

BOARD OF COUNTY COMMISSIONERS

APRIL 12, 2022

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

The following members were present: Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo. Also in attendance were: County Administrator Flores, County Attorney Knowlton, and Minutes Clerk Welsh. The following members were absent: None.

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 Schedule a Special Meeting of the Board of County Commissioners on April 19, 2022 at 12:30 p.m. or as soon thereafter as possible, in Room 119 of the County Administration Center, 18500 Murdock Circle, Port Charlotte Florida, to convene an Executive Session to discuss settlement negotiations and/or litigation strategy related to the Richard D. Lake v. Charlotte County, Case No. 2:20CV00809-JLB-NPM.

Requested by: County Attorney

**Change #1:** T-1 Added attachment – REVISED, Presentation.

Requested by: Administration

**Change #2:** Reports Received and Filed Added attachments – REVISED, COVID-19 Update.

Requested by: Administration

**Deletion #1:** ~~C-1 Appointment – Marine Advisory Committee Approve the appointment of Charles Wolley to fill the unexpired term of Michael Savino on the Marine Advisory Committee. This appointment will be effective immediately and will expire December 31, 2023.~~

Requested by: Commission Office

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Stephen R. Deutsch

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

MOTION CARRIED 5:0.

### **Administrative Professionals Week**

Senior Administrative Assistants Jennifer Bullistron, Rachael Chaisson, Kellyann Eller, Ruth Agosto, Suzan Gowans, Katie Lukasek, Erica Lemaster, Deborah Hunt, and Administrative Services Coordinator Carole Thomas accepted the Proclamation.

### **Artist of the Month - April (Henry Garcia)**

Henry Garcia accepted the Proclamation.

### **CERT Month**

Community Emergency Response Team (CERT) volunteers accepted the Proclamation.

### **Charlotte County Easter Egg Event Day**

The Easter Bunny accepted the Proclamation.

### **Child Abuse Prevention Month**

Abbey Ellner, Florida Department of Health (FDOH) Program Administrator accepted the Proclamation.

### **Parliamentary Law Month**

Louis Rivera, Charlotte County Parliamentarians Unit President accepted the Proclamation.

### **Employee Recognition**

County Administrator Flores highlighted Employee Recognition.

### **Employee of the Year – 2021**

Evan Leibman  
Budget & Administrative Services - IT

Gordon Burger, Budget and Administrative Services Director highlighted Mr. Leibman's commitment, qualifications, customer service, and presented Award.

**Chair Truex** mentioned Mr. Leibman's qualifications. **Commissioner Constance** discussed Mr. Leibman's service.

### **Employee of the Month - January 2022**

Joy Estaris  
Community Services

Tommy Scott, Community Services Director highlighted Ms. Estaris's career, commitment, customer service, and presented Award.

Years of Service

**5 Years:** Paul Berg, Public Works; Paul Davis, Community Development; Robert Jones, Public Works; Matthew Sherman, Facilities; **10 Years:** Joshua Bair, Public Safety; **15 Years:** Dustin Burlew, Utilities; Jeffrey Proffitt, Public Works; **20 Years:** Michael Connor, Public Safety; and **25 Years:** Jeffrey Opsatnick, Public Safety.

**Award Presentations**

Check Presentation for the Veterans Memorial at the William R. Gaines Jr. Veterans Memorial Park

Commissioner Stephen R. Deutsch to accept donation from Mary Lee Chalifour.

**Commissioner Deutsch** noted Military Service Memorial, ribbon cutting, William R. Gaines Jr. Veterans Memorial Park, donation, and community involvement.

Mary Lee Chalifour spoke to donation, Chief Master Sergeant Lee H. Chalifour, military service, Purple Heart Award, and presented check to **Commissioner Deutsch**.

Military Order of Purple Heart Award

Commissioner Stephen R. Deutsch to accept the Military Order of Purple Heart Award.

Commander Jack Brunton, Charlotte County Military Order of the Purple Heart commented on **Commissioner Deutsch's** community service, veterans, William R. Gaines Jr. Veterans Memorial Park, Vietnam Memorial Wall of Southwest Florida, and presented Award.

American Heart Association Award

The American Heart Association has awarded national level bronze recognition in workplace health achievement to Charlotte County Board of County Commissioners. The award is for taking significant steps to build a culture of health and well-being for their workforce.

Stephanee Phillips, Wellness Coordinator highlighted and presented the American Heart Association Award.

**Chair Truex** remarked on participation.

**PUBLIC INPUT - AGENDA ITEMS ONLY**

Steve Lineberry, Charlotte County Chamber of Commerce President spoke in support of Eighth Lease Addendum for Economic Development.

