

BOARD OF COUNTY COMMISSIONERS

OCTOBER 4, 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 Johnston. The following members were absent: None.

The Meeting was called to order at 10:30 am

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

**Changes to the Agenda**

**Addition #1:** ~~Subsequently Deleted~~ Award Presentations, Check Presentation.

Requested by: ~~Commission Office~~

**Addition #2:** Regular Agenda R-10 – Hurricane Ian Update.

Requested by: Administration

**Change #1:** RRF, Added attachment – Updated COVID Report.

Requested by: Administration

**Change #3:** R-4, Added attachment – Water Authority Agenda (PRMRWSA).

Requested by: Utilities

**Deletion #1:** Proclamations, All Proclamations.

Requested by: Administration

**Deletion #2:** Employee Recognition, Employee Recognition.

Requested by: Administration

**Deletion #3:** Award Presentation, Check Presentation.

Requested by: Administration

**Deletion #4:** Consent Agenda, set a Public Hearing to Amend Charlotte County Code Chapter 2-3, Article VI "Vaping Prohibited in Certain Areas".

Requested by: Administration

**Deletion #5:** Consent Agenda, Charlotte Sports Park Stadium Improvements.

Requested by: Administration

**Deletion #6:** Regular Agenda, Performance Evaluation – County Administrator, Hector Flores.

Requested by: Administration

**Deletion #7:** Regular Agenda, Performance Evaluation – County Attorney, Janette Knowlton.

Requested by: Administration

**Deletion #8:** Regular Agenda, Economic Development Director, Dave Gammon.

Requested by: Administration

**Deletion #9:** Regular Agenda, Little Farm Road Project Update.

Requested by: Administration

**Deletion #10:** Regular Agenda, Discussion and Direction on Outdoor Markets.

Requested by: Administration

**Deletion #11:** Regular Agenda, Charlotte HOME (Housing Opportunities Made Easier) Funding Recommendations).

Requested by: Administration

**Deletion #12:** Regular Agenda, Sales Tax Update.

Requested by: Administration

**Deletion #13:** Public Hearing Agenda, Adopt Fiscal Year 2023 Capital Improvement Program.

Requested by: Administration

**Deletion #14:** Public Hearing Agenda, conduct a Public Hearing to Consider a Hospital Assessment Resolution.

Requested by: Administration

**Deletion #15:** Presentation Agenda, Airport Rescue and Fire.

Requested by: Administration

**Deletion #16:** 1 P.M. Public Input – Any Subject.

Requested by: Administration

**Deletion #17:** Land Use Consent Agenda UA1 – DRC-22-00103 Christian Brothers Automotive.

Requested by: Administration

**Deletion #18:** Land Use Consent Agenda UA2 – FP-15-07-02, Coco Bay.

Requested by: Administration

**Deletion #19:** Land Use Consent Agenda UA3 – TDU-22-08, Burnt Store Developers, LLC.

Requested by: Administration

**Deletion #20:** Land Use Consent Agenda UA4 – FP-07-02-05, Calusa Creek Phase One.

Requested by: Administration

**Deletion #21:** Land Use Public Hearing UB1 – PP-22-03-09, Starling.

Requested by: Administration

**Deletion #22:** Land Use Public Hearing UB2 – PP-22-05-11, Heritage Lake Park Villas.

Requested by: Administration

**Deletion #23:** Land Use Public Hearing UB3 – TCP-21-03, EAR-Based Amendments – Revisions to the County's Comprehensive Plan.

Requested by: Administration

**Ratification #1:** Consent Agenda – Purchasing 22-454, Award, Transit Contract Drivers and Bus Washers – Annual Contract (Transit).

**Ratification #2:** Consent Agenda – Purchasing 22-575, Approve Ranking, Design Babcock Ranch Fire Station 9 and Charlotte County Sheriff's Office District 5 Headquarters (Facilities).

**Ratification #3:** Consent Agenda – Purchasing 22-530, Award, Safety Mowing of Roadway Rights-of-Way – Annual Contract (Public Works).

**Ratification #4:** Consent Agenda – Purchasing 22-547, Award, Stormwater Collection System Rehabilitation – Annual Contract (Public Works).

**Ratification #5:** Consent Agenda – Purchasing 22-549, Award, Reinforced Concrete Culvert Pipe Elliptical – Annual Contract (Public Works).

**Ratification #6:** Consent Agenda – Purchasing 22-608, Award, Sand, Rock and Rip Rap – Annual Contract (Public Works).

**Ratification #7:** Consent Agenda – Purchasing 22-510, Award, Aerial Adulticide Backup Services – Annual Contract (Public Works).

**Ratification #8:** Consent Agenda – Purchasing 22-552, Award, Fencing Installation, Maintenance and Repairs – Annual Contract (Facilities).

**Ratification #9:** Consent Agenda – Human Resources International Union of Painters and Allied Trades (IUPAT) Successor Agreement.

**Ratification #10:** Consent Agenda – Public Safety Medicaid Supplemental Minimum Wage Agreement.

**Ratification #11:** Consent Agenda – Public Safety Public Emergency Medical Transportation Program Letter of Agreement – Supplemental Managed Care Organization Program for SFY 22-23.

Chair Truex commented on Hospital Assessment time sensitivity.

County Attorney Knowlton responded to Hospital Assessment time sensitivity.

