

**BOARD OF COUNTY COMMISSIONERS**

**JUNE 11, 2019**

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

The following members were present: Chair Doherty, Commissioner Constance, Commissioner Deutsch, and Commissioner Truex. Also in attendance were: County Administrator Sandrock, County Attorney Knowlton, Minutes Manager DiBerardino, and Minutes Clerk Light. The following members were absent: Commissioner Tiseo.

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

The Invocation was given by Pastor Bill Frank, First Baptist Church of Punta Gorda, followed by the Pledge of Allegiance.

**Changes to the Agenda**

**Addition #1:** R-2 Fire station #10 - approve Resolution of Necessity authorizing and directing the acquisition, by any legal means, of the real property located at 61 Gasparilla Way, Placida, Florida Requested by: Real Estate Services

**Commissioner Constance** requested addition of item R-3 for Florida Association of Counties (FAC) appointment to National Association of Counties (NACo) Board.

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

**MOTION CARRIED 4:0.**

**Proclamations - Commissioner Ken Doherty**

**COMMISSIONER CONSTANCE MOVED TO APPROVE THE PROCLAMATION, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**Artist of the Month - Betty Teramo**

Betty Teramo accepted the Proclamation.

**Employee Recognition**

**5 Years:** Dawn Anspach, County Attorney's Office; Michael Clauser, Utilities; Dennis Kilyk, Public Works; Stephen Kipa, Budget & Administrative Services; Matthew Valentine, Utilities; **30 Years:** John Elias, Public Works; Joann Dillon, Commissioner's Office; Keith Prescott, Public Works.

**Award Presentations – No items**

**CITIZEN INPUT - AGENDA ITEMS ONLY**

David Holmes commented on Contract No. 18-149, Firing Range Facility.

**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 both a property owner within and reside within the Unit. Submit applications to Public Works Department, 7000 Florida Street, Punta Gorda, Florida 33950; call 941.575.3600 or e-mail MSBU- TU@CharlotteCountyFL.gov.

- **Boca Grande Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- **Don Pedro and Knight Islands Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2021.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2019.
- **Greater Port Charlotte Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2019 and October 31, 2021.
- **Grove City Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- **Harbour Heights Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2019.
- **Mid-Charlotte Stormwater Utility 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.
- **Rotonda Sands North Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2021.
- **West Charlotte Stormwater Utility Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.

**REPORTS RECEIVED AND FILED**

May 23, 2019 Finance Committee Meeting Minutes

**CONSENT AGENDA**

**COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-5, SECONDED BY COMMISSIONER TRUEX**

**MOTION CARRIED 4:0.**

**Clerk of the Circuit Court**

**A. Comptroller 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 14, 2019 BCC Regular Meeting  
May 20, 2019 BCC Economic Development Director Interviews  
May 21, 2019 BCC Focus Area Workshop - Public Services  
May 23, 2019 BCC Pre-Agenda

BUDGETED ACTION: No action needed.

**Board of County Commissioners**

**C. Commission Office**

**1. Appointment - Beaches and Shores Advisory Committee**

RECOMMENDED ACTION: Approve the appointment Mr. Ed Hill to the Beaches and Shores Advisory Committee as a member-at-large. This appointment will expire on December 31, 2022. BUDGETED ACTION: No action needed.

**D. County Administration**

**Administration**

**1. Changes to the BCC Meeting Schedule**

RECOMMENDED ACTION: a) Approve the time change of the June 18, 2019 BCC meeting to 8:30 a.m.; and b) Approve setting Focus Area Workshop #4, Economic & Community Development on June 18, 2019 at 1 p.m., in Room 119 at 18500 Murdock Circle, Port Charlotte. BUDGETED ACTION: No action needed.

**Public Information Office - No Items**

**E. County Attorney - No Items**

**F. Budget and Administrative Services**

**Fiscal Services - No Items**

**Information Technology - No Items**

**Purchasing**

**1. 19-429, Award, Purchase of Articulated Dump Truck (Public Works)**

RECOMMENDED ACTION: a) Approve Award of File #19-429, Articulated Dump Truck, as a "Piggyback" purchase off of the Florida Sheriff Association Contract #FSA 18-VEH16.0 Specification #64, and award to Dobbs Equipment, LLC of Fort Myers, Florida, for the Public Works Solid Waste Division at the total cost of \$493,704.40; and b) Approve the property deletion of Asset #34480 (370E John Deere Articulating Dump Truck) to be sold via an online auction service with Gov-Deals, Inc. BUDGETED ACTION: No action needed. Budgeted in the Heavy Equipment Plan as approved in the FY19 budget process. Funding is supplied from the Solid Waste enterprise fund.

**2. 19-323, Design-Fire Stations #2 and #5 (Facilities)**

RECOMMENDED ACTION: a) Approve ranking for Request for Proposal #19-323, Design-Fire Stations #2 and #5: 1st- Wilder Architecture of Tampa, Florida; 2nd - Sweet Sparkman of Sarasota, Florida; and 3rd - Fawley-Bryant of Sarasota, Florida; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for the professional design services of Fire Stations #2 and #5. BUDGETED ACTION: No action needed. Budgeted in CIP projects "Fire Station 2 Replacement/Relocate" and "Fire Station 5 Replacement/Relocate" as approved in the FY19 budget process. Funding is supplied from Capital Projects, ad valorem.