Tara Zajas, Punta Gorda Chamber of Commerce Marketing and Recruiting Manager spoke in support of Eighth Lease Addendum for Economic Development.

Eric Loche, Charlotte County Economic Development Partnership President spoke in support of Eighth Lease Addendum for Economic Development.

David Kalin commented on Fiscal Year (FY) 2022 Block Public Transportation Grant Agreement & Resolution.

Doug Izzo, Englewood Chamber of Commerce Executive Director spoke in support of Eighth Lease Addendum for Economic Development.

Richard Russell, Marine Advisory Committee (MAC) Member-at-Large spoke in support of Derelict Vessel Removal Grant.

Joe Bokar, Little Gasparilla Property Owners Association Director spoke in support of Sales Tax Update.

#### COMMITTEE VACANCIES

The committee vacancy list below is for informational purposes only. It is not part of the County Commission agenda upon which action is to be taken, and therefore not a topic on which public input is allowed at the beginning of this meeting.

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.

- **Alligator Creek Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2024.
- **Boca Grande Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2024.
- **Buena Vista Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Don Pedro Knight Island Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2024.
- **Edgewater North Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2023.
- **Greater Port Charlotte Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2023.
- **Grove City Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2024.
- **Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Harbour Heights Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2023 & October 31, 2024.
- **Harbour Heights Waterway** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Mid Charlotte Stormwater Unit** is seeking one member to fill a vacant unexpired term through October 31, 2024.
- **Pirate Harbor Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.

- **Placida Area Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Rotonda Heights Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2024.
- **Rotonda Lakes Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Rotonda Sands Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **South Charlotte Stormwater Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **South Gulf Cove Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2024.
- **South Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Suncoast Waterway Unit** is seeking five members to fill vacant unexpired terms through October 31, 2022, October 31, 2023, and October 31, 2024.

#### REPORTS RECEIVED AND FILED

COVID-19 Response Update

(Change #2) Added attachments – REVISED, COVID-19 Update.

#### CONSENT AGENDA

COMMISSIONER DOHERTY MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-12, H-1, AND N-1, 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 8, 2022 BCC Regular Meeting  
March 15, 2022 BCC Special Meeting  
March 15, 2022 BCC Board Workshop - Reserve & Debt Policy  
March 17, 2022 BCC Pre-Agenda  
March 22, 2022 BCC Regular and Land Use

**Budgeted Action:** No action needed.

**Board of County Commissioners**

**C. Commission Office**

**(Deletion #1) 1. Appointment - Marine Advisory Committee**

~~**Recommended Action:** Approve the appointment of Charles Wolley to fill the unexpired term of Michael Savino on the Marine Advisory Committee. This appointment will be effective immediately and will expire December 31, 2023.~~

~~**Budgeted Action:** No action needed.~~

**2. Appointment - Edgewater North Waterway Advisory Board**

**Recommended Action:** Approve the appointment of Elizabeth Groth to fill the unexpired term of Keith Waltz on the Edgewater North Waterway Advisory Board. This appointment will be effective immediately and will expire on October 31, 2023.

**Budgeted Action:** No action needed.

**3. Appointment - Don Pedro Knight Islands Street & Drainage Advisory Board**

**Recommended Action:** Approve the appointment of David Duncan to fill the unexpired term of Gary Wilkins on the Don Pedro Knight Islands Street & Drainage Advisory Board. This appointment will be effective immediately and will expire on October 31, 2023.

**Budgeted Action:** No action needed.

**4. Appointment - Harbour Heights Waterway Advisory Board**

**Recommended Action:** Approve the appointment of Jeff Good to the vacant position on the Harbour Heights Waterway Advisory Board. This appointment will be effective immediately and will expire on October 31, 2022.

**Budgeted Action:** No action needed.

**5. Appointment - Planning and Zoning Board**

**Recommended Action:** Approve the appointment of Clint Baker as a representative of District 4 to fill the unexpired term of Thomas Thornberry. The term expires November 30, 2022.

**Budgeted Action:** No action needed.

**D. County Administration**

**E. County Attorney**

**F. Budget and Administrative Services**

**Fiscal Services**

**1. Updated Landfill Escrow Agreement**

**Recommended Action:** Approve Resolution and Landfill Escrow Agreement. AGR 2022-029 / RES 2022-036

**Budgeted Action:** No action needed.

**2. Sheriff Budget Transfer Request**

**Recommended Action:** Approve a transfer from the approved FY21/22 Law Enforcement budget \$150,000 from Personnel Services to Capital Outlay to purchase five (5) small pick-up trucks for the Community Service Aid program.

**Budgeted Action:** No action needed. Budgeted in the Public Safety Fund - Sheriff budget as approved in the FY2022 budget process. Funding for this expenditure comes from Sheriff Ad Valorem revenues.

