

**BOARD OF COUNTY COMMISSIONERS**

**MARCH 25, 2014**

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

Members present were: Chair Doherty, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, and Commissioner Truex. Also in attendance were: County Administrator Sandrock, County Attorney Knowlton, Chief Deputy Board Services White, Commission Assistant Gant, and Minutes Clerk Greene. The following members were absent: None

**The meeting was called to Order at 9:00 am.**

The Invocation was given by Pastor Dan Dagan, Pentecostals of Englewood, followed by the Pledge of Allegiance.

**Changes to the Agenda:**

**Addition #1: Z-4**

Discussion and direction on the April 2, 2014 Peace River Manasota Regional Water Supply Authority Board Agenda.

Requested by Utilities

**Change #1: Z-1**

Added attachments titled: RPC Letter HB 395 Growth Management-Property Rights, RPC Letter HB 703 Environmental Regulation, RPC Letter HB 7023 Economic Development, RPC Letter SB 372 Development of Regional Impacts, SB 372 Bill Analysis and Fiscal Impact Statement.

Requested by Administration

**Change #2: Z-2**

Change item to Z-3 as reflected on the website. Select by ballot one regular member to the Greater Port Charlotte Street and Drainage Advisory Committee for a term of three years from the date of appointment.

Requested by Administration

**Change #3: Z-3**

Change item to Z-2 as reflected on the website. Select by ballot one alternate member to the Manchester Waterway Benefit Unit Advisory Committee for a two-year term from the date of appointment.

Requested by Administration

**Change #4: G-1**

This item is being brought before the Board of County Commissioners in response to a Florida Land Development Resolution Act (FLUDRA) request. The Act allows for these types of settlement agreements in order to address certain land use disputes without the need for litigation, but is a very seldom used

process. This negotiated settlement agreement address Code Enforcement violations with respect to both Florida Building Code and Charlotte County Zoning Code related issues for a number of properties owned by Mr. Jan Musil. ~~Staff is recommending approval of this item.~~ Staff is bringing forward this agreement for consideration.

Requested by Community Development

**Change #5: R-1**

Updated Loan Application attachment.

Requested by Utilities

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

**MOTION CARRIED 5:0.**

**Proclamations/Awards**

**Proclamations - Commissioner Ken Doherty**

**Parliamentary Law Month**

**COMMISSIONER CONSTANCE MOVED TO PROCLAIM APRIL 2014 AS PARLIAMENTARY LAW MONTH, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Karen Price, President of the Charlotte County Parliamentary Unit, accepted the Proclamation with thanks, noted history of Robert's Rules of Order, stated the Charlotte County Unit offers classes on the basic rules of Parliamentary Procedure for any Officer or Member of an Organization or anyone interested in learning about Robert's Rules of Order, and commented that the Parliamentarians help Organizations have better meetings through better education.

**Florida's Water Conservation Month**

**COMMISSIONER CONSTANCE MOVED TO PROCLAIM APRIL 2014 AS FLORIDA'S WATER CONSERVATION MONTH, SECONDED BY COMMISSIONER TRUEX**

**MOTION CARRIED 5:0.**

An unidentified individual thanked the Board for recognizing Water Conservation Month, noted the importance for visitors and residents to understand conservation, and commented on the educational materials provided by Charlotte County Utilities. Bernard Milosky, Utilities Regulatory Liaison, expressed thanks for the Proclamation, and indicated water is a limited resource and should be used wisely.

**Poppy Day**

**COMMISSIONER DEUTSCH MOVED TO PROCLAIM MARCH 25, 2014 AS POPPY DAY, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

Joanne Walz, American Legion Auxiliary Unit 110 Poppy Chair Person, accepted the Proclamation, noted June Haber is the Chaplain for the Unit, provided the history of the Poppy, noted proceeds benefit Veterans who construct the paper flowers as well as others, and presented the Board with paper Poppy's.

**Commissioner Duffy** presented the Susan Swanson Day Proclamation.

**Susan Swanson Day**

**COMMISSIONER DEUTSCH MOVED TO PROCLAIM MARCH 28, 2014 AS SUSAN SWANSON DAY, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

Susan Swanson accepted the Proclamation, noted Team Parkside works closely with **Commissioner Duffy**, highlighted Team Punta Gorda members in attendance, expressed thanks to the Board for recognizing the need for and approving Parkside projects, extended special thanks to County Administrator Raymond Sandrock for his "Open Door Policy", and stated her appreciation of his open communication.

