

BOARD OF COUNTY COMMISSIONERS

APRIL 23, 2019

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 Doherty, Commissioner Constance, Commissioner Deutsch, Commissioner Tiseo, and Commissioner Truex. Also in attendance were: County Administrator Sandrock, County Attorney Knowlton, Finance Director Gervais, 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 Pastor James Stultz, Peace River Baptist Church, followed by the Pledge of Allegiance.

Changes to the Agenda

Addition #1: R-4 Approve the "piggyback" of File 19-393, Playground Equipment for Harold Avenue Regional Park, with HGAC Buy, Contract #PR11-18, awarding to BCI Burke Company, LLC., of Fond Du Lac, Wisconsin, for a total cost of \$184,383.52.
Requested by: Purchasing (Community Services)

Addition #2: R-5 Approve Resolution Declaring a Local State of Emergency Regarding Structures on Manasota Key.
Requested by: County Attorney

Change #1: S-1 Added attachments: Revised Speed Limit Ordinance, and Revised Exhibits.
Requested by: Public Works

Chair Doherty requested change of Agenda order hearing Citizen Input – Agenda Items Only first and Legislative Update from Congressman Steube second.

COMMISSIONER CONSTANCE MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Taken Out Of Order

CITIZEN INPUT - AGENDA ITEMS ONLY

Howard Kunik, City of Punta Gorda Manager spoke to Marine Advisory Committee Fiscal Year 2020 Funding Recommendation.

Gussie Baker mentioned Punta Gorda Library Use.

Frank Desguin, Charlotte County Historical Center Society President commented on Punta Gorda Library Use.

Margie Blackwell, Charlotte County Historical Advisory Committee Member discussed Punta Gorda Library Use.

Taken Out Of Order

REGULAR AGENDA

R. Regular Agenda

1. Legislative Update from Congressman Steube

County Administration

Congressman Steube to provide Legislative update.

Congressman Steube gave a brief Legislative update and responded to Board inquiries.

Chair Doherty spoke to Lake Okeechobee and water quality. **Commissioner Constance** mentioned National Flood Insurance Program (NFIP), offshore drilling, and Lake Okeechobee. **Commissioner Deutsch** commented on William R. Gaines Jr. Veterans Memorial Park. **Commissioner Tiseo** inquired about medical marijuana and school safety. **Commissioner Truex** discussed Lake Okeechobee and the Immigration Citizenship Sub-Committee.

Proclamations - Commissioner Christopher Constance

COMMISSIONER TRUEX MOVED TO APPROVE THE PROCLAMATIONS, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Building Safety Month - May

Ben Bailey, Tim Rogers, and Julia Galofre accepted the Proclamation.

Charlotte County Travel and Tourism Week

Wendie Vestfall, Tourism Development Director and Staff accepted the Proclamation.

Child Care Provider Appreciation Day

Anne Bouhebent accepted the Proclamation.

Economic Development Week

Dave Gammon, Kay Tracy, Joshua Hudson, Kenna Hubai, and Amanda Benton accepted the Proclamation.

Hibiscus Day

Chair Doherty accepted the Proclamation.

National Arab American Heritage Month

Zahra Schriteh and Lina Baroudi accepted the Proclamation.

National Drinking Water Week 2019

Steve Kipfinger accepted the Proclamation.

National Physical Fitness and Sports Month

Mike Norton accepted the Proclamation.

Native Tree and Shrub Preservation Week

Gary Berger and David Wilson accepted the Proclamation.

Water Safety Awareness Day

Dave Wilson accepted the Proclamation.

Employee Recognition

Employee of the Month

Employee of the Month - March 2019 - Chad Sutter, Utilities

Thomas Hill, Utilities Water Quality Foreman gave a brief overview of Mr. Sutter's career, professionalism, and read customer accolades.

Award Presentations

1. Commissioners' Award for Customer Service - Commissioner Tiseo

Second Quarter Commissioners' Award FY 2018/19 - Tracy Herman

Commissioner Tiseo gave a brief overview of Ms. Herman's career and excellent customer service.

COMMITTEE VACANCIES

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

Tourist Development Council is seeking one volunteer to represent the tourism industry. The applicant must be a resident of Charlotte County. Length of term is four years. To obtain an application, please contact Diane Whidden at 941-743-1300 or via email at Diane.Whidden@CharlotteCountyFL.gov.