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

**MOTION CARRIED 5:0.**

**(Deletion #1) All Proclamations. ~~Proclamations – Commissioner Bill Truex~~**

**~~Community Planning Month~~**

**~~Fit for Life Senior Games~~**

**~~Manufacturing Month~~**

**~~Veterans Suicide Awareness Day~~**

**(Deletion #2) Employee Recognition. ~~Employee Recognition~~**

**~~Employee of the Month – August 2022~~**

**~~Laurie Kimball Human Services~~**

**~~Award Presentations~~**

**(Addition #1) (Deletion #3) ~~Check Presentation for the Veterans Memorial at the William R. Gaines Jr. Veterans Memorial Park.~~**

**PUBLIC INPUT - AGENDA ITEMS ONLY – None**

**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 Construction Industry Licensing Board** is seeking one volunteer to represent the consumer advocate category. Volunteer must be a resident of Charlotte County for at least two years and have no financial interest, direct or indirect, in the building trades. Length of term is until February 23, 2025. To obtain an application, please contact Diane Whidden at 941-743-1298 or via email at Assistant@CharlotteCountyFL.gov.

**The Construction Industry Licensing Board** is seeking a volunteer to represent the general contractor category. Volunteer must be an active licensed general contractor and be a resident of Charlotte County for at least two years. Length of term is four years. To obtain an application, please contact Diane Whidden at 941-743-1298 or via email at Assistant@CharlotteCountyFL.gov.

**The Beaches and Shores Advisory Committee** is seeking a volunteer to fill the unexpired term of the District 1 Representative. The applicant must be a resident of Charlotte County and reside within the boundaries of District 1. The term will be effective immediately upon approval and expire on November 30, 2024. To obtain an application, send an email to Assistant@CharlotteCountyFL.gov. This position will remain open until filled.

**The Parks and Recreation Advisory Committee** is seeking a volunteer to fill the unexpired term of the District 1 Representative. The applicant must be a resident of Charlotte County and reside within the boundaries of District 1. The term will be effective immediately upon approval and expire on November 30, 2024. To obtain an application, send an email to Assistant@CharlotteCountyFL.gov. This position will remain open until filled.

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 MSBUTU@CharlotteCountyFL.gov.

- **Alligator Creek Waterway MSBU** is seeking one member to fill a position with term through October 31, 2025.
- **Boca Grande Street & Drainage Unit** is seeking four members to fill positions with terms through October 31, 2024, and October 31, 2025.
- **Buena Vista Waterway Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Burnt Store Village Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Deep Creek Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Don Pedro & Knight Islands** is seeking two members to fill positions with terms through October 31, 2025.
- **Edgewater North Waterway Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Englewood East Street & Drainage Unit** is seeking three members to fill positions with terms through October 31, 2024, and October 31, 2025.

- **Gardens of Gulf Cove Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Greater Port Charlotte Street & Drainage Unit** is seeking three members to fill positions with terms through October 31, 2023, and October 31, 2025.
- **Grove City Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2025.
- **Gulf Cove Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Gulf Cove Waterway Unit** is seeking one member to fill a position with a term through October 31, 2025.
- **Harbour Heights Street & Drainage Unit** is seeking three members to fill positions with terms through October 31, 2023, and October 31, 2025.
- **Harbour Heights Waterway Unit** is seeking three members to fill positions with terms through October 31, 2024, and October 31, 2025.
- **Manasota Key Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Manchester Waterway Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Mid-Charlotte Stormwater Utility Unit** is seeking three members to fill positions with terms through October 31, 2024, and October 31, 2025.
- **Northwest Port Charlotte Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Northwest Port Charlotte Waterway Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Pirate Harbor Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Pirate Harbor Waterway Unit** is seeking one member to fill a position with a term through October 31, 2025.
- **Placida Area Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **Rotonda Heights Street & Drainage Unit** is seeking four members to fill positions with terms through October 31, 2024, and October 31, 2025.
- **Rotonda Lakes Street & Drainage Unit** is seeking three members to fill positions with terms through October 31, 2024, and October 31, 2025.
- **Rotonda Sands Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.

- **Rotonda West Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **South Burnt Store Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.
- **South Charlotte Stormwater Unit** is seeking one member to fill a position with a term through October 31, 2025.
- **South Gulf Cove Street & Drainage Unit** is seeking three members to fill positions with terms through October 31, 2024, and October 31, 2025.
- **South Gulf Cove Waterway Unit** is seeking one member to fill a position with a term through October 31, 2025.
- **Suncoast Waterway Unit** is seeking five members to fill positions with terms through October 31, 2023, October 31, 2024, and October 31, 2025.
- **West Charlotte Stormwater** is seeking three members to fill positions with terms through October 31, 2023, and October 31, 2025.

#### REPORTS RECEIVED AND FILED

##### COVID-19 Response Update

(Change #1) Added attachment – Updated COVID Report.

##### Monthly Housing Division Report - August 2022

#### CONSENT AGENDA

COMMISSIONER DOHERTY MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-2, SECONDED BY COMMISSIONER TISEO

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:

September 7, 2022 Public Hearing on Proposed County Budget FY 2022-2023

September 8, 2022 BCC Pre-Agenda

**Budgeted Action:** No action needed.

**Board of County Commissioners**

**C. Commission Office**

**1. Appointment - Construction Industry Licensing Board**

**Recommended Action:** Approve the appointment of Robert Elie to the Construction Industry Licensing Board representing the "electrical contractor" category. Length of term is until March 27, 2024.

**Budgeted Action:** No action needed.

**2. Appointment - Rotonda Lakes Street and Drainage Advisory Board**

**Recommended Action:** Approve the appointment of Rhonda Hawes to fill a vacant unexpired term as well as an additional new three-year term on the Rotonda Lakes Street and Drainage Advisory Board. This appointment will be effective immediately and will expire on October 31, 2025.