**I. CITIZEN INPUT - Agenda Items Only**

Louis Macri spoke to Agenda Item F4, noted maintenance costs were not included, and expressed his preference that items be budgeted to include maintenance costs and be shown on the Agenda.

Dianne Quilty requested to fill the Greater Port Charlotte Street and Drainage Advisory Committee Vacancy, noted she is a County Resident, stated she resides within the confines of the Unit, mentioned she has been an employee of the County for the past eight (8) years, indicated she has a working understanding of the business functions of the Unit, expressed her preference to be more personally involved in her Community, and listed specifics of her resume for Board consideration.

**II. COMMITTEE VACANCIES**

**Chair Doherty** mentioned the open Committee Vacancies and requested participation.

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

Gulf Cove Street & Drainage Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Term: one regular member to serve a three year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail MSBU-TU@CharlotteFL.com.

Pirate Harbor Waterway Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Term: one alternate member to serve a two year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail MSBU-TU@CharlotteFL.com.

Marine Advisory Committee is seeking an organization or association to volunteer to serve as a permanent member of the Marine Advisory Committee. Each organization shall be marine oriented and hold regularly scheduled meetings and have a membership of at least 25 persons. Representatives from this organization/association will serve three (3) year terms. The term of the first representative will be effective once the association/organization is approved or as soon thereafter as a selection is made and shall expire December 31, 2017. Please contact Gayle Moore at 941.623.1094 for an application form to turn in with your resume or e-mail her at Gayle.Moore@CharlotteFL.com or you may access the website to download the form: <http://www.charlottecountyfl.gov/boards-committees/mac/Site%20Documents/MACApplicationForm.pdf>

### **III. REPORTS RECEIVED AND FILED**

**Chair Doherty** read the Reports Received and Filed into the Record.

2013 Annual Reports for the following Community Redevelopment Areas (CRA): Charlotte Harbor CRA; Murdock Village CRA; and Parkside CRA.

### **IV. CONSENT AGENDA**

**COMMISSIONER CONSTANCE MOVED TO APPROVE THE BALANCE OF THE CONSENT AGENDA WITH THE EXCEPTION OF CONSENT AGENDA ITEMS F4, G1, AND R1, SECONDED BY COMMISSIONER DEUTSCH**

**Commissioner Constance** made note of Agenda Item F3, spoke to Change Orders, and indicated Banks Engineering was returning over \$100,000 due to services no longer required.

**MOTION CARRIED 5:0.**

**Clerk of the Circuit Court**

#### **A. Finance Division**

(1) RECOMMENDED ACTION: Approve the Clerk's Finance Memorandum. BUDGETED ACTION:

#### **B. Minutes Division**

(1) RECOMMENDED ACTION: Approve minutes for:  
January 14, 2014 BCC Regular Meeting  
January 21, 2014 Parkside CRA Workshop  
January 30, 2014 Joint Meeting with Punta Gorda

March 6, 2014 Pre-Agenda Meeting  
BUDGETED ACTION:

**Board of County Commissioners**

**C. Commission Office**

(1) RECOMMENDED ACTION: Appoint Jeri K. Reif as a regular member to the Northwest Port Charlotte Street & Drainage Advisory Committee for a three year term from the date of appointment. BUDGETED ACTION:

(2) RECOMMENDED ACTION: Appoint Roger Heller as a regular member to the Northwest Port Charlotte Street & Drainage Advisory Committee for a three year term from the date of appointment. BUDGETED ACTION:

(3) RECOMMENDED ACTION: Approve the re-appointment of Carmine J. Rossi as a regular member to the South Gulf Cove Street & Drainage Unit Advisory Committee for a three year term from the date of appointment. BUDGETED ACTION:

(4) RECOMMENDED ACTION: Approve the re-appointment of Edward G. Minzer as a regular member to the Alligator Creek Waterway Advisory Committee for a three year term from the date of appointment. BUDGETED ACTION:

**D. Administration**

**Administration - No Items**

**Public Information Office - No Items**

**E. County Attorney - No Items**

**F. Budget and Administrative Services**

**Fiscal Services - No Items**

**Information Technology - No Items**

**Purchasing**

(1) RECOMMENDED ACTION: a) Approve Award of Bid #14-148, Plumbing Contractor - Annual Contract, at the hour rates bid to Ray's Plumbing of Punta Gorda, FL. Term of contract is from date of award through and including December 31, 2014. b) Authorize the County Administrator to approve the renewal options for up to two additional one- year terms, at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: No budget action required. Funding from various sources approved in the FY 2014 budget process.

