

**BOARD OF COUNTY COMMISSIONERS**

**SEPTEMBER 26, 2017**

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: Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo. Also present were: County Administrator Sandrock, County Attorney Knowlton, Chief Financial Control Officer Larrivee, and Minutes Clerk Cash. The following members were absent: None

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

The Invocation was given by **Commissioner Deutsch**, followed by the Pledge of Allegiance.

**Changes to the Agenda**

**Addition #1:** R-7 Approve the Resolution and Budget Adjustment BA17-059 in the amount of \$782,799 to cover a shortfall in operating expenses for the Sheriff's office due to Hurricane Irma.  
Requested by: Budget

**Addition #2:** R-8 a) Approve Amendment #1 to Contract 12-151 Tom Adams Bridge Rehabilitation, with Charlotte Engineering and Surveying of Port Charlotte, FL for a not-to-exceed amount of \$19,868 for bridge inspection services including an underwater inspection of the Tom Adams Bridge; and b) Authorize the Chairman to sign Amendment #1 for the bridge inspection. Updated Amendment #1.  
Requested by: Purchasing

**Addition #3:** T-2 WCIND Derelict Vessels Discussion by Justin McBride, Executive Director and Jed Schneck, Legal Counsel.  
Requested by: Community Services

**Deletion #1:** R-1, R-2, R-3 Performance Evaluations, Moved to October 10<sup>th</sup> BCC Meeting.  
Requested by: Commission Office

**Change #1:** I-1 Moved to Regular Agenda, R-6 and Updated Amended Covenant Redlined and Amended Covenant Final Versions.  
Requested by: Economic Development

**Change #2:** R-5 Added Board Meeting and Workshop Agenda attachments.  
Requested by: Utilities

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Bill Truex**

**COMMISSIONER DOHERTY MOVED TO APPROVE PROCLAMATIONS, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**American Business Women's Day**

Elaine Kerns accepted the Proclamation.

**Employee Recognition - Commissioner Bill Truex**

**Employee of the Month - August 2017 - Brian Greig, Public Works**

Scott Schermerhorn, Mosquito and Aquatic Weed Control Manager highlighted Mr. Greig demonstrating core values, problem solving solutions and presented the award.

**Award Presentations**

Achievement of Excellence in Procurement Award 2017

Recognition of award received by the Purchasing Division from the National Purchasing Institute, 2017 Achievement of Excellence in Procurement Award.

County Administrator Sandrock recognized the Purchasing Division's procurement attributes and noted this being the 13<sup>th</sup> year they received the Award.

**CITIZEN INPUT - AGENDA ITEMS ONLY - None**

**COMMITTEE VACANCIES**

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

The following **MSBU/TU Advisory Boards** are seeking volunteers who must be residents of Charlotte County and reside within the Unit. Submit applications to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail MSBU-TU@CharlotteCountyFL.gov.

·**Alligator Creek Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.

·**Boca Grande Street & Drainage Unit** is seeking two members to fill vacant unexpired terms. The length of each term will be drawn at the first Advisory Board Meeting to be scheduled at such time a quorum of three members is reached.

·**Burnt Store Village Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.

·**Charlotte Ranchettes Unit** is seeking two members to fill vacant unexpired terms through October 31, 2019 and October 31, 2020.

·**Deep Creek Non-Urban Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.

·**Don Pedro & Knights Island Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2018 and October 31, 2020.

- Edgewater North Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Englewood East Non-Urban Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2018.
- Gardens of Gulf Cove Street & Drainage Unit** is seeking four members to fill vacant unexpired terms. The length of each term will be drawn at the first Advisory Board meeting to be scheduled at such time a quorum of three members is reached.
- Greater Port Charlotte Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Grove City Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Harbour Heights Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Harbour Heights Waterway Maintenance District** is seeking two members to fill vacant unexpired terms through October 31, 2018 and October 31, 2020.
- Manasota Key Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Manchester Waterway Benefit Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Mid Charlotte Stormwater Utility Unit** is seeking two members to fill vacant unexpired terms. The length of each term will be drawn at the next Advisory Board meeting.
- Northwest Port Charlotte Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Northwest Port Charlotte Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2019 and October 31, 2020.
- Pirate Harbor Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Pirate Harbor Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Placida Area Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Rotonda Heights Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Rotonda Sands North Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Rotonda West Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- South Burnt Store Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- South Gulf Cove Beautification Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- South Gulf Cove Non-Urban Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- South Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.

**West Charlotte Stormwater Utility Unit** is seeking one member to fill a vacant unexpired term through October 31, 2018.

**Environmentally Sensitive Lands Oversight Committee** is seeking one Business/Land Development Representative volunteer who must be a Charlotte County resident. Term will expire three years from the date of appointment. To obtain an application, please contact Lisa Eby at 941.743.1300 or email Lisa.Eby@CharlotteCountyFL.gov.