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, FL 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.
- **Englewood East Non-Urban 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.
- **Manasota Key Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2019.
- **Mid-Charlotte Stormwater Utility Unit** is seeking two members to fill vacant unexpired terms through October 31, 2019 and 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.
- **Rotonda Sands North Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2021.

REPORTS RECEIVED AND FILED - No Items

CONSENT AGENDA

Commissioner Constance referenced Marine Advisory Committee Fiscal Year 2020 Funding Recommendation. **Commissioner Truex** discussed Marine Advisory Committee Fiscal Year 2020 Funding Recommendation.

COMMISSIONER DEUTSCH MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF C-2 AND F-7, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

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:

March 26, 2019 BCC Regular Meeting
April 4, 2019 BCC Pre-Agenda

BUDGETED ACTION: No action needed.

Board of County Commissioners

C. Commission Office

1. Appointment - Englewood East Non-Urban Street & Drainage MSBU Advisory Board

RECOMMENDED ACTION: Approve the appointment of Cathie Skoog to fill the unexpired term of Steven Meusel on the Englewood East Non-Urban Street & Drainage MSBU Advisory Board. This appointment will be effective immediately and will expire on October 31, 2021. BUDGETED ACTION: No action needed.

2. Naming Building Construction Services Building

RECOMMENDED ACTION: Approve a naming request for Building Construction Services. BUDGETED ACTION: No action needed.

Chair Doherty detailed Mr. Carlson's community involvement. **Commissioner Truex** highlighted Jay Carlson and the building being named in his honor.

COMMISSIONER TRUEX MOVED TO APPROVE A NAMING REQUEST FOR BUILDING CONSTRUCTION SERVICES BUILDING, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

D. County Administration

Administration

1. Changes to the 2019 BCC Meeting Schedule

RECOMMENDED ACTION: a) Approve the cancelation of the May 13, 2019 MSBU Workshop; and b) Approve the cancelation of the June 18, 2019 Monthly Workshop; and c) Approve scheduling a BCC Meeting on June 18, 2019 at 9:00 a.m., in Room 119 at 18500 Murdock Circle, Port Charlotte; and d) Approve the cancelation of the July 16, 2019 Monthly Workshop; and e) Approve rescheduling the Presentation of Tentative Budget set for July 16, 2019 at 2:00 p.m. to July 17, 2019 at 2:00 p.m. BUDGETED ACTION: No action needed.

Public Information Office - No Items

E. County Attorney

1. Facility Use Agreement - Supervisor of Elections

RECOMMENDED ACTION: a) Approve the Facility Use Agreements with the Supervisor of Elections to authorize use of specified county facilities as polling places; and b) Approve the Resolution Authorizing the County Administrator or Designee to enter Into (future) Facility Use Agreements with the Supervisor of Elections. BUDGETED ACTION: No action needed. **AGR 2019-024 / AGR 2019-030 / RES 2019-046**

2. Executive Session concerning the civil lawsuit captioned David McLane v. Charlotte County

RECOMMENDED ACTION: Conduct an Executive Session on April 23, 2019 at 3:00 p.m. (or as soon thereafter as possible) in the Charlotte County Attorney's Office Conference Room to discuss settlement negotiations and strategy related to litigation expenditures concerning the civil lawsuit captioned David McLane v. Charlotte County Case No. 18-0054CA. BUDGETED ACTION: No action needed.

F. Budget and Administrative Services

Fiscal Services

1. Marine Advisory Committee FY 2020 Funding Recommendation

RECOMMENDED ACTION: Approve the Resolution which funds West Coast Inland Navigation District (WCIND) and Boater Improvement Fund (BIF) expenditures for fiscal year 2020 in the amount Of \$866,857. The Resolution authorizes the County Administrator to sign all necessary grant documents and subrecipient agreements. BUDGETED ACTION: No action needed. Funding will be budgeted in the Boater Revolving Fund in the FY2020 budget process. Matching funds are required at 50% for boater safety/education and boater recreation projects qualifying for WCIND funding. **RES 2019-047**

Information Technology - No Items

Purchasing

2. 19-256, Fire Rescue MSBU Methodology (Public Safety)

RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #19-256, Fire Rescue MSBU Methodology: 1st Tindale-Oliver & Associates, Inc.; and 2nd Government Services Group, Inc.; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of

negotiations. This is for a firm to review the current assessment methodology utilized for Charlotte County Fire Rescue Municipal Services Benefits Units (MSBU). BUDGETED ACTION: No action needed. Budgeted in the Fire Rescue Fund during the FY19 budget process.