(2) RECOMMENDED ACTION: a) Approve Award of Bid #14-147, Contractor/Builder - Annual Contract, at the hourly rates bid to CH Construction Services, Inc. of Port Charlotte, FL. Term of contract is to be from date of award through and including December 31, 2014. b) Authorize the County Administrator to approve the renewal options for up to two additional one- year terms, at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: No budget action required. Funding from various sources approved in the FY 2014 budget process.

(3) RECOMMENDED ACTION: Approve close-out of Contract #11-123, East/West Spring Lake Wastewater Pilot Program, with Banks Engineering, reducing the contract amount by \$136,925.25 due to removal of services no longer required. This was for the services of a firm to review and evaluate wastewater service options in the East/West Spring Lake area. BUDGETED ACTION: No budget action required.

(4) RECOMMENDED ACTION: Approve Award of Bid #14-129, Sidewalk Construction - Gardens of Gulf Cove, to the lowest responsive, responsible bidder, Bonness, Inc. of Port Charlotte, FL at the unit prices bid, for a total estimated cost of \$122,850. BUDGETED ACTION: No budget action required. For the Gardens of Gulf Cove portion of the contract, the budget is provided in CIP project "Gardens of Gulf Cove Sidewalks" approved in the 2014 budget process. Curbing in the Lemon Bay Streets & Drainage unit will be provided through savings in other work activities.

**Commissioner Truex** expressed his preference that the Board discuss the Item, stated all projects have ongoing maintenance costs, and recommended the costs be added for future analysis.

**COMMISSIONER TRUEX MOVED TO APPROVE BID #14-129, SIDEWALK CONSTRUCTION - GARDENS OF GULF COVE, TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, BONNESS, INC. OF PORT CHARLOTTE, FL AT THE UNIT PRICES BID, FOR A TOTAL ESTIMATED COST OF \$122,850, SECONDED BY COMMISSIONER DEUTSCH**

**Chair Doherty** expressed his agreement with the concept and noted estimated costs of maintenance could be provided by staff. **Commissioner Constance** stated his agreement and requested staff include the projected lifespan of particular projects. **Commissioner Duffy** noted maintenance costs are considered and requested County Administrator Raymond Sandrock speak to the matter.

County Administrator Sandrock recommended attaching the Capital Improvement Project (CIP) Sheet to the projects, noted projects less than \$100,000.00 go through a different process, affirmed maintenance costs are identified for projects, and stated the information will be provided to the Board.

**MOTION CARRIED 5:0.**

(5) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of March, 2014. BUDGETED ACTION: No budget action required.

**Real Estate Services - No Items**

**G. Community Development**

**(CHANGE #4)** (1) **RECOMMENDED ACTION:** This item is being brought before the Board of County Commissioners in response to a Florida Land Use Dispute Resolution Act (FLUDRA) request. The Act allows for these types of settlement agreements in order to address certain land use disputes without the need for litigation, but is a very seldom used process. This negotiated settlement agreement addresses Code Enforcement violations with respect to both Florida Building Code and Charlotte County Zoning Code related issues for a number of properties owned by Mr. Jan Musil. Staff is recommending approval of this item. **BUDGETED ACTION:**

Ty Harris, Community Development Director, provided a comprehensive overview of the Florida Land Use Dispute Resolution Act (FLUDRA) request, noted the action was filed on behalf of Mr. Jan Musil by Attorney Derek Rooney, indicated an impasse has been reached, requested the Board provide direction, and responded to Board inquiries.