**Punta Gorda Community Redevelopment Agency** is seeking one member to fill a position expiring on November 16, 2017. Appointee must be a Charlotte County resident and shall serve for a four year term. The purpose of the Agency is to implement the policies, projects & programs contained in the Punta Gorda Downtown Redevelopment Plan. Please contact Nina Stamoulis, Commission Office at 941-743-1300 or Janina.Stamoulis@CharlotteCountyfl.gov for an application or for additional information.

#### REPORTS RECEIVED AND FILED - No Items

#### CONSENT AGENDA

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

MOTION CARRIED 5:0.

**Chair Truex** noted the union negotiations for Self-Insured Medical, Dental, Life, Short Term and Long-Term. **Commissioner Constance** highlighted the union negotiations for Self-Insured Medical, Dental, Life, Short Term and Long-Term.

#### 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 5, 2017 BCC Emergency Meeting  
September 7, 2017 Special Meeting  
September 7, 2017 Pre-Agenda  
September 12, 2017 Special Meeting

BUDGETED ACTION: No action needed.

**Board of County Commissioners**

**C. Commission Office**

**(1) Appointment - Beaches and Shores Advisory Committee**

RECOMMENDED ACTION: Approve the appointment of Dr. William "Coty" Keller to the Charlotte County Beaches and Shores Advisory Committee as the District #4 representative. Dr. Keller will fill an unexpired term until December 31, 2018. BUDGETED ACTION: No action needed.

**(2) Appointment - Marine Advisory Committee**

RECOMMENDED ACTION: Approve the appointment of Betty Campanella to the Marine Advisory Committee as the Peace River Sail and Power Squadron Representative. This nomination was approved by the Marine Advisory Committee and will fill the unexpired term of Mr. Ray Rose. Term is effective immediately and will expire December 31, 2019. BUDGETED ACTION: No action needed.

**(3) Appointment - West Charlotte Stormwater Utility**

RECOMMENDED ACTION: Approve the appointment of Edward Toth to fill the unexpired term of Glynn Perkins on the West Charlotte Stormwater Utility Advisory Board. This appointment will be effective immediately and will expire on October 31, 2018. BUDGETED ACTION: No action needed.

**D. Administration**

**(1) Canceling November 21, 2017 Workshop and Rescheduling October 3, 2017 Utilities Quarterly Update BCC Meeting**

RECOMMENDED ACTION: a) Approve canceling the November 21, 2017 BCC Workshop; and b) Reschedule the October 3, 2017 Utilities Quarterly Update BCC Meeting to November 21, 2017 at 9:00 a.m. in Room 119. BUDGETED ACTION: No action needed.

**Public Information Office - No Items**

**E. County Attorney**

**(1) Set a Public Hearing to consider an Ordinance amending Chapter 2-5, Article VI, Sections 2-5-141, 2-5-142, and 2-5-145 of the Code of Laws and Ordinances of Charlotte County, Florida governing security alarm systems.**

RECOMMENDED ACTION: Set a Public Hearing for Tuesday, October 10, 2017 at 10:00 a.m. or as soon thereafter as may be heard to consider an Ordinance amending Chapter 2-5, Article VI, Sections 2-5-141, 2-5-142, and 2-5-145 of the Code of Laws and Ordinances of Charlotte County, Florida governing security alarm systems. BUDGETED ACTION: No action needed.

**F. Budget and Administrative Services**

**Fiscal Services - No Items**

## Information Technology - No Items

### Purchasing

#### (1) 08-359, Self-Insured Medical, Dental, Life, Short-term (Risk Management)

RECOMMENDED ACTION: Approve the annual renewal of Contract #08-359, Self-Insured Medical, Dental, Life, Short-Term and Long-Term with CIGNA; at the same terms and conditions, by mutual consent. Term of renewal is for the period October 1, 2017 up to and including September 30, 2018. BUDGETED ACTION: No action needed. Expenditures for this item are budgeted in the Health Insurance Fund.

#### (2) 10-281, Property & Casualty Insurance (Risk Management)

RECOMMENDED ACTION: Approve renewal of Contract #10-281 Property & Casualty Insurance Coverage with Florida League of cities located in Orlando, FL for the term October 1, 2017 up to and including September 30, 2108, in the amount of \$2,198,437. This is an annual contract for a comprehensive program of self-insurance. BUDGETED ACTION: No action needed: Budgeted in the Self Insurance Fund to be approved in the FY17/18 budget process.

#### (3) 16-420, Change Order #9, Cleaning Services, Charlotte County Facilities (Facilities)

RECOMMENDED ACTION: Approve Change Order #9 to Contract #16-420 Cleaning Services, Charlotte County Facilities-Annual with At Your Service Cleaning Group, Inc. of Sarasota, FL, for adding services at existing location: Charlotte County Sheriff's Office, District 3, Promenades Mall, 3280 Tamiami Trail, Port Charlotte, Florida for increase to current once per week cleaning services for \$710.50 per month to twice per week cleaning services at the facility for an additional \$390 per month for a new total monthly price of \$1,100.50 per month. BUDGETED ACTION: No action needed. Funding from various departments approved in the FY17 Budget Process.