3. 19-283, Design-Charlotte County Transit Facility (Facilities)

RECOMMENDED ACTION: a) Approve the ranking for Request for Proposal #19-283, Design - Charlotte County Transit Facility with the sole submitting firm: Hall Architects of Sarasota, FL; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for professional design services for a vehicle transit facility. BUDGETED ACTION: No action needed. Grant funding for this expenditure is included in the FY18/19 Transit budget.

4. 19-376, Award, Carmalita Park Football Field Sports Lighting Upgrade (Facilities)

RECOMMENDED ACTION: Approve File #19-376, Carmalita Park Football Field Sports Lighting Upgrade, a piggyback off of Sourcewell (Formerly NJPA) Contract #082114-msl, Athletic Field/Court and Parking Lot Lighting Systems, with Musco Sports Lighting, LLC, located in Muscatine, Iowa, for the total amount of \$269,800. BUDGETED ACTION: No action needed. Budgeted in the Community Services Capital Maintenance Plan, as approved in the FY19 budget process and later amended. Funding is supplied from Capital Projects, ad valorem.

5. 19-258, Ranking-Design Airport Rescue and Fire Fighter (ARFF) Training Simulator Facility (Facilities)

RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #19-258, Design Airport Rescue and Fire Fighter (ARFF) Training Simulator Facility: 1st - Morrison-Maierle Inc., and 2nd - Wilder Architecture Inc.; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for a qualified firm to provide design services of an Airport Rescue and Fire Fighter (ARFF) Training Simulator Facility in Punta Gorda, Florida. BUDGETED ACTION: No action needed. Budgeted in CIP project "Airport Rescue and Fire Fighter Training Prop" as approved in FY19 budget process. Grant funding is budgeted in the Fire Rescue Fund and does not require a local match.

Real Estate Services

6. Radio Communications Lease (28100 Challenger Blvd, #107)

RECOMMENDED ACTION: Approve (and authorize the Chairman to execute) a Lease for office and storage space on behalf of Radio Communications (Charlotte County Fire/EMS) for 1,964 square feet of office and warehouse space located at 28100 Challenger Boulevard, Unit #107. BUDGETED ACTION: No action needed. Budgeted in the Radio Communications Fund. **AGR 2019-025**

7. Authorization to Vote the County's Ownership Interests in Property Owners Associations, Homeowners Associations and Condominium Associations

RECOMMENDED ACTION: Approve Resolution authorizing the County Administrator or Manager of the Real Estate Services Division to vote the County's Ownership Interests in Property Owners Associations, Homeowners Associations and Condominium Associations. BUDGETED ACTION: No action needed. **RES 2019-048**

Chair Doherty spoke to Homeowners Association (HOA) and Property Owners Association (POA) fees, Prairie Creek Park amending Articles of Incorporation and Bylaws, and Habitat Conservation Plan (HCP). **Commissioner Constance** questioned Resolution clarity and HCP parcels. **Commissioner Tiseo** asked about County property interests and POA fees.

Robert Smith, Real Estate Services Manager discussed HCP Parcels and HOA and POA fees.

County Attorney Knowlton referenced Resolution language and County property interests.

Thomas David, Assistant County Attorney commented on articles of Incorporation and bylaws

COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2019-048 AUTHORIZING THE COUNTY ADMINISTRATOR OR THE MANAGER OF REAL ESTATE SERVICES DIVISION TO VOTE THE COUNTY'S OWNERSHIP INTERESTS IN THE PRAIRIE CREEK PROPERTY OWNERS ASSOCIATION PER REVISIONS READ INTO THE RECORD, SECONDED BY CHAIR DOHERTY

MOTION CARRIED 5:0.

Risk Management - No Items

Transit - No Items

G. Community Development

1. FP-18-03-03, Bond Reduction

RECOMMENDED ACTION: Approve a Bond Reduction for DR Horton, Inc., for Calusa Creek Section B, under Petition #FP-18-03-03. BUDGETED ACTION: No action needed.

2. FP-18-03-03, Amended Developer's Agreement

RECOMMENDED ACTION: Approve an Amended Developer's Agreement for DR Horton, Inc., for Calusa Creek Section B, under Petition #FP-18-03-03. BUDGETED ACTION: No action needed. **A. AGR 2018-037**

H. Community Services

Parks and Natural Resources - No Items

Recreation - No Items

Libraries and Historical

1. Teen Area Naming - Punta Gorda-Charlotte Library

RECOMMENDED ACTION: Approve naming the teen area of the Punta Gorda-Charlotte Library to the Mary Knowlton Teen Area. BUDGETED ACTION: No action needed.