**Commissioner Truex** questioned the number of properties that have stayed penalties, requested a clarification of the Agreement terms "waiver of permit fees", noted the appearance of waiving all permit fees, expressed his preference for the Agreement to be more reflective of actual happenings, suggested work be done to further clarify the Agreement language, and recommended postponing the item to the following Board meeting. **Commissioner Constance** inquired the timeline for all properties to be brought into compliance, questioned if the properties were liened, requested additional detail of the amount of outstanding and already paid fines and permits, expressed his preference for postponing the item, and asked if a precedent was set related to waiving permit fees. **Chair Doherty** stated his agreement with postponing the item, expressed concern with the potential impacts to Code Enforcement and the Construction Industry Licensing Board, and questioned if the Special Magistrate process would normally be followed. **Commissioner Deutsch** asked if the issues would be addressed if the item was postponed and questioned a cost analysis of the process. **Commissioner Duffy** indicated the Settlement Agreement lists the steps required for resolution and opined staff would not present the Agreement to the Board if it did not resolve the matter.

Attorney Rooney thanked Mr. Harris for providing Case History, noted the proposed Settlement Agreement contains the remainder of the items, indicated one (1) Zoning issue and three (3) additional property issues are included in the Agreement, noted permit waivers are only being sought for issues that his client did not physically work on, questioned the intent of the Board for Enforcement, responded to Board inquiries related to the establishment of liquidated damages, offered details of the timeline required for compliance and specifics of his client's actions towards resolution, stated he would recommend to his client pay the permit fees in an effort to resolve the matter, and noted he would need the permit listing from the Building Department.

County Attorney Janette Knowlton advised that the Code Enforcement Board and the Construction Industry Licensing Board (CILB) have already made rulings related to the case, provided details of the next steps; if the Agreement is not approved, indicated the process is statutorily driven, indicated Attorney Rooney would need to agree to postponement on the record, mentioned additional costs included payment of a Special Magistrate, explained the Special Magistrate process is part of the FLUDRA request, and thanked the Board.

**COMMISSIONER TRUEX MOVED TO POSTPONE THE ITEM TO THE APRIL 8, 2014 AGENDA TO ALLOW STAFF AND ATTORNEY ROONEY TO WORK TOGETHER ON THE COMMENTS MADE BY THE BOARD, SECONDED BY COMMISSIONER CONSTANCE**

**Commissioner Deutsch** suggested staff utilize the term "satisfied" within the Agreement related to permit fees. **Commissioner Duffy** questioned the possibility of receiving the requested list of permits and amounts required prior to the end of the current meeting, suggested tabling the item to a later point of the meeting, and expressed her preference for handling the matter at the current meeting. **Commissioner Truex** noted the item could be pulled and postponed again at the April 8, 2014 meeting and stated his preference to have additional time to analyze the information.

**MOTION CARRIED 4:1. COMMISSIONER DUFFY OPPOSING.**

**H. Community Services**

**Parks and Natural Resources - No Items**

**Recreation - No Items**

**Libraries and Historical - No Items**

**J. Economic Development - No Items**

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

**L. Human Resources - No Items**

**M. Human Services - No Items**

**N. Public Safety - No Items**

**P. Public Works - No Items**

**Q. Tourism Development**

(1) RECOMMENDED ACTION: Update from Charlotte Harbor Super Boat Grand Prix. BUDGETED ACTION: No budget action required.

**R. Utilities**

**(CHANGE #5)** (1) RECOMMENDED ACTION: Adopt a resolution authorizing Charlotte County Utilities (CCU) to submit an application to the Florida Department of Environmental Protection (FDEP) for a loan through the State Revolving Loan Fund (SRF) program for the cost of preconstruction design for the vacuum sewer system for the East & West Spring Lake Wastewater MSBU area. BUDGETED ACTION: No budget action is required. Subsequent approval of the loan will require a budget amendment.



**Commissioner Truex** indicated he did not oppose the Agenda Item as it had been amended, noted the original application request was for more than \$1,000,000.00, and asked for further detail as to why certain amounts were being requested.

**COMMISSIONER TRUEX MOVED TO APPROVE A RESOLUTION AUTHORIZING CHARLOTTE COUNTY UTILITIES (CCU) TO SUBMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR A LOAN THROUGH THE STATE REVOLVING LOAN FUND (SRF) PROGRAM FOR THE COST OF PRECONSTRUCTION DESIGN FOR THE VACUUM SEWER SYSTEM FOR THE EAST & WEST SPRING LAKE WASTEWATER MSBU AREA, SECONDED BY COMMISSIONER CONSTANCE**

**Chair Doherty** stated his apprehension to borrowing money, questioned the necessity to borrow money in the pre-construction design vacuum portion of the system, expressed concern with the changing dollar amount requests, noted his review of the Contract in detail, commented on cost balances to be paid for by Charlotte County Utilities (CCU), noted his opposition to the Item until he receives further clarification of Exhibit D, suggested project hookup costs as a possible request from the State Revolving Fund (SRF), and asked if the Municipal Services Benefit Unit (MSBU) paid back the dollars received from the SRF.