#### (4) 17-206 Construction Manager at Risk-Capital Maintenance Repair, Guaranteed Maximum Price (Facilities)

RECOMMENDED ACTION: a) Approve Amendment #1 to Contract 17-206 Construction Manager at Risk Capital Maintenance Repair - Annual with Florida Premier Contractors, LLC for the Guaranteed Maximum Price (GMP) in the amount of \$3,829,022. b) Authorize the Chairman to sign Amendment #1 to the Contract for the GMP for the Construction Manager at Risk Capital Maintenance Repair - Annual. BUDGETED ACTION: No action needed. Budgeted in the Facilities Capital Maintenance Plan, as approved in the FY17 budget process. Funding comes from various sources and is based on the building occupant.

#### (5) 17-318, Award, Utility Materials (Utilities)

RECOMMENDED ACTION: a) Approve File #17-318, Utility Materials, approve Cooperative Request for Proposal issued by the City of Punta Gorda and approval of Contract #R2016105, Mat-Utility/1718 at the unit prices listed with Core & Main LP as successor and interest to HD Supply Waterworks, LTD of Fort Myers for the term October 1, 2017 up to and including September 30, 2022 with option to renew for a period not to exceed 3 years; and b) Authorize County Administrator to approve renewals; and c) Authorize Senior Division Manager-Purchasing to approve Amendments to the Contract. BUDGETED

ACTION: No action needed. Funding from the Utility Operations & Maintenance Fund will be approved in the FY18 Budget Process.

(6) 17-355, Water Quality Analysis (Public Works and Utilities)

RECOMMENDED ACTION: a) Approve multi-award of Bid #17-355, Water Quality Analysis, as follows-TS-08 Municipal Solid Waste and TS-09 Stormwater Management to Benchmark EnviroAnalytical Services of North Port, FL; TS-10 Charlotte County Utilities to FTS Xenco of Tampa, FL; and TS-11 City of North Port - no award, at the unit prices listed on the attached tabsheet for the term from October 1, 2017 up to and including September 30, 2018 with option to renew for two additional one-year terms; and b) Authorize the Administrator to approve the additional one-year renewals at the same prices, terms, and conditions, by mutual consent. This is for various water testing services for the Public Works and Utilities Departments, and for the City of North Port. BUDGETED ACTION: No action needed. Budgeted in the Utility Operations and Maintenance, Public Works MSBU and City of North Port Funds as proposed in the FY18 budget process.

(7) 17-494, Award, Lighting Materials for North County Regional Park and Englewood Beach Parking Areas (Facilities)

RECOMMENDED ACTION: Request approval of "Piggyback" purchase of off the U. S. Communities National Contract #MA-IS-1340234, Electrical Contract and award File #17-494 - Lighting Materials for North Charlotte Regional Park and Englewood Beach Park Parking Lots to Graybar Electric of Port Charlotte, Florida in the amount of \$173,519.57. BUDGETED ACTION: No action needed. Budget for the North County Regional Park location is budgeted in CIP project "Lighting at Facilities, Walkways & Parking"; budget for the Englewood Beach location is budgeted in "Energy Initiatives". Projects were approved in the FY17 budget process. Funding comes from Capital Projects, ad valorem.

**Real Estate Services**

(8) Parcel Exchange (21417 Olean - 14163 Marlin)

RECOMMENDED ACTION: Approve the attached Resolution authorizing the Charlotte County Board of County Commissioners to approve an Agreement for Exchange of Real Property that exchanges a parcel of land owned by Charlotte County for a parcel of land owned by New Vista Properties, Inc. located in Charlotte County, Florida. BUDGETED ACTION: No action needed. **RES 2017-212 / AGR 2017-075**

(9) White Marsh Exchange

RECOMMENDED ACTION: Approve the Resolution authorizing the Charlotte County Board of County Commissioners to approve an Agreement for Exchange of Real Property that exchanges a parcel of land owned by Charlotte County for a parcel of land owned by Albert Leon Jr. and Carol R. Leon located in Charlotte County, Florida. BUDGETED ACTION: No action needed. **RES 2017-213 / AGR 2017-072**

**G. Community Development - No Items**

**H. Community Services**

**Parks and Natural Resources - No Items**

## Recreation - No Items

### Libraries and Historical

#### (1) State Aid to Libraries

RECOMMENDED ACTION: a) Approve the grant agreement application with the Florida Department of State to apply for FY17/18 State Aid to Libraries Program; and b) Authorize the Chair to sign the State Aid to Libraries Grant Agreement for FY17/18. BUDGETED ACTION: No action needed. Grant funds are included in the budget process for FY17/18 in the Library Administration budget. There is no match required by the County. **GRT 2017-013**

#### (2) Resolution for Public Library Construction Grant

RECOMMENDED ACTION: Approve the rollover of the County's 2016 Public Library Construction Grant application for the South County Library & Archives sales tax project into the new 2017 grant cycle. BUDGETED ACTION: Budgeted in the FY17 approved CIP project "South County Library & Archive". Match funding is provided from the 2014 sales tax extension fund. **RES 2017-214**