Community Services - No Items

I. Economic Development

1. Set a Charlotte Harbor Community Redevelopment Agency Meeting on May 14, 2019

RECOMMENDED ACTION: Set a Charlotte Harbor Community Redevelopment Agency meeting on May 14, 2019 at 10:00 a.m., or as soon thereafter in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida.
BUDGETED ACTION: No action needed

J. Facilities Construction and Maintenance

1. Public Facilities Strategic Master Space Plan

RECOMMENDED ACTION: Received and accept "Phase 3 - Public Facilities Strategic Master Space Plan" to serve as a guideline for future general government facilities' design and development. BUDGETED ACTION: No action needed.

K. Human Resources - No Items

L. Human Services

1. Family Services Center New Tenants Lease

RECOMMENDED ACTION: a) Approve resolutions for two new 12 month lease agreements - Charlotte Alliance for a Safe and Drug Free Community, Inc. Dba Drug Free Charlotte County - The Loveland Center, Inc. Dba The Loveland Center; and b) Authorize the Board Chair to execute the two 12-month lease agreements. BUDGETED ACTION: Approved in Family Services Center budget in FY19. **AGR 2019-026 / RES 2019-049 / AGR 2019-027 / RES 2019-050**

M. Public Safety - No Items

N. Public Works

1. South Gulf Cove Street & Drainage MSBU Initial and Final Assessment Resolutions

RECOMMENDED ACTION: a) Approve the Initial Assessment Resolution; and b) Set a public hearing for July 9, 2019 at 10:00 a.m., or as soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider approving the Final Assessment Resolution. BUDGETED ACTION: No action needed. No Financial Impact. Budget will be approved through the regular budget process. **RES 2019-051**

2. Set a public hearing to repeal the duplicative County Code Sections of the South Gulf Cove Street & Drainage MSBU

RECOMMENDED ACTION: Set a public hearing for July 9, 2019 at 10:00 a.m., or as soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider approving an Ordinance repealing the duplicative County Code Sections of the South Gulf Cove Street and Drainage MSBU. BUDGETED ACTION: No action needed. No Financial Impact. Budget will be approved through the regular budget process.

3. Set a public hearing to abolish the South Gulf Cove Beautification Unit and Advisory Board on July 9, 2019

RECOMMENDED ACTION: Set a public hearing for July 9, 2019, at 10:00 a.m., or as soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider adoption of an ordinance abolishing the South Gulf Cove Beautification Unit and Advisory Board. BUDGETED ACTION: No action needed. No Financial Impact. Budget will be approved through the regular budget process.

O. Tourism Development - No Items

P. Utilities

1. Off-Site Utility Agreement WAWA

RECOMMENDED ACTION: Approve Off-Site Utility Agreement between the County and the WAWA, Inc. BUDGETED ACTION: No action needed. Budgeted in CIP project "Water Transmission/Wastewater Collection Reimbursement" as adopted in the FY19 budget process. Funding is supplied from Sewer Connection Fees. **AGR 2019-028**

Q. Other Agencies - No Items.

RECESS: 10:09 am - 10:15 am

Taken Out Of Order

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing

1. 2019 Speed Limit Ordinance for Various County Roadway Sections

(Change #1) Added attachments: Revised Speed Limit Ordinance, Revised Exhibits

Public Works

Conduct a public hearing to consider approving an ordinance setting new or modifying existing speed limits on various sections of Charlotte County Roadways as depicted in Exhibits 1 through 6. **ORD 2019-008**

John Elias, Public Works Director discussed the revised Speed Limit Ordinance and introduced Venkat Vattikuti, County Transportation Engineer.

Mr. Vattikuti gave a brief overview of Various Roadways in Creekside Development, Various Roadways in Rotonda Heights Municipal Service Benefit Units (MSBU), Various Roadways in Englewood East MSBU, Various Roadways Located East of Pine Street, Piper Road Extension, Placida Road from Rotonda Boulevard West to Gasparilla Pines Boulevard, and responded to Board inquiries

Commissioner Constance discussed traffic calming methods. **Commissioner Tiseo** commented on traffic calming methods. **Commissioner Truex** mentioned new signage postings and Fruitland Avenue traffic calming methods.