Terri Couture, CCU Director, explained balances of the MSBU Assessment Fund, indicated the fund amount increased, stated the original intention was for Offset Costs to be funded through Connection Fees, and affirmed the MSBU repays the SRF.

**Commissioner Truex** thanked **Chair Doherty** for discussing the matter in detail and asked that he be provided with additional information as to what the funding request is needed for.

**COMMISSIONER TRUEX WITHDREW HIS MOTION AND COMMISSIONER CONSTANCE WITHDREW HIS SECOND.**

**Commissioner Truex** questioned the required timeframe for the Item. **Chair Doherty** inquired when the Board would be receiving the Giffels-Webster Engineering Opinion of Costs and noted timing related to receipt of the Opinion of Costs. **Commissioner Deutsch** stated the Board could apply and choose not to accept the award of SRF dollars. **Commissioner Constance** questioned the interest rate of the SRF Loan.

Ms. Couture indicated the County has 210 days from the formation of the SRF priority list to apply for funding, noted the application paperwork is slightly time consuming, stated the Giffels-Webster Engineering Opinion of Costs would be received at the end of April, and explained the SRF Loan interest rate equates to less than three percent (3%) while Fiscal Services built in a five percent (5%) maximum within the request.

**COMMISSIONER TRUEX MOVED TO POSTPONE THE ITEM UNTIL THE DOCUMENTATION IS RECEIVED FROM GIFFELS-WEBSTER ENGINEERING, SECONDED BY CHAIRMAN DOHERTY**

**Commissioner Duffy** requested further clarification of MSBU administrative costs.

Ms. Couture affirmed annual administrative MSBU costs and listed the number of properties included within the Unit. County Administrator Sandrock indicated the aforementioned process is used with

MSBU Projects, noted there was nothing out of the ordinary with the request, and confirmed the information requested by the Board would be provided.

**MOTION CARRIED 5:0.**

**RECESS: 10:12 am - 10:30 am**

**S. Other Agencies - No Items**

**V. REGULAR AGENDA**

**Z. Regular Agenda**

**(CHANGE #1) (1) Administration**

Discussion and direction regarding legislative priorities.

Jason Stoltzfus, Programs Liaison, provided an update related to the following Legislative priorities: status of the funding for the Water Project Application for the Spring Lake Sewer First Phase, first version of the Senate Budget approval of the Spring Lake Project for \$500,000.00, request to increase the Spring Lake Project funding to \$1,000,000.00 in the final Senate Budget, Development of Regional Impact (DRI) Legislation, Senate Bill 372, House Bill 371, impacts to Charlotte County as surrounding Counties would be exempted from the DRI Review process upon approval, requested Board direction to either provide the Regional Planning Council (RPC) letter opposing the Legislation or draft one opposing the Legislation, noted developers in Manatee County pushed for the DRI Bill to be introduced, mentioned staff would ask to grandfather, at minimum, Counties that are in the middle of DRI exempted Counties, commented that the impacts of the Trauma Center Bill no longer greatly impacts Charlotte County, stated the Senate Flood Insurance Bill introduced at State level provides statutory framework and regulations that provide clarification for private companies that wish to offer flood insurance, listed details of Representative Ken Roberson's Little Gasparilla Island Bill, and affirmed he would provide an analysis of the Public Records, Public Meetings and Public Private Partnerships Bill.