## I. Economic Development

#### (1) Murdock Village Transfer Fee Covenant revisions

**(Change #1)** Moved to Regular Agenda, R-6 and Updated Amended Covenant Redlined and Amended Covenant Final Versions

RECOMMENDED ACTION: a) Approve the proposed revisions to the Murdock Village Transfer Fee Covenant and authorize the Chair to sign the Amended Covenant; and b) Approve the Resolution authorizing the Clerk of Court to collect the Community Redevelopment Assessment and authorize the Chair to sign the Resolution. BUDGETED ACTION: No action needed. **RES 2017-216 / AGR 2017-073**

## J. Facilities Construction and Maintenance - No Items

## K. Human Resources

#### (1) IUPAT Re-opener for 2017-18

RECOMMENDED ACTION: Approve a re-opener with the Affiliate Local 2301, District Council 78, of the International Union of Painters and Allied Trades (IUPAT), AFL-CIO for the purpose of wages and benefits. The tentative agreement grants an increase of 1.5% to the employee's base pay and 2.5% budgeted for implementation of pay-for-performance to commence with the first pay period following the date of ratification. BUDGETED ACTION: No action needed. Any costs associated with implementation will be budgeted within respective departments' operating budgets.

## L. Human Services - No Items

## M. Public Safety



(1) Set a Public Hearing to Consider an Ordinance Amending the Barrier Islands Fire Service Unit to Create an Advisory Board and Clarify the Assessment Procedure.

RECOMMENDED ACTION: Set a Public Hearing for October 12, 2017 at 10:00 a.m. or as soon thereafter as may be heard, to consider an ordinance amending the Barrier Islands Fire Service Unit to create an Advisory Board and Clarify the Assessment Procedure. BUDGETED ACTION: No action needed.

**N. Public Works**

(1) SWFWMD 2019 FY Cooperative Funding Initiative

RECOMMENDED ACTION: a) Approval and authorization to apply for South West Florida Water Management District 2019 Fiscal Year Cooperative Funding Initiative for replacement of the Mid County Stormwater Control Unit Haverhill Water Control Structure (HAV4.84) located on Peachland Blvd.; and b) Authorize the Chairman or his designee to sign all necessary documents related to submission of the grant application. Approve a re-opener with the Affiliate Local 2301, District Council 78, of the International Union of Painters and Allied Trades (IUPAT), AFL-CIO for the purpose of wages and benefits. The tentative agreement grants an increase of 1.5% to the employee's base pay and 2.5% budgeted for implementation of pay-for-performance to commence with the first pay period following the date of ratification. BUDGETED ACTION: No action needed. Budgeted in CIP project "Greater Port Charlotte Drainage Control Structure Replacement", as approved in the FY18 CIP and budget process. Funding comes from a 50% match, with the County's share estimated at \$500,000, coming from the Mid Charlotte Stormwater MSBU.

(2) Resolution Designating All Roads in the Babcock Phase 2A for Golf Carts

RECOMMENDED ACTION: Approve the Resolution designating all roads in the Babcock Ranch Community Division Phase 2A as roads where Golf Carts may be operated, provided such golf cart operation is in compliance with Section 2-4-10 of the Charlotte County Code of Laws and Ordinances. BUDGETED ACTION: No action needed. The work will be completed by the Babcock Ranch Special District, County will not have any financial impact. RES 2017-217

**O. Tourism Development - No Items**

**P. Utilities - No Items**

**Q. Other Agencies - No Items**

**REGULAR AGENDA**

**R. Regular Agenda**

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

~~Performance Evaluation—County Administrator, Raymond J. Sandrock~~

~~RECOMMENDED ACTION: Discussion of County Administrator, Raymond Sandrock's annual performance evaluation.~~

~~(Deletion #1)(2) County Administration~~

~~Performance Evaluation – County Attorney, Janette Knowlton~~

~~RECOMMENDED ACTION: Discussion of County Attorney, Janette Knowlton's annual performance evaluation.~~

~~(Deletion #1)(3) Economic Development~~

~~Performance Evaluation – Economic Development Director, Lucienne Pears~~

~~RECOMMENDED ACTION: Discussion of Economic Development Director, Lucienne Pears' annual performance evaluation.~~

**Taken Out Of Order**

(5) Utilities

**(Change #2) Added Board Meeting and Workshop Agenda attachments**

Water Authority Meeting Agenda - October 4, 2017

RECOMMENDED ACTION: Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the upcoming October 4, 2017 meeting.

Gary Hubbard, Utilities Director gave a brief overview of the Peace River Manasota Regional Water Supply Authority Board agenda for the upcoming October 4, 2017 Meeting and responded to Board inquiries.

**Commissioner Constance** commented on Water Supply Conditions. **Commissioner Doherty** discussed Bachman Regional Pumping and Storage Facility and Workshop intent.