**Budgeted Action:** No action needed.

**3. Reappointments - Historical Advisory Committee**

**Recommended Action:** Approve the following reappointments to the Historical Advisory Committee: a) Stephen Valdes as the Military Heritage Museum representative; and b) Valerie Colbert as the Daughters of the American Revolution representative; and c) Clare Riggs as the At-Large representative; and d) Dianne Munson as the Charlotte County Historical Center Society representative. All terms are effective immediately and will expire on September 30, 2025.

**Budgeted Action:** No action needed.

**D. County Administration**

**E. County Attorney**

**F. Budget and Administrative Services**

**Fiscal Services**

**1. Utilities Uncollectible Accounts through March 31, 2022 Write Off**

**Recommended Action:** Approve the write off of accumulated Utilities uncollectible accounts through March 31, 2022.



**Budgeted Action:** No action needed.

## 2. Health Department Contract

**Recommended Action:** Approve and authorize the Chairman to execute the FY23 Charlotte County/State of Florida Department of Health contract for the operation of the Charlotte County Health Department. **AGR 2022-110**

**Budgeted Action:** No action needed. Budgeted in the Health Department Fund - Health Department budget to be approved in the FY2023 budget process. Funding for the expenditure comes from General Fund ad valorem revenues.

Joseph Pepe, Florida Department of Health (FDOH) Administrator gave a brief overview Spending Plan, Revenue & Expenses – Fiscal Year (FY) 2022-2023, Board of County Commissioners (BOCC) Expenditures – Fiscal Year Ending (FYE) 2021-2022, BOCC Expenditures - FY 2022-2023, Year to Year Revenue Per Source, Expenditure Distribution Per FY, Revenue vs. Expenditures by County Comparison, and Total Full Time Equivalent (FTE) Comparison by County.

**Commissioner Constance** discussed BOCC Expenditures - FY 2021-2022 and BOCC Expenditures - FY 2022-2023.

**COMMISSIONER TISEO MOVED TO APPROVE AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE FISCAL YEAR 2023 CHARLOTTE COUNTY/STATE OF FLORIDA DEPARTMENT OF HEALTH CONTRACT AGREEMENT 2022-110 FOR THE OPERATION OF THE CHARLOTTE COUNTY HEALTH DEPARTMENT, SECONDED BY COMMISSIONER DOHERTY**

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

## Information Technology

### Purchasing

**(Ratification #1) 3. 22-454, Award, Transit Contract Drivers and Bus Washers - Annual Contract (Transit)**

**Recommended Action:** a) Approve award of Request for Bid #22-454, Transit Contract Drivers and Bus Washers - Annual Contract, to A & Associates, Inc. of Tampa, Florida, at the Year 1 unit prices listed below, for the term of October 1, 2022, through and including September 30, 2023, with option to renew for two additional one-year terms, at the Year 2 & 3 prices, with same terms and conditions; and b) Authorize County Administrator to approve renewal terms.

**Budgeted Action:** No action needed. Grant funding in the amount of \$1,136,460.00 and the required County match is included in the FY23 budget for the Transit Division of Budget & Administrative Services. Grant funding will be provided by the Transportation Disadvantaged (TD) Trip and Equipment Grant, State Block Grant, Federal Transit Administration (FTA) Section 5307 Urbanized Area Formula Grant, FTA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities, FTA Section 5311 Rural Areas and required match up to 50% will be provided by general funds based upon each grant's requirements.

**(Ratification #2) 4. 22-575, Approve Ranking, Design Babcock Ranch Fire Station 9 and Charlotte County Sheriff's Office District 5 Headquarters (Facilities)**

**Recommended Action:** a) Approve ranking of firms for Request for Proposal 22-575, Design Babcock Ranch Fire Station 9 and Charlotte County Sheriff's Office (CCSO) District 5 Headquarters: 1st - Fawley Bryant Architects, Inc.; 2nd - BSSW Architects, and 3rd - 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 professional design services as part of a design and construction team, which includes construction manager, stakeholders, and county staff for the internal build out of Charlotte County Fire Station 9 and CCSO District 5 Headquarters.

**Budgeted Action:** No action needed. Budgeted in Capital Improvements Projects "Fire Station Babcock Site 1 (FS 9 Relocation)" and "Sheriff District 5 HQ Babcock," as proposed in the FY23 budget process. Funding for the Fire Station is provided from Capital Projects ad valorem, and the Sheriff District 5 HQ comes from Sheriff Infrastructure ad valorem.

**(Ratification #3) 5. 22-530, Award, Safety Mowing of Roadway Rights-of-Way - Annual Contract (Public Works)**

**Recommended Action:** a) Approve split award of Request for Bid #22-530, Safety Mowing of Roadway Rights-of-Way - Annual Contract to the lowest responsive, responsible Bidders by locations: North and West County to TGA Equipment Inc. of Punta Gorda, Florida, and South County to Brightview Landscape Services Inc. of Port Charlotte, Florida at the unit prices listed on the attached bid tabulation, for the term from October 1, 2022 through and including September 30, 2023; and b) Authorize the County Administrator to approve two additional one-year terms at the same prices, terms, and conditions, by mutual consent. This is an annual contract for safety mowing of roadway rights-of-way, easements, and drainage facilities.