**Commissioner Duffy** expressed her preference for a letter from Charlotte County addressing the DRI Legislation, noted she called Senator Lizbeth Benacquisto's office the previous week and has not yet received a returned call, commented on a lawsuit lost by the County regarding inverse condemnation, asked the Board to consider the feasibility of Legislation addressing Counties not being penalized for failure to act, questioned specifics of the Little Gasparilla Island Bill, and requested additional detail of Public Records, Public Meetings, Public Private Partnerships Bill. **Commissioner Constance** opined the RPC Letter would be appropriate to provide in regards to Senate Bill 372 until additional time is available to construct a letter from the County, noted Consensus received to write a letter opposing the DRI Legislation, and questioned why Manatee County has not proceeded with the DRI Special Exemption Process similar to Sarasota. **Chair Doherty** indicated the RPC letter would be sufficient to provide at the current time and noted his receipt of information related to his experience with the DRI process is not applicable to the current process. **Commissioner Truex** stated his agreement related to the letter, indicated he is attempting to meet with Senator Bill Galvano to address the Bill, opined he had no issues with the Little Gasparilla Island Bill, and stated he would be following up with Representative Roberson.

**RECESS: 11:30 am - 11:25 am**

Mr. Stoltzfus provided an analysis of the Public Private Partnerships Bill, noted it creates an exemption for unsolicited proposals, indicated the information would remain exempt until the Project goes through a formal bidding process, stated meetings of the Commission or Representatives would not be subjected to Sunshine Laws, and affirmed he would email a copy to County Attorney Knowlton.

Bob Hebert, Housing / Community Initiatives Manager, requested Board support to advocate for full funding of the State Housing Initiatives Partnership (SHIP) Program, noted a drastic decrease in the ability to provide rehabilitation to homes in the Charlotte County area, and indicated fact sheets have been provided to all Representatives. Mr. Stoltzfus explained that this issue has not been brought to the Board previously and requested Board direction to advocate for full funding of the SHIP Program.

**Commissioner Truex** requested documentation be provided, noted the Trust Fund has been raided for a number of years, indicated the original purpose was to assist with Affordable Housing, and expressed his preference to change the Trust Fund name if it is continually going to be utilized in other ways. **Chair Doherty** expressed agreement.

Assistant County Attorney Daniel Gallagher provided an update regarding the status of actions against the Department of Juvenile Justice (DJJ) for overpayments the County has made over the past four (4) Budget years based on a fault rule making procedure entered into, noted Counties have agreed to Table until the conclusion of the current Legislative Session, detailed three (3) alternative options to be considered including a 50/50 cost share between the Counties and State with an amendment to provide a ten (10) year repayment, a 50/50 cost share between the Counties and State with a twenty-three (23) year repayment, and the Governor's option for Counties to pay fifty-seven percent (57%) and the State to pay forty-three percent (43%) with no repayment, affirmed that Lee and Marion County took action to support the 50/50 cost share, and asked for Board direction or recommendations. Mr. Burger explained the repayment would only include fifty percent (50%) of the overpayment in both proposals.

**Commissioner Truex** noted the total amount of County overpayment, expressed his concern that the County would not be totally reimbursed for overpayments, commented on proposal percentages, and thanked staff for clarifying the information. **Commissioner Constance** asked for additional detail regarding proposed percentages and stated the County overpaid and should be reimbursed. **Commissioner Deutsch** opined the County expended the money and should be reimbursed. **Chair Doherty** stated his agreement. **Commissioner Truex** and **Chair Doherty** noted they would make known the position of the County regarding the DJJ overpayments.

**(CHANGE #2) (2) Commission Office**

Select by ballot one regular member to the Greater Port Charlotte Street and Drainage Advisory Committee for a term of three years from the date of appointment.

**Commissioner Constance** indicated he was informed of an additional vacancy within the Greater Port Charlotte Street and Drainage Advisory Committee, suggested reinstating Mr. Grover Mudd and noted Ms. Dianne Quilty could fill the recently resigned position. **Commissioner Duffy** noted her concerns and questioned if the vacancy was true. **Chair Doherty** stated a Vote must still be taken.

County Administrator Sandrock read the ballot entries into the record as: four (4) votes Grover Mudd and one (1) vote Dianne Quilty.

**COMMISSIONER CONSTANCE MOVED TO APPOINT GROVER H. MUDD AS A REGULAR MEMBER OF THE GREATER PORT CHARLOTTE STREET AND DRAINAGE ADVISORY COMMITTEE FOR A TERM OF THREE (3) YEARS, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**Commissioner Constance** asked if Ms. Quilty's application would automatically be moved to the upcoming Vacancy and directed Commission Assistant Diane Gant to ensure the paperwork is included for consideration.

**(CHANGE #3)** (3) Commission Office

Select by ballot one alternate member to the Manchester Waterway Benefit Unit Advisory Committee for a two- year term from the date of appointment.