**(Addition #1)(7) Budget**

Approve the Resolution and Budget Adjustment BA17-059 in the amount of \$782,799 to cover a shortfall in operating expenses for the Sheriff's Office due to Hurricane Irma. **RES 2017-229**

County Administrator Sandrock conveyed the request from the Sheriff to cover a shortfall in operating expenses due to Hurricane Irma.

**Chair Truex** referenced the Sheriff Department's efforts during Hurricane Irma. **Commissioner Constance** summarized the budget adjustment and personnel expenses due to Hurricane Irma.

**COMMISSIONER DEUTSCH MOVED TO APPROVE RESOLUTION 2017-229, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

(6) Economic Development

Murdock Village Transfer Fee Covenant Revisions

RECOMMENDED ACTION: a) Approve the proposed revisions to the Murdock Village Transfer Fee Covenant and authorize the Chair to sign the Amended Covenant; and b) Approve the Resolution authorizing the Clerk of Court to collect the Community Redevelopment Assessment and authorize the Chair to sign the Resolution. **RES 2017-228**

Lucienne Pears, Economic Development Director gave a brief overview of the Murdock Village Transfer Fee Covenant Revisions, Community Redevelopment Assessment collection, and responded to Board inquiries.

County Attorney Knowlton conveyed the Community Redevelopment Assessment termination date.

**Chair Truex** spoke to Community Redevelopment Assessment termination date and affordable housing. **Commissioner Constance** conversed about transfer fees, paying down debt, other fees collected, and 2008 Murdock Village Transfer Fee Study. **Commissioner Deutsch** discussed tax rolls, viable products, and future development. **Commissioner Doherty** mentioned future deals, debt, Clerk's liability concerns, and administration collection costs. **Commissioner Tiseo** conferred about transfer fees and new construction.

**COMMISSIONER DEUTSCH MOVED TO APPROVE REVISIONS TO THE MURDOCK VILLAGE TRANSFER FEE COVENANT, RESOLUTION 2017-228, AND AUTHORIZE THE CHAIR TO SIGN THE AMENDED COVENANT AND RESOLUTION, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED**

(4) Community Services

WCIND Final Budget Hearing Agenda – October 2, 2017

RECOMMENDED ACTION: Discussion and direction on the WCIND Final Budget Hearing Agenda for the upcoming October 2, 2017 meeting.

Justin McBride, WCIND Executive Director introduced Jed Schneck, WCIND Legal Counsel, gave a brief overview of the WCIND Final Budget Hearing and responded to Board inquiries.

**Commissioner Constance** questioned sea wall issues. **Commissioner Deutsch** referenced inter-County cooperation.

**(Addition #2)(8) Purchasing**

a) Approve Amendment #1 to Contract 12-151 Tom Adams Bridge Rehabilitation, with Charlotte Engineering and Surveying of Port Charlotte, FL for a not-to-exceed amount of \$19,868 for bridge inspection services including an underwater inspection of the Tom Adams Bridge; and b) Authorize the Chairman to sign Amendment #1 for the bridge inspection.

Kim Corbett, Purchasing Senior Division Manager gave a brief overview of Amendment #1 to Tom Adams Bridge Rehabilitation and responded to Board inquiries.

**Chair Truex** discussed provider concerns and sub-consultant. **Commissioner Tiseo** inquired about sub-consultant.

**COMMISSIONER DOHERTY MOVED TO APPROVE AMENDMENT #1 TO CONTRACT 12-151 TOM ADAMS BRIDGE REHABILITATION, WITH CHARLOTTE ENGINEERING AND SURVEYING OF PORT CHARLOTTE, FL FOR A NOT-TO-EXCEED AMOUNT OF \$19,868 FOR BRIDGE INSPECTION SERVICES INCLUDING AN UNDERWATER INSPECTION OF THE TOM ADAMS BRIDGE AND AUTHORIZE THE CHAIRMAN TO SIGN THE AMENDMENT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**Taken Out Of Order**

**PRESENTATION AGENDA**

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

**Taken Out Of Order**

**(Addition #3) (2) WCIND Derelict Vessels**

Discussion by Justin McBride, Executive Director and Jed Schneck, Legal Counsel.

Justin McBride, Executive Director gave a brief overview of legislative priorities for derelict/abandoned vessels and responded to Board inquiries.

**Chair Truex** spoke to Maritime Law, safety and environmental hazards, abandoned vessels, and the Legislative Agenda. **Commissioner Constance** discussed vessels' length of stay and Florida Association of Counties (FAC) Policy Meeting. **Commissioner Deutsch** commented on vessel health, safety and environmental issues, Home Rule, and the Legislative Agenda. **Commissioner Tiseo** inquired about regulating vessels' length of stay.

**RECESS: 10:09 am – 10:24 am**

**(1) CHIP Progress Report**

Community Health Improvement Partnership (CHIP) presentation by Dianne Nugent of the Florida Department of Health.

Diane Nugent, Florida Department of Health CHIP Chair gave a brief overview of Community Health Improvement Partnership – Healthy Charlotte County, Subcommittees, Access to Healthcare, Chronic Disease Prevention, Maternal and Child Health, Mental Health, Positive Aging, Positively Impacting the Health of Charlotte County Through Collaboration and responded to Board inquiries.

