industry; personal watercraft industry; marine sales industry; and scuba diving industry. The committee meets the 2nd Thursday of each month at 9:30 a.m. in the Murdock Administration Building. Term will expire in December 2019. To obtain an application, please contact Joann Dillon at 941.743.1300 or email: Joann.Dillon@CharlotteCountyFL.gov.



## REPORTS RECEIVED AND FILED

No Items



## CONSENT AGENDA

### 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 27, 2016 Regular and Land Use Meeting

October 6, 2016 Pre-Agenda Meeting

October 6, 2016 Emergency Meeting

**BUDGETED ACTION:**

No action needed.

#### C. Commission Office

No Items

## D. Administration

### Administration

- (1) PACE Provider - Florida Green Finance Authority (FGFA)

**RECOMMENDED ACTION:**

Approve Florida Green Finance Authority (FGFA) as an additional Approved Provider of PACE funding.

**BUDGETED ACTION:**

No action needed.

### Public Information Office

No Items

## E. County Attorney

- (1) Set a Public Hearing to consider an Ordinance amending Ordinance number 2015-045 relating to MSBU/MSTU Advisory Boards

**RECOMMENDED ACTION:**

Set a public hearing for Tuesday, November 8, 2016 at 10:00 a.m., or as soon thereafter to consider an Ordinance amending Ordinance 2015-045 concerning MSBU/MSTU Advisory Boards.

**BUDGETED ACTION:**

No action needed.

## F. Budget and Administrative Services

### Fiscal Services

- (1) State of Florida Department of Health/Charlotte County Health Department Contract

**RECOMMENDED ACTION:**

Approve and authorize the Chairman to execute the FY16/17 Charlotte County/State of Florida Department of Health contract for the operation of the Charlotte County Health Department.

**BUDGETED ACTION:**

No action needed. This item is budgeted in the FY16/17 budget in the Charlotte County Health Department Fund as the Charlotte County's portion of this contract.

### Information Technology

No Items

### Purchasing

No Items

### Real Estate Services

No Items

## G. Community Development

No Items

## H. Community Services

### Parks and Natural Resources

No Items

## **Recreation**

(1) Englewood Beach Waterfest 2016 - Temporary Use of Golf Carts

**RECOMMENDED ACTION:**

Approve the Resolution authorizing the temporary use of golf carts on designated county roads at Englewood Beach solely by Event Personnel and Designated County Staff during the Englewood Beach Waterfest and allows for the operation of motorized carts on the beach for official business.

**BUDGETED ACTION:**

No action needed.

## **Libraries and Historical**

No Items

## **I. Economic Development**

(1) Harbor Walk Phase 1B Grant Award

**RECOMMENDED ACTION:**

a) Approve the Supplemental Agreement with Florida Department of Transportation to increase the grant award funding by \$1,114,800 to add the construction of the south boardwalk to the Harbor Walk Phase 1B Project in Charlotte Harbor Community Redevelopment Area (CRA); and  
b) Approve the Resolution authorizing budget adjustment BA17-012 in the amount of \$1,114,800, amending the adopted FY17 CIP "Charlotte Harbor Gateway Harbor Walk Phase 1B" in the Charlotte County Redevelopment Fund.

**BUDGETED ACTION:**

Approve the Resolution authorizing budget amendment BA17-012 in the amount of \$1,114,800. The additional grant funding will be included in CIP "Charlotte Harbor Gateway Harbor Walk Phase 1B" in the Charlotte County Redevelopment Fund, to be approved with the adoption of the FY17 Capital Improvements Program.

## **J. Facilities Construction and Maintenance**

No Items

## **K. Human Resources**

No Items

## **L. Human Services**

(1) Transfer of Assets by New Paradigm Foundation to New Paradigm of Catholic Charities, Inc.

**RECOMMENDED ACTION:**

Support the transfer of assets by New Paradigm Foundation, including several parcels of real property obtained from Charlotte County, to a new not for profit entity, New Paradigm of Catholic Charities, Inc., provided that the deed(s) of conveyance for the real property include the same affordable housing restriction that is contained in the deeds from Charlotte County to The New Paradigm Foundation, Inc.