**Information Technology**

**Purchasing**

**3. 22-270, Award, Recoating - West Port Clarifier and Rotonda Digesters (Utilities)**

**Recommended Action:** Approve award of Request for Bid #22-270, Recoating - West Port Clarifier and Rotonda Digesters, to Cypress Construction & Coating Inc. of Lehigh Acres, Florida for the total project amount of \$189,951.51. This is for the services of a Contractor to prepare and coat the West Port Water Reclamation Facility Clarifier #1 and Rotonda Water Reclamation Facility Digester #1 and #2.

**Budgeted Action:** No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Operations budget as approved in the FY2022 budget process. Funding for this expenditure comes from rate revenues.

**4. 22-351, Award, ePermitHub Renewal (Information Technology)**

**Recommended Action:** Approve award of a Piggyback, File #22-351, ePermitHub Renewal, to Insight Direct USA Inc. dba Insight Public Sector, of Tempe, Arizona (piggyback off the Omnia Partners Contract #4400006644) for the total amount of \$184,923.60. This is for renewal of ePermitHub software subscription services for the period March 01, 2022, to February 28, 2023.

**Budgeted Action:** No action needed. Budgeted in the Building Construction Services Fund – Building Construction Services budget as approved in the FY2022 budget process. Funding for this expenditure comes from permit fees.

5. 22-253, Award, Hayward Canal Dredging (Public Works)

**Recommended Action:** Approve award of Bid #22-253 Hayward Canal Dredging to the lowest responsive, responsible bidder, Sea and Shoreline LLC of Ruskin, Florida in the total project amount of \$182,248.50.

**Budgeted Action:** No action needed. Budgeted in the Public Works MSBU/TU Dredging Capital Maintenance Plan as approved in the FY22 budget process. Additional grant funding in the amount of \$12,248.50 will be brought to the board for approval as part of the quarterly budget adjustments on April 26, 2022. Funding is supplied by West Coast Inland Navigation District (WCIND) in the amount of \$170,000.00 and by Boater Improvement-Local funding in the amount of \$12,248.50.

6. 20-396, Novation, Contract Transit Development Plan-Annual Progress Report (Transit)

**Recommended Action:** Approve Novation of Contract #2020000396 by substitution of new party, Alfred Benesch & Company (Alfred Benesch) for discharged party, Tindale-Oliver & Associates, Inc. (Tindale-Oliver).

**Budgeted Action:** No action needed.

7. 22-302, Award, Horizontal Directional Drilling Services - Annual Contract (Utilities)

**Recommended Action:** a) Approve award of Request for Bids #22-302, Horizontal Directional Drilling Services - Annual Contract, to Sylvester Excavating, Inc. of Englewood, FL at the unit prices bid. Term of contract shall be from date of award through and including September 30, 2023; and b) Authorize the County Administrator to approve the renewal options for up to two additional 1-year terms at the same prices, terms, and conditions by mutual consent.

**Budgeted Action:** No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Operations budget as approved in the FY2022 budget process. Funding for this expenditure comes from rate revenues.

8. 22-264, Approve Ranking, Charlotte County Utilities Business Process and Manpower Audit (Utilities)

**Recommended Action:** a) Approve the sole proposer for Request for Proposal #22-264 Charlotte County Utilities Business Process and Manpower Audit: 1st - Blue Cypress Consulting, LLC; 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 professional services to Charlotte County Utilities Department (CCUD) to provide a business process manpower audit.

**Budgeted Action:** No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Administration budget as approved in the FY2022 budget process. Funding for this expenditure comes from rate revenues.

9. 21-302, Approve Amendment, Engineering Services - South Gulf Cove Bridge Repairs (Public Works)

**Recommended Action:** Approve Amendment #1 to Contract #21-302, Engineering Services - South Gulf Cove Bridge Repairs, with KCI Technologies, Inc. in the amount of \$56,720. This amendment is to increase the width of the proposed sidewalks on the four (4) bridges from a 5-foot-wide sidewalk to a new width of 8-foot.

**Budgeted Action:** No action needed. Budgeted in the MSBU/TU Bridge Capital Maintenance Plan as approved in the FY22 budget process. Funding is supplied from South Gulf Cove Street & Drainage MSBU assessments.



10. Property Deletions for the Month of April, 2022 (Purchasing)

**Recommended Action:** Approve the deletion of additional property inventory items listed on the attached for the month of April 2022.