**Chair Truex** spoke to sport drinks and monitoring diet. **Commissioner Constance** asked about drinks offered at schools. **Commissioner Tiseo** opined fruit juice drinks.

**PUBLIC HEARING AGENDA**

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

(1) Budget and Administrative Services

Capital Improvements Program

Conduct a public hearing to consider adopting an Ordinance updating and modifying the Capital Improvements Program Schedule FY17/18 through FY22/23. **ORD 2017-044**

Gordon Burger, Budget and Administrative Services Director gave a brief overview of the Ordinance updating and modifying the Capital Improvements Program Schedule for FY17/18 through FY22/23.

**Public Hearing – None**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2017-044 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AUTHORIZING AND APPROVING MODIFICATIONS TO THE CAPITAL IMPROVEMENT SCHEDULE OF THE CHARLOTTE COUNTY COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3177(3) (B), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

**RECESS: 10:43 am – 1:00 pm**

**1 P.M. CITIZEN INPUT - ANY SUBJECT - None**

**AA. County Administrator:**

County Administrator Sandrock commended Community Services for earning Commission for Accreditation of Park and Recreation Agencies (CAPRA) accreditation, Florida International Air Show audit, post-Hurricane Irma Staff statistics, and requested a Hurricane Irma debris collection update.

Dan Quick, Public Works Director gave a brief overview of Hurricane Irma debris collection information and introduced John Elias, Public Works Maintenance and Operations Manager.

Mr. Elias explained storm debris removal contractors not fulfilling contracts, storm debris removal process, operational pace, map showing debris collected areas and anticipated direction, introduced Ravi Kamarajugadda, Projects Manager and responded to Board inquiries.

County Attorney Knowlton spoke to debris removal contractors not fulfilling contracts.

**Chair Truex** mentioned debris removal contractors and map efficiency. **Commissioner Constance** discussed planning efforts, disposal of debris collected, clean up pace, map showing debris collected areas

and anticipated direction, and debris removal contractors. **Commissioner Deutsch** inquired about debris removal contractors, Waste Management, and waterways storm debris removal. **Commissioner Doherty** highlighted Community Services CAPRA accreditation, map showing debris collected areas and anticipated direction, and Waste Management. **Commissioner Tiseo** commented on transfer station debris disposal and Waste Management.

**BB. County Attorney: None**

**CC. Commissioner Comments:**

**Chair Truex** spoke to Water Forum and Emergency Preparedness Summit. **Commissioner Constance** noted upcoming Florida Association of Counties (FAC) Policy Conference. **Commissioner Deutsch** stated Meals on Wheels needs volunteers. **Commissioner Doherty** mentioned upcoming FAC Policy Conference and Water Forum. **Commissioner Tiseo** discussed Governor's Emergency Declaration.

**RECESS: 1:53 pm - 2:00 pm**

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

(1) Community Development

FP-17-04-02, Babcock 2A

Approve Final Plat for Babcock Property Holdings, LLC, for Babcock Ranch Phase 2A, under Petition #FP-17-04-02. Quasi-Judicial

Minutes Clerk Cash administered oath for testimony.

**Chair Truex** polled the Board for Ex Parte Disclosures and **Chair Truex, Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo** advised they submitted the required forms to the Clerk's Office.

Stephen Ellis, Planner II gave a brief overview of Final Plat for Babcock Property Holdings, LLC, for Babcock Ranch Phase 2A, FP-17-04-02 – 2014 Aerial Location Map, FP-17-04-02 – 2014 Mid-Range Location Map, FP-17-04-02 – Future Land Use Designations, FP-17-04-02 – Zoning Designations, FP-17-04-02 – Proposed Changes Map, and responded to Board inquiries.

**Commissioner Constance** discussed the next phase.

Attorney Rob Berntsson, representing the Applicant indicated joining with Staff report.

**Public Hearing – None**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE FINAL PLAT FOR BABCOCK PROPERTY HOLDINGS, LLC, FOR BABCOCK RANCH PHASE 2A, UNDER PETITION FP-17-04-02, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

(2) Community Development

FP-04-05-10, River Club

Approve 3rd Amended Developer's Agreement for Brookwood River Club, LLC, for River Club Subdivision, under Petition #FP-04-05-10. Quasi-Judicial **A.AGR 2006-006**

**Chair Truex** polled the Board for Ex Parte Disclosures and **Chair Truex, Commissioner Deutsch, Commissioner Doherty,** and **Commissioner Tiseo** advised they submitted the required forms to the Clerk's Office.

Mr. Ellis gave a brief overview of 3rd Amended Developer's Agreement for Brookwood River Club, LLC, for River Club Subdivision, FP-04-05-10 – Aerial Location Map, FP-04-05-10 – Proposed Changes Map, Proposed Amendments, and responded to Board inquiries.

**Commissioner Constance** inquired about the cost estimate.

Andrew Nielsen, Land Solutions, Inc. representing the Applicant agreed with the Staff presentation.