**Budgeted Action:** No action needed. Funding will be provided by the applicable MSBU assessments and gas tax.

**(Ratification #4) 6. 22-547, Award, Stormwater Collection System Rehabilitation- Annual Contract (Public Works)**

**Recommended Action:** a) Approve award of Request for Bid #22-547, Stormwater Collection System Rehabilitation- Annual Contract, to the lowest, responsive, responsible bidder, Hinterland Group, Inc. of Riviera Beach, Florida at the unit prices submitted, from October 1, 2022, up to and including September 30, 2023, with option to renew for two additional one-year terms at the same prices, terms and conditions; and b) Authorize County Administrator, or his designee, to approve annual renewals. This is for the rehabilitation of existing storm sewer pipes, utilizing cured-in-place pipe lining.

**Budgeted Action:** No action needed. Funding will be provided by the applicable MSBU assessments.

**(Ratification #5) 7. 22-549, Award, Reinforced Concrete Culvert Pipe Elliptical - Annual Contract (Public Works)**

**Recommended Action:** a) Approve award of Request for Bid #22-549, Reinforced Concrete Culvert Pipe Elliptical - Annual Contract, to Rinker Materials, of Miami, Florida, for the term of October 1, 2022, through and including September 30, 2023, per the attached unit pricing, with an option to renew for two additional one-year terms, at the same prices, terms and conditions, upon mutual consent; and b) Authorize the County Administrator to approve renewal options for up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent.

**Budgeted Action:** No action needed. Budgeted in the Transportation Fund - Maintenance and Operations budget as approved in the FY2022 budget process. Funding for the expenditure comes from the gas tax.

**(Ratification #6) 8. 22-608, Award, Sand, Rock and Rip Rap - Annual Contract (Public Works)**

**Recommended Action:** a) Approve the split “per item” Award of Request for Bid #21-608, Sand, Rock and Rip Rap - Annual Contract, to two firms: Nickale Corporation of Naples, Florida, and Sitework Suppliers, Inc. of North Port, Florida, at the unit prices attached, with the initial contract term of October 1, 2022, through and including, September 30, 2023; and b) Authorize the County Administrator to approve renewal options for up to two additional one-year terms at the same prices, terms, and conditions, by mutual consent.

**Budgeted Action:** No action needed. Budgeted in the Transportation Fund - Maintenance and Operations budget as approved in the FY2022 budget process. Funding for the expenditure comes from gas tax.

**(Ratification #7) 9. 22-510, Award, Aerial Adulticide Backup Services - Annual Contract (Public Works)**

**Recommended Action:** a) Approve award of Request for Bid #22-510, Aerial Adulticide Services – Annual Contract to Clarke Environmental Mosquito Management, Inc. of Kissimmee, Florida at the unit prices indicated on the bid tabulation; and b) Authorize the County Administrator to approve two additional one-year renewal options at the same prices, terms and conditions, by mutual consent. Term of Contract will be from October 1, 2022 through and including September 20, 2023.

**Budgeted Action:** No action needed. Budgeted in the General Fund - Mosquito Control budget as approved in the FY2022 budget process. Funding for the expenditure comes from Ad Valorem.

**(Ratification #8) 10. 22-552, Award, Fencing Installation, Maintenance and Repairs - Annual Contract (Facilities)**

**Recommended Action:** a) Approve award of Request for Bid #22-552, Fencing Installation, Maintenance, and Repairs - Annual Contract to the lowest, responsive, responsible bidder, Stewart Tennis Courts and Fencing Inc. of Palmetto, Florida at hourly rate bid. Term of Contract is from October 1, 2022 through and including September 30, 2023; and b) Authorize the County Administrator to approve renewal options for up to two additional one-year terms, at the same prices, terms and conditions, by mutual consent.

**Budgeted Action:** No action needed. Services provided and charged out to various departments. Funding for this expenditure comes from various sources as services are provided.

**11. 22-200, Approve Amendment 1, Construction Manager at Risk-Capital Maintenance Repair, Guaranteed Maximum Price (Facilities)**

**Recommended Action:** a) Approve Amendment 1 to Contract 22-200 Construction Manager at Risk-Capital Maintenance Repair with Florida Premier Contractors, LLC for the Guaranteed Maximum Price (GMP) in the amount of \$7,145,207 for the Fiscal Year 2023 projects list; and b) Authorize the Chairman to sign Amendment 1 to Contract 22-200 for the GMP of the Construction Manager at Risk-Capital Maintenance Repair.

**Budgeted Action:** No action needed. Budgeted in the county-wide Facilities Capital Maintenance Plan as proposed in the FY23 budget process. Funding is provided from the Capital Projects Fund, ad valorem.

**Real Estate Services**

**12. Declare Parcel Surplus**

**Recommended Action:** Approve Resolution that declares the real property listed on Exhibit "A" to be surplus to County needs and authorizes County staff to dispose of the real property in accordance with the provisions of Chapter 125, Florida Statutes. **RES 2022-124**

**Budgeted Action:** No action needed.

**Risk Management**

**Transit**

**G. Community Development**

**H. Community Services**

**1. Florida Recreation Development Assistance Program Lake Betty Park Grant Agreement**

**Recommended Action:** a) Approve an agreement with the Florida Department of Environmental Protection to receive a grant in the amount of \$200,000 for Lake Betty Park development; and b) Authorize the Chairman to sign the agreement. **GRT 2022-026**

**Budgeted Action:** No action needed. Budgeted in Capital Improvements Project "Lake Betty Park" planned in the FY23 budget process. Match funding in the amount of \$200,000 is required. Funding is supplied from Capital Projects ad valorem.