**Budgeted Action:** No action needed.

**Real Estate Services**

11. Direct Sale - Upland Area of Palau Waterway

**Recommended Action:** a) Approve Resolution declaring subject property as surplus, authorizing the direct sale of property in accordance with the provisions of Florida Statute 125.35(2); and b) Authorize acceptance of a twenty-foot (20') wide canal maintenance easement as a condition of the sale. **RES 2022-037**

**Budgeted Action:** No action needed.

12. Eighth Lease Addendum for Economic Development

**Recommended Action:** Authorize the Chairman to execute the Eighth Lease Addendum for the use of office space on the behalf of Economic Development for 2,118 square feet of office space located at 18501 Murdock Circle, Suite 302. **A.AGR 2002-077**

**Budgeted Action:** No action needed. Budget for this item comes from savings in various account lines budgeted in the General Fund - Economic Development budget as approved in the FY2022 budget process. Funding for the expenditure comes from General Fund.

**Chair Truex** discussed privacy, projects, non-disclosure agreements (NDA), confidentiality, Hertz, impacts, securities, tax payers, County owned facilities, and savings. **Commissioner Constance** mentioned office and commercial space, locations, vacancies, County owned facilities, options, Tourism, Economic Development, growth, and renewal. **Commissioner Deutsch** noted Economic Development Office, confidentiality agreements, atmosphere, meeting space, vacancies, County owned facilities, and location. **Commissioner Doherty** commented on location, vacancies, professional, and Economic Development Office. **Commissioner Tiseo** spoke to lease renewal, rate, common area maintenance (CAM) charges, location, Economic Development, relocation and remodeling costs, and options.

Stephen Kipa, Real Estate Services Manager responded to site spatial analysis, Economic Development Director Dave Gammon, locations, County owned facilities, confidentiality, relocation and remodeling costs, and lease terms.

Travis Perdue, Facilities Construction and Maintenance Director replied to vacancies and County owned facilities.

**COMMISSIONER TISEO MOVED TO APPROVE AGREEMENT 2002-077 EIGHTH LEASE ADDENDUM FOR THE USE OF OFFICE SPACE ON BEHALF OF ECONOMIC DEVELOPMENT FOR 2,118 SQUARE FEET OF OFFICE SPACE LOCATED AT 18501 MURDOCK CIRCLE, SUITE 302, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

13. Mangrove Trimming Agreement - Village at Oyster Creek Condominium Association

**Recommended Action:** Authorize the Chairman to execute an Agreement with Village at Oyster Creek Condominium Association. **AGR 2022-030**

**Budgeted Action:** No action needed.

## **Risk Management**

### **Transit**

#### 14. 2022-3482-FY22 Block Public Transportation Grant Agreement & Resolution

**Recommended Action:** a) Approve & accept grant agreement between the State of Florida, Department of Transportation (FDOT) and Charlotte County in the amount of \$422,197 for the purpose of using Public Transit Block Grant Program Funding for the Agency's eligible administration, management and operational expenses incurred through providing public transportation services in Charlotte County; and b) Authorize the Chair to execute the grant agreement; and c) Adopt a resolution authorizing County Administrator, or designee, to execute future amendments, agreements, and other associated documents. **GRT 2022-010 / RES 2022-038**

**Budgeted Action:** No action needed. Included in the Transit FY22-23 Budget. No match is required.

## **G. Community Development**

### **H. Community Services**

#### 1. Derelict Vessel Removal Grant

**Recommended Action:** a) Approve Resolution and agreement with the Florida Fish and Wildlife Commission to accept a Derelict Vessel Removal Grant in the amount of \$2,833.84; and b) Authorize the County Administrator or his/her designee to apply for and accept future grants from the same Derelict Vessel Removal Grant as they become available. **GRT 2022-011 / RES 2022-039**

**Budgeted Action:** No action needed. Grant funding in the amount of \$2,833.84 is included in the FY22 budget for Boater Revolving Fund. Grant funding is provided by Florida Fish and Wildlife Commission. There is no County match required.

**Chair Truex** discussed plan, changes, legislative staff, process, Placida, derelict vessel, removal, Chadwick Cove, policy, Florida Statutes, notice, and voluntarily surrender. **Commissioner Constance** mentioned West Coast Inland Navigation District (WCIND) meeting and Executive Director Justin McBride, derelict vessels, Chadwick Cove, Peace River, Charlotte County Sheriff's Office (CCSO), Sarasota County, Strike Team, Sea Tow, Towboat US, process, timeframe, law enforcement, removal, improvements, and cost. **Commissioner Deutsch** noted WCIND, derelict vessels, Maritime Laws, timeframe, CCSO, cooperation, process, Richard Russell, Beaches and Shores Advisory Committee, pending emergency, relocation, options, Sarasota County, and limitations. **Commissioner Tiseo** commented on legislation, voluntarily surrendered and derelict vessels, process, disposal, cost, program, boat owner rights, and notification.