**Public Hearing - None**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE THE 3RD AMENDED DEVELOPER'S AGREEMENT FOR BROOKWOOD RIVER CLUB, LLC, FOR RIVER CLUB SUBDIVISION, UNDER PETITION #FP-04-05-10, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(3) Community Development

PP-07-05-09, Gramercy Street Development

Approve a two-year extension of the Preliminary Plat of Gramercy Street Development, for SRQ 999 Partners, LLC, for Petition #PP-07-05-09. Quasi-Judicial

**Chair Truex** polled the Board for Ex Parte Disclosures and **Chair Truex, Commissioner Deutsch, Commissioner Doherty,** and **Commissioner Tiseo** advised they submitted the required forms to the Clerk's Office.

Mr. Ellis gave a brief overview of a two-year extension of the Preliminary Plat of Gramercy Street Development, for SRQ 999 Partners, LLC, PP-07-05-09 – Proposed Changes, and responded to Board inquiries.

Shaun Cullinan, Planning and Zoning Official discussed lot sizes, open area, and drainage.

**Chair Truex** spoke to drainage. **Commissioner Constance** inquired about lot sizes, open area, and drainage.

**Public Hearing - None**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE A TWO-YEAR EXTENSION OF THE PRELIMINARY PLAT OF GRAMERCY STREET DEVELOPMENT, FOR SRQ 999 PARTNERS, LLC, FOR PETITION #PP-07-05-09, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(4) Community Development

PP-17-06-04, Waterford 2B & 2C

Approve Preliminary Plat for D.R. Horton, for Waterford Estates Phase 2B & 2C Subdivision, under Petition #PP-17-06-04. Quasi-judicial

**Chair Truex** polled the Board for Ex Parte Disclosures and **Chair Truex, Commissioner Deutsch, Commissioner Doherty,** and **Commissioner Tiseo** advised they submitted the required forms to the Clerk's Office.

Mr. Ellis gave a brief overview of Preliminary Plat for D.R. Horton, for Waterford Estates Phase 2B & 2C Subdivision, PP-17-06-04 – 2014 Aerial Location Map, PP-17-06-04 – 2014 Mid-Range Aerial Location Map, PP-17-06-04 – 2014 Aerial Location Map, PP-17-06-04 – Future Land Use Designations, PP-17-06-04 – Zoning Designations, and PP-17-06-04 - Proposed Changes Map.

Todd Rebol, Banks Engineering representing the Applicant mentioned replatting, products, density, and school concurrency.

**Public Hearing – None**

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

**MOTION CARRIED 5:0.**



**COMMISSIONER DOHERTY MOVED TO APPROVE PRELIMINARY PLAT FOR D.R. HORTON, FOR WATERFORD ESTATES PHASE 2B & 2C SUBDIVISION, UNDER PETITION #PP-17-06-04, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

(5) Community Development

STN-17-00001, Babcock

Approve a Resolution granting a Street Name Addition to State Road 31 for Babcock Property Holdings, LLC, for Petition #STN-17-00001. Legislative **RES 2017-218**

Mr. Cullinan gave a brief overview granting a Street Name Addition to State Road 31 for Babcock Property Holdings, LLC, for Petition #STN-17-00001, Reasons for request, Outreach, Results of change, STN-17-00001 – 2014 Aerial Location map – ZoomOut, and STN-17-00001 – 2014 Aerial Location map – Mid-Range.

**Commissioner Constance** asked about State name designation.

#### **Public Hearing**

Attorney Rob Berntsson, representing the Applicant explained the street name addition.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2017-218, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(6) Community Development

DRC-17-00033- Murphy Oil

Approve a Resolution for a Final Detail Plan for Murphy Oil DRC-17-00033. This resolution will allow demolition of the existing kiosk and gas canopy to construct a new 1,200 SF convenience store with six (6) fuel dispensers. This 0.57 +/- acre site is located at 2981 S. McCall Rd., Section 4, Township 41 South, Range 20 in Englewood, Fl. Quasi-Judicial **RES 2017-219**

**Chair Truex** polled the Board for Ex Parte Disclosures and **Chair Truex, Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo** advised they submitted the required forms to the Clerk's Office.

Mr. Cullinan gave a brief overview of a Final Detail Plan for Murphy Oil DRC-17-00033, DRC-17-00033 – 2014 Aerial Image, DRC-17-00033 – Zoning Designations, Site Plan, and Elevations.

Pov Chin, Greenberg Farrow representing the Applicant discussed proposed store, gas tanks and impact fees.

Venkat Vattikuti, County Transportation Engineer spoke to impact fees.

**Chair Truex** commented on impact fees. **Commissioner Constance** inquired about existing store, gas tanks and impact fees. **Commissioner Tiseo** opined impact fees.