~~(Deletion #4) 2. Set a Public Hearing to amend Charlotte County Code Chapter 2-3, Article VI "Vaping Prohibited in Certain Areas"~~

~~**Recommended Action:** Set a public hearing for October 11, 2022 at 10:00 a.m., or as soon as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to amend Charlotte County Code of Laws and Ordinances Chapter 2-3, Article VI "Vaping Prohibited in Certain Areas" to prohibit smoking and vaping in Charlotte County parks and beaches.~~

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

~~(Deletion #5) 3. Charlotte Sports Park Stadium Improvements~~

~~**Recommended Action:** Approve the Charlotte County Sports Park improvements list for a total estimated cost of \$112,186.00. This is an annual process between the County and the Tampa Bay Rays per the Charlotte Sports Park Agreement.~~

~~**Budgeted Action:** No action needed. Budgeted in the Stadium Improvement Fund Recreation budget as proposed in the FY2023 budget process. Funding for this expenditure comes from ad valorem and contributions.~~

**4. Amend FY23 Capital Improvement Project "Lake Betty Park"**

**Recommended Action:** a) Approve amendment of the FY23 Capital Improvement Project "Lake Betty Park" to be adopted September 27, 2022; and b) Approve Resolution for budget adjustment BA23-162 effective October 1, 2022, in the amount of \$880,000. **RES 2022-125**

**Budgeted Action:** Approve budget adjustment BA23-162 in the amount of \$880,000 amending the total project cost for Capital Improvement Project "Lake Betty Park" from \$1,124,155 to \$2,004,155. Funding is advanced from FY2025 in the amount of \$680,000 from the Capital Projects Fund with additional funding of \$200,000 to be reimbursed from the Florida Recreation Development Assistance Program grant.

5. FY-2023 US Department of Agriculture Service Agreement

**Recommended Action:** a) Approve the Cooperative Service Agreement with United States Department of Agriculture (USDA) for the control of feral swine on County conservation lands starting October 1; and b) Authorize the Chairman to sign the Agreement. **AGR 2022-111**

**Budgeted Action:** No action needed. Budgeted in the General Fund - Natural Resources budget as proposed in the FY2023 budget process.

6. FY 23 US Department of Agriculture Iguana Removal Agreement

**Recommended Action:** a) Approve the Cooperative Service Agreement with United States Department of Agriculture (USDA) for the control of iguanas on the Charlotte County portion of Gasparilla Island starting October 1; and b) Authorize the Chairman to sign the Agreement. **AGR 2022-112**

**Budgeted Action:** No action needed. Budgeted in the Boca Grande Street and Drainage MSBU as proposed in the FY23 budget process. Funding is provided by Boca Grande Street and Drainage MSBU assessments.

7. US Department of Agriculture Beach Predator Control Agreement FY 23

**Recommended Action:** a) Approve the Cooperative Service Agreement with United States Department of Agriculture (USDA) to reduce damage caused by nest predators for sea turtles and shorebirds starting October 1; and b) Authorize the Chairman to sign the Agreement; and c) Approve the resolution and budget adjustment BA23-163 in the amount of \$63,500. **AGR 2022-113 / RES 2022-126**

**Budgeted Action:** Approve Budget Adjustment BA23-163 in the amount \$63,500 to the General Fund - Natural Resources budget. Funding for this expenditure comes from ad valorem.

**I. Economic Development**

**J. Facilities Construction and Maintenance**

**K. Human Resources**

**(Ratification #9) 1. International Union of Painters and Allied Trades (IUPAT) Successor Agreement**

**Recommended Action:** Approve a three year successor agreement with the Affiliate Local 1010, District Council 78, of the International Union of Painters and Allied Trades (IUPAT), AFL-CIO from October 1, 2022 - September 30, 2025.

**Budgeted Action:** No action needed. Any costs associated with implementation will be budgeted within respective departments' operating budgets.

**L. Human Services**

**M. Public Safety**

**(Ratification #10) 1. Medicaid Supplemental Minimum Wage Agreement**

**Recommended Action:** a) Approve the Medicaid Supplemental Minimum Wage Agreement; and b) Authorize the County Administrator or designee to sign the Medicaid Supplemental Minimum Wage Agreement electronically in the Florida Medicaid Portal. **AGR 2022-108**

**Budgeted Action:** No action needed.

**(Ratification #11) 2. Public Emergency Medical Transportation Program Letter of Agreement - Supplemental Managed Care Organization Program for SFY 22-23**

**Recommended Action:** a) Authorize participation in the Public Emergency Medical Transportation (PEMT) supplemental program for Medicaid managed care organizations (MCOs); and b) Authorize the County Administrator or designee to execute the Letter of Agreement (LOA) electronically with the State of Florida for Health Care Administration (ACHA) through DocuSign relating to intergovernmental transfers to the State. **AGR 2022-109**

**Budgeted Action:** A budget adjustment to amend the General Fund - EMS FY2023 budget will be included in the Quarterly amendments. Revenue and expenses from this program will come from the General Fund.

**N. Public Works**

**1. Approval to Accept Florida Department of Environmental Protection (FDEP) Beach Management Funding Assistance Program (BMFAP) 22CH1 Grant Award**

**Recommended Action:** a) Approve and accept the Florida Department of Environmental Protection (FDEP) Beach Management Funding Assistance Program (BMFAP) grant award 22CH1 for the amount of \$1,101,438.00 for reimbursement of design, construction and monitoring work associated with the Charlotte County Erosion Control Project and Manasota Key Beach Restoration Project; and b) Authorize the Chairman, or his designee, to sign the attached grant agreement and all necessary grant related documents. **GRT 2022-027**

**Budgeted Action:** No action needed. The project is budgeted in the FY23 budget process. There is a local cost share of \$163,449.00. Funding for this expense will come from the FDEP, FEMA, and the local cost share will be provided using funds from the Boater Improvement Fund, Tourist Development Council, Stump Pass/Beach nourishment MSTU, Manasota Key MSBU, and Don Pedro-Knight Island MSBU.