**BUDGETED ACTION:**

No action needed.

## **M. Public Safety**

No Items

## **N. Public Works**

No Items

## **O. Tourism Development**

No Items

## **P. Utilities**

No Items

**Q. Other Agencies**

No Items

  
**REGULAR AGENDA**

**R. Regular Agenda**

- (1) Community Services  
Parks and Recreation Master Plan  
**RECOMMENDED ACTION:**  
Review and approval of the Charlotte County Parks and Recreation Master Plan update.
- (2) Economic Development  
Performance Evaluation - Economic Development Director, Lucienne Pears  
**RECOMMENDED ACTION:**  
Discussion of Economic Development Director, Lucienne Pears' performance evaluation.
- (3) Public Works  
Third Amendment to 2008 Amendment of Charlotte County Sanitation Unit Amended Trash Collection Agreement  
**RECOMMENDED ACTION:**  
Approve the Third Amendment to 2008 Amendment of Charlotte County Sanitation Unit Amended Trash Collection Agreement.

  
**PUBLIC HEARING AGENDA**

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

- (1) Public Works  
Approval of New Positions and Equipment for Maintenance and Operations
  - a) Approve hiring of additional seven (7) full time positions; and
  - b) Approve the Resolution authorizing budget adjustment BA17-015 in the amount \$745,493; and
  - c) Authorize the addition of 2 vehicles to the fleet; and
  - d) Approve the purchase of equipment to support the work efforts of the crews.
- (2) Budget and Administrative Services  
CIP and Budget Adjustments
  - a) Conduct a public hearing to consider adopting an Ordinance updating and modifying the Capital Improvements Program FY16/17 through FY21/22; and
  - b) Approve the Resolution authorizing budget adjustments BA17-004 and BA17-007 amending the FY16/17 adopted budget and BA17-005, BA17-006 and BA17-008 all totaling \$22,081,106, to accommodate funding the plan as presented in the Infrastructure Workshop of June 21, 2016, and as summarized in Exhibit B; and
  - c) Approve the new CIP policy, as shown in the proposed Plan.
- (3) Community Development  
Adoption of an Ordinance Establishing a Temporary Moratorium on Cannabis Dispensing Businesses  
Conduct a public hearing to consider the adoption of an Ordinance establishing a temporary moratorium on cannabis dispensing businesses.  
**Legislative**
- (4) Public Works  
Adoption of an Ordinance Establishing a Temporary Moratorium on the Placement of Wireless Communications Facilities in the Rights-of-Way  
Conduct 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.



## PRESENTATION AGENDA

### T. 10:00 A.M.

No Items



## 1 P.M. CITIZEN INPUT – ANY SUBJECT

Anyone wishing to address the Board during this portion of the meeting must state their name for the record. Remarks, on any County related subject, shall be limited to 3 minutes (max) and shall be addressed to the Commission as a body, and not to individual members. There will not be any discussion.



## LAND USE PUBLIC HEARING AGENDA

### U. 2:00 P.M. Land Use Public Hearing

#### (1) Community Development

An Ordinance Adopting Z-16-06-09, Bryan Paul, Inc.

Approve an Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate 1 (RE-1) to Planned Development (PD); for property located at 12260 Burnt Store Road, in the Punta Gorda area, containing 27.5± acres; Commission District II; Petition No. Z-16-06-09; Applicant: Bryan Paul, Inc.; providing an effective date.

**Quasi-Judicial**

#### (2) Community Development

Ordinance Adopting Petition No. Z-16-05-08-TDU, JPC Burnt Store Preserve, LLC

Approve an Ordinance adopting Petition Z-16-05-08-TDU, amending the Charlotte County Zoning Atlas from Residential Estates 1 (RE-1) to Planned Development (PD), for property located at 312421 Burnt Store Road, in the Punta Gorda area, containing 80.53± acres; Applicant: JPC Store Preserve, LLC; Commission District II.