**Public Hearing – None**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2017-219, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(7) Community Development

DRC-17-00040, Burger King

Approve the Resolution for a Final Detail Plan for a Burger King Restaurant DRC-17-00040. This resolution will allow a new 3,801 sq. ft. Burger King Restaurant with drive-thru and complete site improvements. This 1.83 +/- acre site is located at 2961 S McCall Rd., P7-4 in Section 04, Township 41 and Range 20 in Englewood, Florida. Quasi-Judicial **RES 2017-220**

**Chair Truex** polled the Board for Ex Parte Disclosures and **Chair Truex, Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo** advised they submitted the required forms to the Clerk's Office.

Mr. Cullinan gave a brief overview of Final Detail Plan for a Burger King Restaurant DRC-17-00040, Location Map for DRC-17-00040, 2014 Aerial Image for DRC-17-00040, Zoning Designations for DRC-17-00040, Site Plan, Elevations and responded to Board inquiries.

Attorney Rob Berntsson, representing the Applicant discussed the land parcel, site planning approval process, ingress and egress, access easement agreement, and read into the record document received from Oyster Creek Homeowners' Association.

**Chair Truex** commented on Oyster Creek Homeowners' Association. **Commissioner Constance** inquired about ingress and egress, easement and Oyster Creek Homeowners' Association. **Commissioner Tiseo** spoke to access, easement and Oyster Creek Homeowners' Association.

**Public Hearing – None**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2017-220 WITH A PROVISION THAT DOCUMENTATION FROM THE HOMEOWNERS ASSOCIATION IS RECEIVED STATING AN AGREEMENT WITH THE APPLICANT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(8) Community Development

Revisions to the Table of Contents of the County's LDRs, Z-17-07-21A

a) Conduct the first of two public hearings to discuss revisions to the Table of Contents for the County's Land Development Regulations (Z-17-07-21A) in accordance with Section 125.66, F.S.; and b) Set the second public hearing for adoption of Ordinances approving Z-17-07-21A for October 24, 2017 at 2:00 p.m., or as soon thereafter as may be heard. ~~Quasi-Judicial~~ Legislative

Mr. Cullinan noted Petition Z-17-07-21A and Z-17-07-21B items are Legislative not Quasi-Judicial and gave a brief overview of Revisions to the Table of Contents of the County's LDR's (Z-17-07-21A).

**Commissioner Constance** summarized revisions.

**Public Hearing – None**

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

**MOTION CARRIED 5:0.**

**CHAIR TRUEX MOVED TO APPROVE SETTING THE SECOND PUBLIC HEARING FOR ADOPTION OF ORDINANCES APPROVING Z-17-07-21A FOR OCTOBER 24, 2017 AT 2:00 P.M., OR AS SOON THEREAFTER AS MAY BE HEARD, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

(9) Community Development

Revisions to the County's LDR by Revising Sec. 3-9-2 and Adding New Sec. 3-9-26.1, Z-17-07-21B

a) Conduct the first of two public hearings to discuss revisions to the County's Land Development Regulations by revising Sec. 3-9-2, Rules of Construction; Definitions, to provide for the definition of Medical Marijuana Treatment Center Dispensing Facilities; and adding new Section 3-9-26.1, Prohibited Uses (Z-17-07-21B) in accordance with Section 125.66, F.S.; And b) Set the second public hearing for adoption of Ordinances approving Z-17-07-21B for October 24, 2017 at 2:00 p.m., or as soon thereafter as may be heard. ~~Quasi-Judicial~~ Legislative

Mr. Cullinan gave a brief overview of Revisions to the County's LDR by Revising Sec. 3-9-2 and Adding New Sec. 3-9-26.1 (Z-17-07-21B).

County Attorney Knowlton referenced federal law.

**Public Hearing – None**

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



**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE SETTING THE SECOND PUBLIC HEARING FOR ADOPTION OF ORDINANCES APPROVING Z-17-07-21B FOR OCTOBER 24, 2017 AT 2:00 P.M., OR AS SOON THEREAFTER AS MAY BE HEARD, SECONDED BY CHAIR TRUEX**

**MOTION CARRIED 3:2., COMMISSIONER CONSTANCE AND COMMISSIONER TISEO OPPOSED**


**Chair Truex** commented on Home Rule, State reopening in 2 years, dispensary locations, ballot language, Food and Drug Administration (FDA), and State and Federal Constitutions. **Commissioner Constance** conversed about Department of Health rule making, Department of Justice, State legislation, federal law, tax revenue, dispensary locations, ballot language, safety profiles, voters' rights, and lawsuit. **Commissioner Deutsch** mentioned federal law. **Commissioner Doherty** discussed Department of Health rule making, safety concerns, workplace drug testing, federal law, and State legislation. **Commissioner Tiseo** conferred about Department of Health rule making, State reopening in 2 years, dispensary regulation, honoring votes, federal law, safety concerns, and ballot language.

**ADJOURNED: 3:22 pm**

  
William G. Truex  
  
DATE ADOPTED: October 24, 2017

**ATTEST:**

**ROGER D. EATON, CLERK  
OF THE CIRCUIT COURT AND  
EX-OFFICIO TO THE BOARD  
OF COUNTY COMMISSIONERS**

By:   
Deputy Clerk