Tina Powell, Parks and Natural Resources Manager responded to legislation, voluntarily surrendered vessels, removal, funding, cost, and process.

COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2022-039 RATIFYING THE APPROVAL OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION DERELICT VESSEL REMOVAL GRANT APPLICATION FOR \$2,833.84 (TWO THOUSAND EIGHT HUNDRED THIRTY-THREE DOLLARS AND EIGHTY-FOUR CENTS); APPROVING GRANT AGREEMENT NO. 21269 GRANT 2022-011; AUTHORIZING THE EXECUTION OF FUTURE DERELICT VESSEL REMOVAL GRANT APPLICATIONS, FUNDING CONTRACTS, AGREEMENTS AND ASSOCIATED DOCUMENTS BY THE COUNTY ADMINISTRATOR OR HIS/HER DESIGNEE; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

**I. Economic Development**

**J. Facilities Construction and Maintenance**

**K. Human Resources**

**L. Human Services**

**M. Public Safety**

1. Clinical Affiliation Agreement with Florida SouthWestern State College

**Recommended Action:** a) Approve Clinical Affiliation Agreement with Florida SouthWestern State College; and b) Authorize the Chairman to execute the Agreement. **AGR 2022-031**

**Budgeted Action:** No action needed.

**N. Public Works**

1. Dedication of Olean Boulevard Crosswalk

**Recommended Action:** Approve dedication of Olean Boulevard Crosswalk to Dr. Agustin "Gus" Collado.

**Budgeted Action:** No action needed.

Chair Truex spoke to crosswalks, high traffic areas, and safety. **Commissioner Constance** discussed Dr. Agustin Gus Collado, dedication, crosswalks, service, Fawcett Memorial Hospital, Virginia B. Andes Volunteer Community Clinic, ribbon cutting, ShorePoint Health Port Charlotte, Medical Pavilion, and safeguards.

COMMISSIONER CONSTANCE MOVED TO APPROVE DEDICATION OF OLEAN BOULEVARD CROSSWALK TO DR. AGUSTIN "GUS" COLLADO, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0

**O. Tourism Development**

**P. Utilities**

**Q. Other Agencies**

**REGULAR AGENDA**

**R. Regular Agenda**

1. Agreement for Public Seating

**County Attorney**

- a) Approve Amended and Restated Agreement for Public Seating with Creative Outdoor Advertising of America, Inc.; and
- b) Authorize the Chairman to execute the Agreement. **A.AGR 1988-093**

Assistant County Attorney Stacy Bjordahl gave a brief overview of History, Benefits of Proposed Agreement, Proposed Bench Style, responded to right of way permit, provisions, indemnification, language, cost, determination, recyclable metal, specifications, solar panels, and amendments.

**Chair Truex** mentioned Charlotte Local Education Foundation (CLEF), Benefits of Proposed Agreement, language, electronic advertising, solar, light-emitting diode (LED), accountability, non-profit, and sponsors. **Commissioner Constance** noted Agreement, amendments, Benefits of Proposed Agreement, determination, inspections, fees, right of way permit, recourse, sidewalk, traffic, safety, financial statements, Proposed Bench Style, obstruction, non-profit, review, Certified Public Accountant (CPA), responsibility, indemnification, liability limits, and language. **Commissioner Deutsch** commented on Agreement, cooperation, Benefits of Proposed Agreement, Proposed Bench Style, electronic signage, permits, and approval. **Commissioner Doherty** spoke to amendments, process, and modifications. **Commissioner Tiseo** discussed Benefits of Proposed Agreement, Proposed Bench Style, amendments, process, electronic signage, power source, requirements, prohibition, language, exhibits, and administration approval.

John Elias, Public Works Director responded to suitable base, firm and unyielding, Americans with Disabilities Act (ADA) compliance, determination, engineering devices, assessment, right of way, permit, removal and relocation, drop off, and review process.

County Attorney Knowlton remarked on Agreement amendments and County Administrator approval.