**O. Tourism Development**

**P. Utilities**

**1. Fiscal Sustainability Plan Resolution for Loveland Grand Master Lift Station Project**

**Recommended Action:** Approve Resolution adopting the Loveland Grand Master Lift Station Capital Project Fiscal Sustainability Plan (FSP) for inclusion into the County's Capital Maintenance Program. **RES 2022-127**

**Budgeted Action:** No action needed. The FSP is a documentary obligation of the Loveland Grand Master Lift Station Florida Department of Environmental Protection's (FDEP) Loan Agreement and currently has no funding requirements. Any future funding requirements will be incorporated into the County's Capital Maintenance Program.

#### Q. Other Agencies

### REGULAR AGENDA

#### R. Regular Agenda

##### Taken Out of Order

##### (Addition #2) 10. Hurricane Ian Update

Patrick Fuller, Emergency Management Director gave a brief overview of Impacts, 1-2-3 App Survey, Points of Distribution (POD), Human Needs, Health and Medical, and Florida Department of Emergency Management (FDEM)/Federal Emergency Management Agency (FEMA).

Mr. Pepe highlighted hospitals, phased recovery plan, Charlotte Behavioral, Disaster Medical Assistant Teams (DMAT), Cultural Center, Family Services Center, AmeriCares, Virginia B. Andes, Oxygen Generation Program, pharmacies, supplies, resources, Assisted Living Facility (ALF), home health agencies, well checks, Florida Power and Light (FPL), and veterans.

Dave Watson, Utilities Director highlighted water restoration, Department of Environmental Protection (DEP), boil water notice, sampling, sewer, lift stations, Charlotte County Utilities (CCU) Building A, East Port Wastewater Treatment Plant Facility, staffing, City of Punta Gorda, South County, Water Authority, yellow water, cause, South Gulf Cove, pressure, leaks, tanks, elevation, landscaping, and main breaks.

Ben Bailey, Community Development Director highlighted assessments, West County, Building Department opening, permits, contractors, declaration, online portal, View Specs, early start application, inspections, tree removal, and tarping.

Travis Perdue, Facilities Construction and Maintenance Director highlighted building assessments, staffing, Emergency Operations Center (EOC), Synergy, total loss buildings, CCU Building A, County Administration B Building, elevators, Airport Annex, voting machines and locations, Mid-County Library, Fire Stations 3 and 4, Justice Center, and Heating, Ventilation, and Air Conditioning (HVAC) equipment.

**Chair Truex** discussed debris, collection sites, vehicles, West County, devastation, food distribution, Little Gasparilla Island, Charlotte Behavioral, Center for Abuse and Rape Emergencies (C.A.R.E.), and FPL. **Commissioner Constance** mentioned preparation, open businesses, roads, debris, removal, AshBritt, CrowderGulf, City of Punta Gorda, rising waters, City of North Port, Peace River, flooding, CCU, odor, South County, Water Authority, sampling, Building Department opening, permits, online portal, Donna Barrett, Charlotte DeSoto Building Industry Association (CDBIA), total loss buildings, voting machines, rebuilds, Florida codes, Charlotte Harbor Event Center, Justice Center, HVAC equipment, Mid-County Library, general election, voting, location, and Supervisor of Elections. **Commissioner Deutsch** noted debris removal, contract, boil water notice, veterans, yellow water, cause, South Gulf Cove, pressure, leaks, licensed contractors, price gouging, hotline, rain, County Administration B Building, damage, elevators, and emergency generator. **Commissioner Doherty** spoke to debris removal, FPL,

and power restoration. **Commissioner Tiseo** commented on debris field, removal, capacity, performance, landfill, resources, contract, impacts, Federal Government, clean-up reimbursement, FEMA, draft letter, facilities damage assessment, CDBIA, and expedited permitting.

County Administrator Flores responded on debris removal, performance, Purchase Order (PO), proceed notice, Waste Management, plan, and capacity.

Assistant County Administrator Claire Jubb replied to debris removal, AshBritt, Tetra Tech, Synergy, collection sites, permits, and facilities damage assessment.

Gordon Burger, Budget and Administrative Services Director remarked on debris, removal, contract, amended PO, resources, FEMA, and clean-up reimbursement.

County Attorney Knowlton interjected on Attorney General, price gouging, hotline, and website.

#### 6. Non-Residential PACE Program

##### **Community Development**

Approve Resolution and interlocal agreement to allow non-residential PACE contracts in Charlotte County. RES 2022-128

Mr. Bailey gave a brief overview of What is Property Assessed Clean Energy (PACE), Qualifications for property owner, The assessment, and Agreement terms.

**Commissioner Constance** mentioned Interlocal Agreement. **Commissioner Tiseo** noted residential and commercial programs and Interlocal Agreement terms.