Public Hearing

Bruce Pomeroy spoke to Fruitland Avenue safety improvements.

Lorraine Arsenault commented on Fruitland Avenue traffic calming methods.

Al Marchand discussed Fruitland Avenue traffic volume and calming methods.

Bob Ferraris mentioned Fruitland Avenue traffic speed.

Catherine Heart opined Fruitland Avenue safety concerns and calming methods.

Quincy Hadman spoke to South Gulf Cove traffic speed and homeowners' signed petition.

Leonard Guckenheimer, Englewood East Property and Homeowners Association commented on traffic safety issues and MBSU.

Harry Farringer, Englewood East MSBU Board Member discussed traffic calming policy and Fruitland Avenue.

Michael Zarzano mentioned traffic speed and safety issues.

Lori Pierce opined Fruitland Avenue traffic speed safety concerns.

Francis Manning spoke to Fruitland Avenue traffic volume and calming methods.

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2019-008 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PURSUANT TO SECTION 2-4-41, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; AMENDING THE SPEED LIMITS ON CERTAIN PORTIONS OF VARIOUS ROADWAYS IN CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING THAT THE SPEED LIMIT IS NOT AFFECTED BY NAME OR ROAD DESIGNATION CHANGE; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR INCORPORATION OF EXHIBITS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

2. No Parking Along Harbour Drive, Kenesaw Street and Rampart Blvd

Public Works

Conduct a public hearing to consider approving an ordinance prohibiting the parking (all day or overnight) of vehicles along various roadway sections listed below: • Harbour Drive: Addington Place to Voyageur Drive (All Day) • Kenesaw Street: Cedarwood Street to Castlerock Lane (Overnight) • Rampart Blvd: 100 feet from either side of the entrance to Lakeshore of Charlotte County Condominium Association (Overnight) **ORD 2019-009**

Mr. Elias discussed prohibiting parking and introduced Mr. Vattikuti.

Mr. Vattikuti gave a brief overview of Harbor Drive Parking Issue at Harbour Heights Park, Kenesaw Street Parking Issue Location, Rampart Boulevard Parking Issue at Lake Shore Condo Community, and responded to Board inquiries.

Commissioner Constance inquired about no parking times. **Commissioner Truex** questioned Kenesaw Street.

Public Hearing

Michael Zarzano opined homelessness and Kenesaw Street.

Steve Vieira, Harbour Heights Streets and Drainage MSBU Advisory Committee Member commented on Harbour Drive.

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2019-009 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING SECTION 2-4-79 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, TO PROHIBIT PARKING OF VEHICLES ALONG PORTIONS OF HARBOUR DRIVE, KENESAW STREET, AND RAMPART BOULEVARD IN CHARLOTTE COUNTY FLORIDA; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

3. Amending Chapter 1-4, General Ordinances and Special Acts Section 1-4-36, Animals Prohibited in Public Parks, etc.

County Attorney

Conduct a public hearing to consider adoption of an ordinance to amend the Charlotte County Code to provide clarification of service animals allowed in Charlotte County public parks, public playgrounds, public school premises, public buildings, and on public beaches. **ORD 2019-010**

County Attorney Knowlton gave a brief overview of the consideration to amend the Charlotte County Code to provide clarification of service animals allowed in Charlotte County public parks, public playgrounds, public school premises, public buildings, and on public beaches.

Chair Doherty indicated State Statute and American Disabilities Act (ADA) compliance.

Public Hearing

Billy Kidwell noted ADA and service animals.

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

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE ORDINANCE 2019-010 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA AMENDING THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, CHAPTER 1-4, GENERAL ORDINANCES AND SPECIAL ACTS SECTION 1-4-36 ENTITLED ANIMALS PROHIBITS IN PUBLIC PARKS, PUBLIC PLAYGROUNDS, PUBLIC SCHOOL PREMISES, PUBLIC BUILDINGS AND ON PUBLIC BEACHES; EXCEPTIONS; CANINE WASTE REMOVAL; PENALTIES; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

4. Second Quarterly Budget Adjustments

Budget and Administrative Services

Conduct a public hearing approving the Resolution to adopt budget adjustments that amend the FY18/19 budget. These adjustments which impact various funds are needed to align the FY18/19 budget with required changes and actual activity. **RES 2019-052**

Gordon Burger, Budget and Administrative Services Director gave a brief overview of second quarterly budget adjustments.