**COMMISSIONER DEUTSCH MOVED TO APPROVE AMENDED AND RESTATED AGREEMENT 1988-093 FOR PUBLIC SEATING WITH CREATIVE OUTDOOR ADVERTISING OF AMERICA, INC., SECONDED BY COMMISSIONER TISEO**

**COMMISSIONER CONSTANCE MOVED TO AMEND THE AGREEMENT TO ADD LANGUAGE ON "APRIL 12, 2032 THIS AGREEMENT WILL TERMINATE AND IS NON-RENEWABLE" IN 3.2 TERM, STRIKING WORDS "IF SO REQUESTED BY THE COUNTY" FROM 7.3 REVENUE, ACCOUNTING & AUDIT, ADD LANGUAGE TO STATE "NO ELECTRONIC OR ELECTRIFYING OR DIGITAL SIGNAGE" TO 8.3, SECONDED BY COMMISSIONER DOHERTY**

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

**COMMISSIONER CONSTANCE MOVED TO TABLE ITEM R-1 UNTIL COUNTY ATTORNEY'S OFFICE CONSULTS WITH CREATIVE OUTDOOR ADVERTISING, INC. REGARDING THE AMENDMENTS, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

COMMISSIONER DOHERTY MOVED TO APPROVE AMENDED AND RESTATED AGREEMENT 1988-093 FOR PUBLIC SEATING WITH CREATIVE OUTDOOR ADVERTISING OF AMERICA, INC., WITH APPROVED AMENDMENTS, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

(Addition #1) 2. Schedule Special Meeting April 19, 2022

**County Attorney**

Schedule a Special Meeting of the Board of County Commissioners on April 19, 2022 at 12:30 p.m. or as soon thereafter as possible, in Room 119 of the County Administration Center, 18500 Murdock Circle, Port Charlotte Florida, to convene an Executive Session to discuss settlement negotiations and/or litigation strategy related to the Richard D. Lake v. Charlotte County, Case No. 2:20CV00809-JLB-NPM.

COMMISSIONER DOHERTY MOVED TO SCHEDULE A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS ON APRIL 19, 2022 AT 12:30 P.M. OR AS SOON THEREAFTER AS POSSIBLE, IN ROOM 119 OF THE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE FLORIDA, TO CONVENE AN EXECUTIVE SESSION TO DISCUSS SETTLEMENT NEGOTIATIONS AND/OR LITIGATION STRATEGY RELATED TO THE RICHARD D. LAKE V. CHARLOTTE COUNTY, CASE NO. 2:20CV00809-JLB-NPM, SECONDED BY COMMISSIONER DEUTSCH

MOTION APPROVED 5:0.

**PUBLIC HEARING AGENDA**

S. 10:00 A.M. Public Hearing

1. Chapter 3-5, Article XVII, Section 3-5-389 and Section 3-5-390, Environmentally Sensitive Lands

**Community Services**

Conduct a public hearing to consider approving an ordinance amendment for vehicle use in environmentally sensitive lands. **ORD 2022-017**

Ms. Powell highlighted Chapter 3-5, Article XVII, Section 3-5-389 and Section 3-5-390, Environmentally Sensitive Lands, responded to prohibition, trails, design, safety, width, hikers, Sarasota County, Lee County, and Florida Statutes.

**Public Input**

Tim Ritchie, March Against Mosaic Founder and President noted environment, sensitive lands, phosphate mining, Peace River, Myakka River, Charlotte Harbor, Ordinance 2022-016, protections, conservation, impaired waters, Hardee County, Mosaic Fertilizer LLC, land acquisition and ownership, DeSoto County, workshops, Water Quality Manager Brandon Moody, and sediment test.

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Commissioner Constance mentioned prohibition, permits, propulsion vehicles, and safety.

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2022-017 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-5, ARTICLE XVII, SECTIONS 3-5-389 AND 3-5-390 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA GOVERNING ENVIRONMENTALLY SENSITIVE LANDS; CLARIFYING THE PROHIBITION ON CERTAIN USES OF MOTOR VEHICLES AND VEHICLES USING OTHER PROPULSION SYSTEMS; AMENDING PROHIBITED USES TO ADDRESS THE USE OF BICYCLES AND E-BIKES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

#### PRESENTATION AGENDA

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

##### 1. Sales Tax Update

##### County Administration

(Change #1) Added attachment – REVISED, Presentation.

Presentation of Sales Tax update.

Assistant County Administrator Claire Jubb gave a brief overview of 2014 Sales Tax: Completed, active projects, 2020 Sales Tax Projects – Tier 1, and Placida Boat Ramp (2014).

Michael Poff, Coastal Engineering Consultants, Inc. President gave a brief overview of Placida Boat Ramp West Expansion, Location, Existing Park, Features, Expansion Parcel, Features, Master Plan: Boat Ramp Siting, Features, Schematic Design Site Plan Spring 2022, Ingress/Egress: Boca Grande Causeway, Ingress/Egress: Placida Road, Queueing & Dimension Exhibit, Schematic Design Site Plan Spring 2022, responded to phasing plan, logistics, construction, land acquisition, Grant opportunities, and Florida Boating Improvement Program (FBIP).

Mr. Scott responded to staffing requirements, traffic control, pay station, permits, gave a brief overview of GC Herring Park (2020), and William R. Gaines Jr. Veterans Memorial Park Phase II (2020).