**COMMISSIONER TISEO MOVED TO APPROVE RESOLUTION 2022-128 AND INTERLOCAL AGREEMENT TO ALLOW NON-RESIDENTIAL PACE CONTRACTS IN CHARLOTTE COUNTY, SECONDED BY COMMISSIONER DEUTSCH.**

**MOTION CARRIED 5:0.**

#### 4. Water Authority Agenda - October 5, 2022

##### **Utilities**

**(Change #3)** Added attachment – Water Authority Agenda (PRMRWSA).

Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the upcoming October 5, 2022 meeting.

Mr. Watson highlighted Water Authority Agenda – October 5, 2022.

**Chair Truex** spoke to \$100 Million Line of Credit Approval, Projects for State of Florida Grant Funding (Local Funding Initiatives), increased budgets, Southwest Florida Water Management District (SWFWMD), funding, and Peace River Reservoir No. 3 (PR3) Project Update. **Commissioner Constance** commented on Hurricane Michael, funding, Commissioner Mayo, and Peace River Reservoir No. 3 (PR3) Project Update. **Commissioner Doherty**



discussed SWFWMD FY 2024 Cooperative Funding Initiative - Updated Project Co-Funding Applications, Commissioner Mayo, Peace River Reservoir No. 3 (PR3) Project Update, and Regional Water Treatment Plant Expansion Project Update.

(Deletion #6) 1. Performance Evaluation – County Administrator, Hector Flores

**County Administration**

Discussion of County Administrator, Hector Flores' annual performance evaluation.

(Deletion #7) 2. Performance Evaluation – County Attorney, Janette Knowlton

**County Attorney**

Discussion of County Attorney, Janette Knowlton's annual performance evaluation.

(Deletion #8) 3. Performance Evaluation – Economic Development Director, Dave Gammon

**Economic Development**

Discussion of Economic Development Director, Dave Gammon's annual performance evaluation.

(Deletion #9) 5. Little Farm Road Project Update

**Public Works**

Provide an update on the Little Farm Road Project.

(Deletion #10) 7. Discussion and Direction on Outdoor Markets

**Community Development**

Discussion and direction on possible revisions to various zoning designations for the allowance of Outdoor Markets.

(Deletion #11) 8. Charlotte HOME (Housing Opportunities Made Easier) Funding Recommendations

**Human Services**

a) Authorize the revision of the Charlotte HOME policy regarding single family and small multi family set aside of 25% of the Affordable Housing Trust Fund (AHTF) balance or \$100,000 (whichever is greater) and reduce the set aside to \$100,000, releasing the remainder for multi family development; and b) Approve the Charlotte HOME Review Committee and Affordable Housing Advisory Committee (AHAC) recommendation for Tier IV fee subsidy award of \$650,000 for St. Vincent DePaul Cares' proposed Vincentian Villas, contingent upon the award of Florida Housing Finance Corporation (FHFC) Request for Application (RFA) 2022-109 HOME ARP for Permanent Supportive Housing (PSH) for Persons with Special Needs; and c) Approve and authorize the use of the proposed draft local RFA for Local Government Area of Opportunity (LGAO) funding in support of FHFC RFA 2022-201 Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties (9% LIHTC), including the

~~set aside of \$340,000 in the Affordable Housing Trust Fund (AHTF) for local government contribution to the preferred development, contingent upon the award of the 9% LIHTC.~~

(Deletion #12) 9. Sales Tax Update

**County Administration**

~~Update on Sales Tax projects.~~

**PUBLIC HEARING AGENDA**

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

(Deletion #13) 1. Adopt FY 2023 Capital Improvements Program

**Budget & Admin Services**

~~Conduct a public hearing to consider adopting an Ordinance updating and modifying the Capital Improvements Program Schedule FY22/23 through FY27/28.~~

(Deletion #14) 2. Conduct a Public Hearing to Consider a Hospital Assessment Resolution

**Commission Office**

~~Pursuant to the Charlotte County Local Provider Participation Fund Ordinance Number 2021-025, as adopted on July 13, 2021, conduct a public hearing to consider a resolution setting the rate of collection pertaining to applicable hospital properties for a payment due on November 30, 2022.~~

**PRESENTATION AGENDA**

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

(Deletion #15) 1. Airport Rescue and Firefighting Update

~~Update on the Airport Rescue and Firefighting (ARFF).~~

(Deletion #16) 1 P.M. PUBLIC INPUT - ANY SUBJECT

**2 P.M. LAND USE AGENDA**

**PUBLIC INPUT - LAND USE CONSENT AGENDA ITEMS ONLY**

**Consent Agenda**

(Deletion #17) UA 1. DRC 22-00103, Christian Brothers Automotive

**Community Development**

~~SME Inc. is requesting Final Detail Site Plan approval for Christian Brothers Automotive. This project consists of a 10-bay automotive service building with an office and associated infrastructure. This project site is 0.85± acres and is located at 24130 Beatrix Boulevard, Port Charlotte, Florida, in Sections 06, Township 40, Range 23. Located in Commission District I.~~

~~Quasi-Judicial~~

~~(Deletion #18) 2-FP-15-07-02, Coco Bay~~

~~Community Development~~

~~Approve a Third Amendment to a Development Agreement for Coco Bay and substitution of the previously instituted bond for a letter of credit for a Final Plat named, Coco Bay. The site is 169.68± acres and is generally located south of San Casa Drive, north of Cypress Road, east of Placida Road, west of Winchester Boulevard. Located in Commission District III.~~

~~Quasi-Judicial~~

~~(Deletion #19) UA-3, TDU-22-08, Burnt Store Developers, LLC~~

~~Community Development~~

~~Approve Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for a transfer of 409 density units to a Receiving Zone located at 13250 and 13280 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 295.13± acres, in accordance with Part III, Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County Commission, District II; Petition No. TDU-22-08; Applicant: Burnt Store Developers, LLC; providing an effective date. Located in Commission District II.~~