Public Hearing - None

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

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE RESOLUTION 2019-052 TO ADOPT BUDGET ADJUSTMENTS THAT AMEND THE FISCAL YEAR 2018/2019 BUDGET, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

PRESENTATION AGENDA

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

Taken Out Of Order

R. Regular Agenda (Continued)

2. 2019 Englewood Beach Waterfest Request for In-kind funding

Tourist Development

a) Review and approve in-kind services application for 2019 Englewood Beach Waterfest; and b) Authorize the Chairman to execute the in-kind Event Funding Agreement. Value of in-kind services requested: \$50,000. **AGR 2019-029**

Wendie Vestfall, Tourism Development Director gave a brief overview of the Application for In-Kind Event Services for the 2019 Englewood Beach Waterfest.

County Attorney Knowlton referenced audit and scoring criteria.

Chair Doherty inquired about audit. **Commissioner Constance** questioned scoring criteria.

COMMISSIONER DEUTSCH MOVED TO APPROVE AGREEMENT 2019-029 AUTHORIZING THE CHAIRMAN TO EXECUTE IN-KIND EVENT FUNDING, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

3. Punta Gorda Library Use

County Administration

Discussion and Direction on the use of the current Punta Gorda Library.

Deputy County Administrator Flores gave a brief update on the current Punta Gorda Library use options and responded to Board inquiries.

County Administrator Sandrock explained swing space.

Chair Doherty spoke to current Punta Gorda Library use options. **Commissioner Constance** discussed current Punta Gorda Library use options. **Commissioner Deutsch** commented on current Punta Gorda Library use options. **Commissioner Tiseo** mentioned current Punta Gorda Library use options. **Commissioner Truex** noted current Punta Gorda Library use options.

(Addition #1) R-4 Approve the "piggyback" of File 19-393, Playground Equipment for Harold Avenue Regional Park, with HGAC Buy, Contract #PR11-18, awarding to BCI Burke Company, LLC, of Fond Du Lac, Wisconsin, for a total cost of \$184,383.52.

Kim Corbett, Purchasing Senior Division Manager gave a brief overview of the "piggyback" of File 19-393, Playground Equipment for Harold Avenue Regional Park, with HGAC Buy, Contract #PR11-18, awarding to BCI Burke Company, LLC., and responded to Board inquiries.

Commissioner Constance questioned late addition.

COMMISSIONER TRUEX MOVED TO APPROVE THE "PIGGYBACK" OF FILE 19-393, PLAYGROUND EQUIPMENT FOR HAROLD AVENUE REGIONAL PARK, WITH HGAC BUY, CONTRACT #PR11-18, AWARDING TO BCI BURKE COMPANY, LLC, OF FOND DU LAC, WISCONSIN, FOR A TOTAL COST OF \$184,383.52, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(Addition #2) R-5 Approve Resolution Declaring a Local State of Emergency Regarding Structures on Manasota Key. RES 2019-054

County Attorney Knowlton gave a brief overview of declaring a Local State of Emergency regarding structures on Manasota Key.

COMMISSIONER TRUEX MOVED TO APPROVE RESOLUTION 2019-054 DECLARING A LOCAL STATE OF EMERGENCY REGARDING STRUCTURES ON MANASOTA KEY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

RECESS: 11:57 am - 1:00 pm

1 P.M. CITIZEN INPUT - ANY SUBJECT

Frank Desguin, Charlotte County Historical Center Society President discussed current Punta Gorda library use and historic museum.

Kathleen Coppola commented on roundabouts.

Pat Harris spoke to septic system inspections, maintenance, and sewers.

Susan Hutt mentioned sewer rates, spillage fines, Babcock Ranch, septic system maintenance, utilities infrastructure, and fatbergs.

Cynthia Compton discussed homelessness and opioids.

Michael Zarzano, United Counties of America Founder commented on citizen protection and nine-eleven crime.

AA. County Administrator:

County Administrator Sandrock conveyed the passing of Lee County Commissioner Larry Kiker.

BB. County Attorney:

County Attorney Knowlton noted upcoming Economic Development Director interviews, ranking process, and background checks.

Heather Bacus, Human Resources Director indicated number of applicants and background checks.

County Administrator Sandrock mentioned travel expenses.

Chair Doherty spoke to interview questions, ranking process, background checks, and travel expenses. **Commissioner Constance** discussed ranking process, interview questions, and background checks. **Commissioner Deutsch** commented on number of applicants and ranking process. **Commissioner Truex** mentioned ranking process and background checks.