Mr. Perdue gave a brief overview of Supervisor of Elections (2014), Port Charlotte Beach Complex (2020), Family Services Center – Phase II (2020), Sheriff's Administration Center/911 (2020), Sheriff's District 4 and Training (2020), and Fire Stations 3, 6, and 17 (2020).

Mr. Elias gave a brief overview of Sales Tax (2014): Port Charlotte Boulevard, Loveland Boulevard, Kings Highway, Olean Boulevard, Upcoming Work, Sidewalks and Trails Sales Tax (2020), Marathon Boulevard Pathway, Fruitland Blvd/Avenue of the Americas Sidewalk, Sunset Boulevard, Quesada Boulevard Sidewalk, Crosswalk at Gasparilla Road near Marina, and Edgewater Expansion Design.

Dave Watson, Utilities Operations Manager gave a brief overview of Water Quality Infrastructure Sales Tax (2020), Sales Tax (2020): Ackerman Septic to Sewer Project, Lake View/Midway Septic to Sewer Project, Cape Haze Septic to Sewer Project, Water Quality - Vacuum Station – Tier 2 (2020), and Midway North Septic to Sewer Project.

**Chair Truex** commented on Features, notices, land acquisition, Ingress/Egress: Placida Road, enforcement, accessibility, parking passes, Ordinance, violations, Little Gasparilla Island (LGI), Eldred's Marina, barge operations, property sale, policy, Don Pedro Island, public safety, needs, regulations, June 21, 2022 Workshop, tax payers, service, convenience, Barrier Islands, Community Redevelopment Agency (CRA), threshold, GC Herring Park (2020), Loveland Boulevard, and Crosswalk at Gasparilla Road near Marina. **Commissioner Constance** spoke to Placida Boat Ramp, Features, environmental issues, Supervisor of Elections (2014), Port Charlotte Beach Complex (2020), Edgewater Expansion Design, land acquisition, permitting, and cost. **Commissioner Deutsch** discussed Placida Boat Ramp, Features, permitting, notices, Port Charlotte Beach Complex (2020), needs, handicapped parking spaces, William R. Gaines Jr. Veterans Memorial Park Phase II (2020), Corps of Army Engineers, and review process. **Commissioner Doherty** mentioned Placida Boat Ramp, LGI, Workshop, changes, opportunities, and Sales Tax initiative. **Commissioner Tiseo** noted Placida Boat Ramp, traffic control and circulation issues, Ingress/Egress: Boca Grande Causeway, management, provisions, right of way parking, tax payer funding, LGI, kayak launch, Workshop, communication, Eldred's Marina, Workshop, funding, Municipal Service Benefit Unit (MSBU), Family Services Center – Phase II (2020), Community Action Agency Advisory Board (CAAAB), Affordable Housing Committee, community needs and uses, Loveland Boulevard, landscaping design, LED lighting, Florida Power and Light (FPL), Quesada Boulevard Sidewalk, Sidewalks and Trails Sales Tax (2020), and safety.

County Administrator Flores replied to Board Monthly Workshop.

#### **PUBLIC INPUT - ANY SUBJECT**

Richard Russell remarked on inflation, impact fees, consumer price index (CPI), supply chain, China, Shanghai, recession, stagflation, personal safety, lockdowns, influenza, derelict vessels, damaged docks and dollies, piling, navigation, abandoned cars, Florida Highway Patrol (FHP), hazards, and blocked sidewalks.

Tim Ritchie commented on Sales Tax Update, impaired waters, Senator Ben Albritton, tourism, boating, fishing, and protection.

John Everson spoke to infrastructure, flooding, traffic studies, Sunseeker, Charlotte Harbor Water, private entity, impacts, asbestos, piping, Florida Department of Transportation (FDOT), funding, water flow, Melbourne Street, Farnham Street, Harborview Road, and sidewalk.

Jack Vanderheyden discussed Port Charlotte Beach Park, jet skis, dogs, derelict vessels, Florida Fish and Wildlife Conservation Commission (FWC), enforcement, beach renourishment, facilities, renovations, prohibition, Charlotte Harbor, violation, fines, funding, Emergency Meeting, and tax payers.

Rob Elie, Elie Electric Services mentioned Longshoreman Insurance (USL&H), enforcement, notice, Longshore and Harbor Workers Compensation Act (LHWCA), workers' compensation, navigable waterways, safety, protection, employees, requirement, injury, homeowners, construction, electrical contractors, and insurance study.

**AA. County Administrator Comments – None**

**BB. County Attorney Comments**

County Attorney Knowlton noted Public Seating Agreement and Parking Ordinance.