~~Quasi-Judicial~~

~~(Deletion #20) UA-4, FP-07-02-05, Calusa Creek Phase One~~

~~Community Development~~

~~Approve a Bond Release for the Final Plat of a subdivision named, Calusa Creek Phase One. The site is 16.41± acres and generally located south and east of Duncan Road, north of Bermont Road, and west of Quail Drive. Located in Commission District I.~~

~~Quasi-Judicial~~

**Public Hearing**

~~(Deletion #21) UB-1, PP-22-03-09, Starling~~

~~Community Development~~

~~Approve a Preliminary Plat for a subdivision to be named, Starling, consisting of 384 single-family detached units and related infrastructure. The site contains 297.16± acres and is generally located south of Notre Dame Boulevard, north of Zemel Road, east of Burnt Store Road, and west of Green Gulf Boulevard. The property is in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area. Located in Commission District II.~~

**Quasi-Judicial**

(Deletion #22) UB-2, PP-22-05-11, Heritage Lake Park Villas

**Community Development**

Approve a Preliminary Plat for a replat of a portion of the First Replat of Heritage Lake Park, to consist of 40 single-family attached lots, to be named, Heritage Lake Park Villas. The site contains 5.57± acres and is generally located south of Rampart Boulevard, north of Harborview Road, east of Nuremberg Boulevard and west of Luther Road, in the Port Charlotte area. Located in Commission District I.

**Quasi-Judicial**

(Deletion #23) UB-3, TCP-21-03, EAR-based Amendments – Revisions to the County's Comprehensive Plan

**Community Development**

Pursuant to Section 163.3191 (2), Florida Statutes (F.S.) and Section 163.3184(4), F.S., adopt a Large Scale Plan, the request is to amend nine elements of the County's Comprehensive Plan (Plan), including Future Land Use Element, Coastal Element, Natural Resources Element, Housing Element, Infrastructure Element, Capital Improvement Element, Recreation and Open Space Element, Transportation Element, and Public School Facilities Element, which consist of: adding new branding for all adopted FLUM Series Maps, FTRAM Series Maps, and SFAM Series Maps; minor policy revisions to update references to State Statutes and codes; amendment or deletion of policy language where an action has been completed; revisions to policies containing dates that have already expired and objectives and policies which are still pertinent; amendments to goals, objectives, and policies for better flow and clarity; revisions to goals, objectives and policies to reflect updates to names of referenced agencies or organizations or their programs; amendments to policy language to correct scrivener's errors; amendments to a limited number of policies to reflect changes in initiatives and processes since certain policies were originally adopted; revisions to the timeline of programs to match the planning horizon or other deadlines; County-wide. Applicant: Charlotte County Board of County Commissioners. Application Number: TCP-21-03.

**Legislative**

**AA. County Administrator Comments**

County Administrator Flores mentioned Hurricane Charley, damage assessments, Continuity of Operations (CO) Plan, Justice Center, Courts, Supervisor of Elections, needs, recovery, rebuild, Capital Improvements Projects (CIP), Capital Needs Assessment (CNA), funding, and FEMA.

**BB. County Attorney Comments**

County Attorney Knowlton noted EOC, Hurricane Charley, Hurricane Ian, County staff, surrounding counties, Emergency Management, agencies, and CO Plan.

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

**DD. County Commissioner Comments**


**Chair Truex** spoke to Hurricane Ian, wind gusts, storm help, fundraising, volunteers, community, needs, staff, pride, dedication, and EOC. **Commissioner Constance** commented on Hurricane Ian, staff, work ethic, dedication, Governor DeSantis, Hurricane Charley, Hurricane Irma, infrastructure, FPL, Justin McBride, West Coast Inland Navigation District (WCIND) Emergency Meeting, site location, POD areas, powerlines, generators, house fires, DMAT, assets, hospitals, medical community, land use items, and notices. **Commissioner Deutsch** discussed Hurricane Ian, wind, staff, support team, emergency preparedness, phone calls, and community. **Commissioner Doherty** mentioned staff, community, Hurricane Charley, FPL, Hurricane Ian, water, winds, WCIND Emergency Meeting, site location, Harold Avenue Recreation Center, October 4, 2022 Regular Meeting, Pre-Agenda, and land use items. **Commissioner Tiseo** noted Hurricane Ian, Charlotte County BOCC, resources, public servants, dedication, shelters, staffing, community, and draft letter.

County Administrator Flores remarked on WCIND Emergency Meeting, site location, Harold Avenue Recreation Center, October 4, 2022 Regular Meeting, and October 6, 2022 Pre-Agenda.

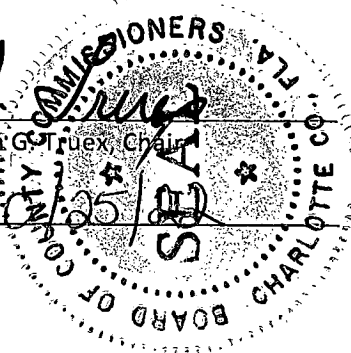
Assistant County Administrator Jubb responded to land use items.

County Attorney Knowlton interjected on Evaluation and Appraisal Report (EAR) amendments.

ADJOURNED: 12:32 pm

  
\_\_\_\_\_  
William H. Truex, Chair

DATE ADOPTED: 10/25/22



ATTEST:

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

By: 

Deputy Clerk