CC. Commissioner Comments:

Chair Doherty spoke to 2020 sales tax ballot, Palm Beach County Lake Okeechobee Resolution consideration, affordable housing funding, and Pre-School Academy Graduation Community Services event. **Commissioner Constance** discussed septic systems and 2020 sales tax ballot. **Commissioner Deutsch** commented 2020 sales tax ballot. **Commissioner Tiseo** mentioned affordable housing funding, boardwalk, vacant lot camping, sewer and water systems repair and replacement program, septic systems, Sewer Expansion Program costs, homelessness, and 2020 sales tax ballot. **Commissioner Truex** spoke to 2020 sales tax ballot, Charlotte County 98 years old today, Palm Beach County Lake Okeechobee Resolution consideration, sewer systems repair and replacement program, septic systems, Winchester Boulevard and Fruitland Avenue intersection improvements, Gasparilla Road and Marathon Boulevard intersection improvements, and affordable housing funding.

Craig Rudy, Utilities Director referenced sewer and water systems repair and replacement program.

County Attorney Knowlton commented on Sale Tax Statute language and Attorney General (AG) Opinion.

RECESS: 1:57 pm - 2:05 pm

COMMISSIONER CONSTANCE MOVED TO RECONSIDER CONDUCTING AN EXECUTIVE SESSION ON APRIL 23, 2019 AT 3:00 P.M. (OR AS SOON THEREAFTER AS POSSIBLE) IN THE CHARLOTTE COUNTY ATTORNEY'S OFFICE CONFERENCE ROOM TO DISCUSS SETTLEMENT NEGOTIATIONS AND STRATEGY RELATED TO LITIGATION EXPENDITURES CONCERNING THE CIVIL LAWSUIT CAPTIONED DAVID MCLANE V. CHARLOTTE COUNTY CASE NO. 18-0054CA, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE CONDUCTING AN EXECUTIVE SESSION ON APRIL 23, 2019 AT 2:30 P.M. (OR AS SOON THEREAFTER AS POSSIBLE) IN THE CHARLOTTE COUNTY ATTORNEY'S OFFICE CONFERENCE ROOM TO DISCUSS SETTLEMENT NEGOTIATIONS AND STRATEGY RELATED TO LITIGATION EXPENDITURES CONCERNING THE CIVIL LAWSUIT CAPTIONED DAVID MCLANE V. CHARLOTTE COUNTY CASE NO. 18-0054CA, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Chair Doherty spoke to official letterhead seal and logo. **Commissioner Constance** mentioned the official letterhead seal and logo. **Commissioner Deutsch** discussed official letterhead seal and logo. **Commissioner Truex** noted official letterhead seal and logo.

LAND USE PUBLIC HEARING AGENDA

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

Minutes Clerk Cash administered oath for testimony.

1. DRC-19-00019 Murdock Village Phase I

Community Development

Private Equity Group, LLC is requesting Final Detail Site Plan approval for infrastructure only to serve the future residential/commercial development (Murdock Village Phase I). The project site is 434.68+/- acre and is located at 1051 O'Donnell Blvd., Port Charlotte, FL. in Section 11, Township 40, Range 21. **RES 2019-053**

Quasi-Judicial

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

Maryann Franks, Zoning Coordinator gave a brief overview of DRC-19-00019, Area Image, FLUM Designations, Zoning Designations, Master Site Development Plan, Master Paving, Grading and Drainage Plan, Master Utility Plan, and Landscape Key Street.

Thomas David, Assistant County Attorney spoke to sidewalk maintenance and street and drainage maintenance.

Todd Rebol, Banks Engineering, Applicant Representative mentioned Final Detail Site Plan approval, closing process, accepting Staff's conditions, landscape maintenance, irrigation maintenance, Florida Power and Light (FPL) poles, and street and drainage maintenance.

Public Hearing – None

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

MOTION CARRIED 5:0.

Chair Doherty spoke to street and drainage maintenance. **Commissioner Constance** spoke to landscape and street and drainage maintenance. **Commissioner Deutsch** commented on Murdock Village project. **Commissioner Tiseo** spoke to sidewalk, irrigation, and street and drainage maintenance.