**CC. Economic Development Director Comments – None**

**DD. County Commissioner Comments**

**Chair Truex** noted liability, construction site, easement, access, compliance, sovereign immunity, traffic, alternatives, water source, Melbourne Street, closure, US 41, mobile home, removal, threshold, photographs, water damage, condemnation, Sarasota County, Gulfstream Boulevard, signalization, timeframe, FDOT, Metropolitan Planning Organization (MPO) Meeting, corridor study, State Road (SR) 776, Parking Ordinance, violation, Englewood Beach, parking passes, CCSO, volunteers, code enforcement, cost, employees, barge access, LGI, Bocilla Beach to Bay, easement agreement, public safety, service, emergency situation, water quality, Preserve of Don Pedro, injunction, Florida Department of Environmental Protection (FDEP) Director John Iglehart, homeowners associations, construction, negotiations, health, safety, welfare, Senator Jeff Brandes, building codes, roof replacement, Florida Chief Financial Officer Jimmy Patronis, fraud protections, Esther Street, Beirut building, MSBU, Municipal Service Taxing Unit (MSTU), CRA, improvements, Placida, USL&H, enforcement, contractors, Occupational Safety and Health Administration (OSHA), workers' compensation, risk, navigable waters, South Gulf Cove, and canals. **Commissioner Constance** commented on Charlotte Harbor Water Association, water source, salinity issues, reverse osmosis, Harbour Heights, Charlotte Harbor, cost, derelict vessels, Workshop, CCSO, Sarasota County, Justin McBride, Daughters of the American Revolution, Lt. Carl Bailey Cemetery, benches, ADA compliance, Peace River Manasota Regional Water Supply Authority (PRMRWSA) meeting, Phase 3C pipeline, Sarasota County, pro rata share, workers' compensation, MPO meeting, US 41, Melbourne Street, closure, safety, accidents, injuries, solution, signage, mobile home, ownership, wellness check, inhabitants, access, probable cause, photographs, corridor study, designated parking, enforcement, permit, pay stations, system, mechanisms, and parking passes. **Commissioner Deutsch** spoke to Charlotte County Airport Authority, audit, sidewalk, Harbor Boulevard, new construction, pedestrians, prohibition, Workshop, public safety, liability, requirements, provisions, transportation, projects, accelerated population expansion (APE), development, Myakka River, SR 776, River Road, traffic, emergency vehicles, widening, Military Order of Purple Heart Award, veterans, closure, MPO Meeting, complaints, Health Department, enforcement, CCSO, staffing challenges, and design. **Commissioner Doherty** discussed Charlotte Harbor Water Association President Steve Vieira, system and plant upgrades, U.S. Department of Agriculture (USDA), funding, Harbour Heights, closure, FDOT, Peace River Civic Association Secretary Dan Sutter, mobile home, removal, access, disposal, process, threshold, code enforcement, parking garage system, data, easement agreement, Bocilla Beach to Bay, health, safety, welfare, and responsibility. **Commissioner Tiseo** mentioned Sunseeker, FDOT, US 41, traffic studies and reporting, requirements, jurisdiction, construction, Charlotte Harbor Water Association, Charlotte County Utilities, water delivery system, piping, private entity, authority, safety, Melbourne Street sidewalk and drainage, improvement, Mr. Everson, infill, commercial development, Harborview Road, closure, MPO Meeting, FDOT District Secretary L. K. Nandam, support, removal, photographs, mold, health hazard, mobile home, corridor study, designated parking, fee revenue, cost benefit analysis, pay stations, technology, easement agreement, homeowners associations, and legality.

County Attorney Knowlton interjected on communication, sovereign and planning immunity, traffic control devices, liability, bike lanes, sidewalk, and construction site.

Mr. Elias responded to US 41, FDOT, Mr. Everson comments, Melbourne Street sidewalk and drainage, improvements, request record, and title issue.

Ben Bailey, Community Development Director remarked on mobile home, imminent danger, safety, code enforcement case, communication, mold, property ownership, violation notice, wellness check, inspection warrant, enforcement,




contractors, statutory requirements, Florida Building Code, workers compensation, liability, USL&H, navigable waters, definition, marine permit, boat lifts, verification, OSHA, and Mr. Elie comments.

County Administrator Flores replied to parking fee revenue.

(CONSENSUS: To direct County Attorney's Office to draft a Parking Ordinance regarding Boat Ramps designated spot enforcement.)

ADJOURNED: 1:02 pm

  
William H. Tuex  
William H. Tuex, Chair  
DATE ADOPTED: April 12, 2022

ATTEST:

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

By: Dawn Johnston

Deputy Clerk