**3. 19-299, Award, Don Pedro Island Bridge Repairs (Public Works)**

RECOMMENDED ACTION: Approve Award of Bid #19-229, Don Pedro Island Bridge Repairs, to the lowest responsive, responsible bidder, V&H Construction, Inc. of Fort Myers, Florida, at the unit prices bid for an estimated cost of \$299,528.46. BUDGETED ACTION: No action needed. Budgeted in the Bridge Capital Maintenance Plan approved in the FY19 budget process. Funding is supplied from the Don Pedro/Knight Island MSTU.

**4. 19-208, Award, Pirate Harbor Dredging (Public Works)**

RECOMMENDED ACTION: a) Approve Award of Bid #19-208, Pirate Harbor Dredging, to Brance Diversified, Inc. of Jacksonville, Florida, a total cost of \$535,500. This is for the dredging of the Pirate Harbor Outer Channel and Seagrass Mitigation; and b) Approve Resolution and budget adjustment BA19-031 in the amount of \$128,058. BUDGETED ACTION: Approve budget adjustment BA19-031 in the amount of \$128,058 to provide additional funding. Budgeted in the Dredging Capital Maintenance Plan, as approved in the FY19 budget process as amended. Funding is supplied from the Pirate Harbor Waterway MSBU assessments. **RES 2019-070**

5. 18-149, Firing Range Facility (Facilities)

RECOMMENDED ACTION: a) Declare a contractor default and authorize termination of Contract #18-149, Firing Range Facility, with A2 Group, Inc. pursuant to the terms of the Contract and the provisions of Section 3.2 of Performance Bond No. 9269755, based on Contractor's failure to comply with material provisions of the Contract; and b) Authorize the initiation of a claim against the Performance Bond with Fidelity and Deposit Company of Maryland (the "Surety"); and c) Authorize the County Attorney or designee to execute all documents necessary to formalize the default, terminate the Contract and initiate the claim against the Surety. BUDGETED ACTION: No action needed.

County Attorney Knowlton noted resolution and information.

Deputy County Attorney Lori Tetreault mentioned Surety, default, facilitated resolution, next steps, deferment, and manufacturer.

Travis Mortimer, Assistant County Administrator responded to staff meetings.

**Commissioner Constance** spoke to deferment. **Commissioner Deutsch** inquired to time constraints and deferment. **Commissioner Truex** requested staff discussions and deferment.

**COMMISSIONER TRUEX MOVED TO DEFER FIRING RANGE FACILITY ITEM FOR TWO WEEKS TO HAVE THE OPPURTUNITY TO OBTAIN SOME ADDITIONAL INFORMATION FROM STAFF, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

6. 19-346, Award, Sale of County Owned Properties (Real Estate Services)

RECOMMENDED ACTION: Approve Award of Bid #19-346, Sale of County Owned Properties, to the highest bidder per parcel as identified on the attached tabulation - recommendation of award. BUDGETED ACTION: No action needed.

7. Property Deletions for the Month of June, 2019 (Purchasing)

RECOMMENDED ACTION: Approve the deletion of the property inventory items listed on the attached for the month of June, 2019. BUDGETED ACTION: No action needed.

**Real Estate Services**

8. Sheriff Lease at Babcock Ranch

RECOMMENDED ACTION: a) Authorize the Chairman to execute a Land Lease Agreement with Babcock Property Holdings L.L.C.; and b) Accept the donation of a mobile office trailer (24 x 56) to be utilized by the Charlotte County Sheriff's Office as the Babcock Ranch Sheriff's Substation. BUDGETED ACTION: No action needed. **AGR 2019-045**

**Risk Management - No Items**

**Transit - No Items**

**G. Community Development - No Items**

**H. Community Services**

**Parks and Natural Resources - No Items**

**Recreation - No Items**

**Libraries and Historical - No Items**

**Community Services - No Items**

**I. Economic Development - No Items**

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

**K. Human Resources - No Items**

**L. Human Services - No Items**

**M. Public Safety - No Items**

**N. Public Works - No Items**

**O. Tourism Development - No Items**

**P. Utilities - No Items**

**Q. Other Agencies - No Items**

**R. Regular Agenda**

**REGULAR AGENDA**

**1. WCIND Agenda, June 21, 2019**

Community Services

Discussion and direction on the West Coast Inland Navigation District (WCIND) agenda for the upcoming meeting on June 21, 2019.

Tina Powell, Parks and Natural Resources Manager commented on WCIND Agenda.

**Commissioner Constance** gave a brief overview of the WCIND agenda.

**(Addition #1)** R-2 Fire station #10 - approve Resolution of Necessity authorizing and directing the acquisition, by any legal means, of the real property located at 61 Gasparilla Way, Placida, Florida Real Estate Services RES 2019-071

Robert Smith, Real Estate Services Manager gave a brief overview of Resolution of Necessity.