COMMISSIONER TRUEX MOVED TO APPROVE RESOLUTION 2019-053 PRIVATE EQUITY GROUP, LLC FINAL DETAIL SITE PLAN APPROVAL FOR INFRASTRUCTURE ONLY TO SERVE THE FUTURE

RESIDENTIAL/COMMERCIAL DEVELOPMENT (MURDOCK VILLAGE PHASE I) DRC-19-00019, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0., COMMISSIONER TISEO ABSTAINED (FORM 8B FILED)

2. MMPD to the Existing KIA PD, Z-19-03-04

Community Development

Approve an Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD. This is a major modification of an existing PD to revise Condition i (Signage) of approval; for property located northeast of Tamiami Trail (U.S. 41), south of Hillsborough Boulevard, southeast of Cranberry Boulevard and west of Bamboo Drive, in the Port Charlotte area, containing 77± acres; Commission District IV; Petition No. Z-19-03-04; applicant: WBF Florida Properties III LLC; providing an effective date. **ORD 2019-011**

Quasi-Judicial

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

Jie Shao, Principal Planner asked to be accepted as a planning expert, gave a brief overview of Z-19-03-04, Proposed Changes, Buffer Map, Location Map, Site Image, Framework, FLUM Designations, Zoning Designations, Signage Site Plan, and responded to Board inquiries.

Attorney Rob Berntsson accepted Ms. Shao as a planning expert, spoke to signage modification, and sign locations.

Jason Wyatt, Exceptional Engineering, Inc. Project Engineer spoke to signage location and style.

Public Hearing - None

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

MOTION CARRIED 5:0.

Commissioner Constance asked about signage locations and style. **Commissioner Tiseo** questioned signage size and tenant sign.

COMMISSIONER TRUEX MOVED TO APPROVE ORDINANCE 2019-011 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 125.66, FLORIDA STATUTES, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD), WHICH IS A MAJOR MODIFICATION TO THE EXISTING PLANNED DEVELOPMENT (PD) TO REVISE CONDITION I. (SIGNAGE) OF APPROVAL, FOR PROPERTY LOCATED NORTHEAST OF TAMIAMI TRAIL (U.S. 41), SOUTH OF HILLSBOROUGH BOULEVARD, SOUTHEAST OF CRANBERRY BOULEVARD AND WEST OF BAMBOO DRIVE, IN THE PORT CHARLOTTE AREA, COMMISSION DISTRICT IV, CHARLOTTE COUNTY, FLORIDA; PETITION Z-19-03-04; APPLICANT, WBF FLORIDA PROPERTIES III, LLC; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

RECESS: 2:33 PM – 3:22 PM

BOARD OF COUNTY COMMISSIONERS

APRIL 23, 2019

An Executive Session was held at the Murdock Administration Complex in Commission Chambers; Room 119, Port Charlotte, Florida. The following members were present: Chair Doherty, Commissioner Tiseo, and Commissioner Truex. Also in attendance were: County Administrator Sandrock, County Attorney Knowlton, and Minutes Clerk Cash.

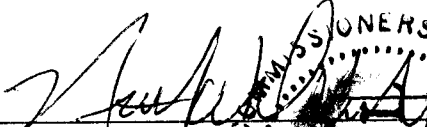
The Executive Session was called to order at 2:45 pm

The opening of the public portion of the Executive Session was announced. County Attorney Knowlton informed the attorney / client portion of the Executive Session would be held in the County Attorney's Conference Room, advised the purpose of the session is to discuss the lawsuit captioned David McLane v. Charlotte County, Case No. Case No. 18-0054CA, and stated the following would be in attendance: **Chair Doherty, Commissioner Constance, Commissioner Deutsch, Commissioner Tiseo, Commissioner Truex,** County Administrator Sandrock, County Attorney Knowlton, and Assistant County Attorney Philip Fairman.

EXECUTIVE SESSION RECESS: 2:45 pm – 3:22 pm

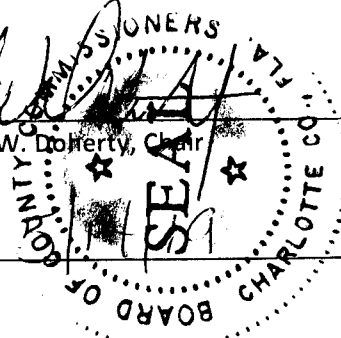
The Executive Session was reconvened and closed in Room 119 with **Chair Doherty, Commissioner Tiseo, Commissioner Truex,** County Attorney Knowlton, and Minutes Clerk Cash present.

ADJOURNED: 3:22 pm



Kenneth W. Doherty, Chair

DATE ADOPTED: _____



ATTEST:

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

By: 

Deputy Clerk