**Quasi-Judicial**

#### (3) Community Development

Ordinance Adopting Petition No. PA-16-03-02, Patrick McGinnis

Approve an Ordinance adopting Petition PA-16-03-02, a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Commercial (COM); for property located at 7300 and 7500 Florida Street, in the Punta Gorda area, containing 8.72± acres; Petition No. PA-16-03-02; applicant: Patrick McGinnis; Commission District II.

**Legislative**

#### (4) Community Development

Ordinance Adopting Petition No. Z-16-03-03, Patrick McGinnis

Approve an Ordinance adopting Petition Z-16-03-03, amending the Charlotte County Zoning Atlas from Residential Estate 1 (RE-1) to Commercial general (CG); for property located at 7300 and 7500 Florida Street, in the Punta Gorda area, containing 8.72± acres; Applicant: Patrick McGinnis; Commission District II.

**Quasi-Judicial**

#### (5) Community Development

Z-15-05-04, Revisions to the Charlotte Harbor Community Development Code

a) Conduct the first of two public hearings to discuss revisions to the Charlotte Harbor Community Development Code in accordance with Section 125.66, F.S., and

b) Set the second public hearing for adoption of an Ordinance approving these revisions for Tuesday, November 22, 2016 at 2:00 p.m., or as soon thereafter as may be heard.

**Legislative**

**U. 2:00 P.M. Land Use Public Hearing (continued...)**

**(6) Community Development**

Z-16-05-06, Amendments to the Zoning Atlas in the Charlotte Harbor Community

- a) Conduct the first of two public hearings to discuss Petition Z-16-05-06 in accordance with Section 125.66, F.S., and
- b) Set the second public hearing for adoption of Ordinance approving Z-16-05-06 for Tuesday, November 22, 2016 at 2:00 p.m., or as soon thereafter as may be heard.

**Quasi-Judicial**

**(7) Community Development**

PA-16-09-12-LS - Murdock Village Plan Amendments

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment; this request is to amend the Future Land Use Element to revise FLU Policy 1.2.15: TDU Waivers to include the Murdock Village Community Redevelopment Area (MVCRA), FLU Policy 5.3.4: Murdock Village Zoning, to revise the zoning required for land within the MVCRA, to amend FLU Appendix I: Land Use Guide by revising the Murdock Village Mixed Use land use designation, and to amend FLU Appendix II: Future Land Use Map Series, by amending FLUM Series Map #21: TDU Waivers, to include the MVCRA; Petition No. PA-16-09-12-LS; Applicant: Charlotte County Board of County Commissioners.

**Legislative**

**(8) Community Development**

PA-14-03-03-LS, Revisions to the Intergovernmental Coordination Element and Potable Water and Sanitary Sewer Subelement of the Infrastructure Element of the Comprehensive Plan

Transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State agencies for review and comment; this request is to add ICE Policy 1.1.9: Loop Municipal Services Area Joint Planning Agreement to adopt by reference the "Interlocal Service Boundary Agreement and Joint Planning Agreement Establishing the 'Loop Municipal Services Agreement'", to renumber three ICE Policies to accommodate for the new policy, and to amend WSW Policy 4.3.1: Adoption of Water Supply Facilities Work Plan to accommodate for the new policy; Petition No. PA-14-03-03-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

**Legislative**

**(9) Community Development**

PA-16-05-07-LS, Large Scale Text Amendment

Transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment; this amendment is to amend the Future Land Use (FLU) Element of the County's Comprehensive Plan by deleting FLU Policy 6.2.2: Development Timing Standards; Petition No. PA-16-05-07-LS; Applicant: Charlotte County Board of County Commissioners.

**Legislative**

**AA. County Administrator:**

**BB. County Attorney:**

**CC. Commissioner Comments:**

Bill Truex, District 3, Chairman  
Christopher Constance, District 2, Vice-Chairman  
Ken Doherty, District 1  
Stephen R. Deutsch, District 4  
Tricia Duffy, District 5