**COMMISSIONER TRUEX MOVED TO APPROVE RESOLUTION 2019-071 AUTHORIZING AND DIRECTING ACQUISITION OF 61 GASPARILLA WAY, PLACIDA, FL 33946, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**(Addition #2)** R-3 Commissioner Constance Florida Association of Counties (FAC) appointment to National Association of Counties (NACo) Board

**Commissioner Constance** requested Board support for Florida Association of Counties (FAC) appointment to National Association of Counties (NACo) position. **Commissioner Deutsch** responded to request for Board support for FAC appointment to NACo.

**COMMISSIONER DEUTSCH MOVED TO APPROVE REQUEST FROM COMMISSIONER CONSTANCE CONCERNING FLORIDA ASSOCIATION OF COUNTIES APPOINTMENT TO NATIONAL ASSOCIATION OF COUNTIES BOARD, SECONDED BY COMMISSIONER TRUEX**

**MOTION CARRIED 4:0.**

**CITIZEN INPUT - ANY SUBJECT**

Diane Shaw, Rotonda West resident commented on sidewalks and Municipal Service Benefit Unit (MSBU).

Jim Shaw, Rotonda West resident mentioned MSBU, petitions, voting process, sidewalk design, and budget.

Linda Miller, Rotonda West resident discussed MSBU and Sunshine Law.

Kathy Altenburg, Rotonda West resident spoke to MSBU increase and sidewalk design.

Greg Bush, Rotonda West resident noted Meet and Greet and MSBU increase.

Vickie Shuffitt, Rotonda West resident mentioned sidewalks and MSBU increase.

Samantha Gentrup commented on glyphosate spraying.

**AA. County Administrator: None**

**BB. County Attorney: None**

**CC. Commissioner Comments:**

Ralph Mitchell, County Extension Director and Horticulture Agent noted glyphosate.

John Elias, Public Works Director responded to glyphosate spraying and Pirate Harbor mitigation.

Ms. Powell discussed glyphosate spraying.

County Administrator Sandrock replied to Mission, Vision, and Values Workshop.

**Chair Doherty** mentioned Pirate Harbor mitigation, NACo, and Florida State Association of Supervisors of Elections (FSASE) Canvassing Board Workshop. **Commissioner Constance** spoke to herbicides, pest and mosquito control, school spraying, Rotonda West sidewalks and MSBU, Pirate Harbor mitigation, NACo, Mission, Vision, and Values Workshop, and read letter into record from Lee Yaffey. **Commissioner Deutsch** noted Canvassing Board and FSASE Canvassing Board. **Commissioner Truex** commented on MSBU, glyphosate spraying, Pirate Harbor mitigation, NACo, and FSASE Canvassing Board.

## **PUBLIC HEARING AGENDA**

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

#### 1. Conduct a Public Hearing to Consider an Ordinance Amending Article III in Chapter 2-1

County Attorney

Conduct a public hearing to consider an ordinance Amending Article III in Chapter 2-1 of the Charlotte County Code of Ordinances relating to Emergency Management to conform the current code to state law by providing that a violation of an enacted curfew or a violation of other emergency measures during a declared state of emergency shall be a misdemeanor of the first degree and punishable as provided for by state law. **ORD 2019-013**

Jean Stasio, Assistant County Attorney gave a brief overview of Ordinance amending Article III in Chapter 2-1.

**Public Hearing - None**

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

**MOTION CARRIED 4:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2019-013 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA TO AMEND CHAPTER 2-1 ENTITLED "EMERGENCIES", OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA BY**



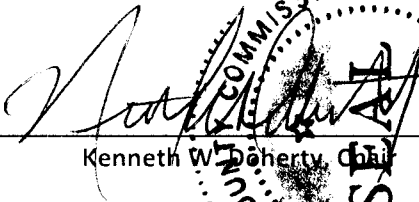
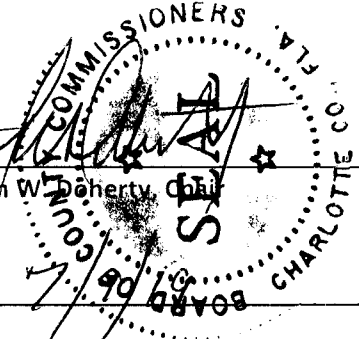
AMENDING ARTICLE III, "EMERGENCY MANAGEMENT," SECTION 2-1-43, TO PROVIDE THAT A VIOLATION OF AN ENACTED CURFEW OR A VIOLATION OF OTHER EMERGENCY MEASURES DURING A DECLARED STATE OF EMERGENCY SHALL BE A MISDEMEANOR OF THE FIRST DEGREE, PUNISHABLE AS PROVIDED FOR BY STATE LAW; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 4:0.

PRESENTATION AGENDA

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

ADJOURNED: 10:06 am

  
\_\_\_\_\_  
Kenneth W. Deherly, Clerk  
DATE ADOPTED: 6/11/19  


ATTEST:

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

By: Michelle Beaudino  
Deputy Clerk