County Administrator Sandrock read the ballot entries into the record as: five (5) votes James P. Goulette, zero (0) votes Dennis C. Peck.

**COMMISSIONER CONSTANCE MOVED TO APPOINT JAMES P. GOULETTE AS AN ALTERNATE MEMBER TO THE MANCHESTER WATERWAY BENEFIT UNIT ADVISORY COMMITTEE FOR A TWO (2) YEAR TERM, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**(ADDITION #1)** (4) Utilities

Discussion and direction on the April 2, 2014 Peace River Manasota Regional Water Supply Authority Board Agenda

Ms. Couture listed the upcoming April 2, 2014 Peace River Manasota Regional Water Supply Authority (PRMRWSA) Agenda Items for discussion and responded to Board inquiries.

**Commissioner Constance** mentioned his request to amend the Minutes to reflect that the PRMRWSA Board made no further comments or gave direction when Pat Lehman, Executive Director, requested direction on possibilities of a Common Rate scenario, indicated his request that the Common Rate never be discussed again, noted he has been shown no less than three (3) presentations regarding the Common Rate, provided specifics of the PRMRWSA \$3,000,000.00 for an additional 3 million gallons per day (MGD), stated he questioned the PRMRWSA \$4,000,000.00 for an additional 4 MGD; noting it was related to extra storage and chemicals, expressed his opposition to the Tentative Budget and Resolution setting forth preliminary rates, fees, and charges for FY 15, advised the Board that the Base Water Rate proposes to be increased by \$626,000.00, commented that Charlotte County was being disproportionately assessed, said he plans to provide the PRMRWSA Member Attorneys the proposed Water Purchase Agreement of Exhibit C to the Master Water Supply Contract during the upcoming

meeting, and spoke to positives of the Water Status Report. **Commissioner Duffy** requested additional detail of the Phase 1A Discovery Drive Meter.

**VI. PUBLIC HEARING AGENDA 10:00 A.M. (Items heard after the Consent Agenda)**

(1) County Attorney

Conduct a public hearing to amend the County Code regarding Limousine and Taxicabs by providing for regulation of Nonmedical Wheelchair Transportation Vehicles. **ORD2014-009 (XREF: ORD2011-041, ORD1997-038)**

Assistant County Attorney Lori Tetrault provided details of the item, noted the Board was asked to consider the item in November, 2011, and responded to Board inquiries.

**Commissioner Truex** requested further detail related to the different types of transportation and insurance required for medical and non-medical transports and asked if the language of the proposed Ordinance was in order.

Walt Black, Risk Manager, affirmed the Department of Motor Vehicles with the State of Florida regulates the amount of insurance required, noted the County exceeds the minimum required levels, and explained that anyone requiring any type of medical assistance would not fall under the Non-Medical Transportation Vehicle Ordinance.

Michael Grant, Owner of Ambitrans Ambulance and Wheelchair Service, thanked the Board for their consideration of the proposed Amendment, expressed gratitude to legal staff for working with individuals within the Industry, recommended a change in the Insurance requirements of the Ordinance, noted current Contractors need to have \$1,000,000.00 of coverage, and opined the \$125,000.00 insurance limit is not sufficient.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2014-009 AMENDING CHAPTER 1-10, ARTICLE XV, TAXICABS, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, RELATING TO TAXICABS AND LIMOUSINES; ADDING REGULATIONS APPLICABLE TO THE OPERATION OF NON-MEDICAL WHEELCHAIR AND STRETCHER TRANSPORTATION VEHICLES; PROVIDING FOR SEVERABILITY AND INCLUSION IN THE CHARLOTTE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER TRUEX**

**Commissioner Constance** expressed his preference to leave the Ordinance as proposed, requested to receive additional information relating to the insurance levels, and expressed concern with potential halting Community taxicab businesses. **Commissioner Truex** stated his agreement and noted staff could bring back options for consideration. **Chair Doherty** agreed and noted staff direction to bring back possible recommendations related to the insurance concerns.

**MOTION CARRIED 5:0.**

(2) County Attorney

Conduct a public hearing to consider approving an Ordinance extending the temporary suspension of all non-transportation impact fees. **ORD2014-010 (XREF: ORD2013-019, ORD2012-024)**

Assistant County Attorney Gallagher provided details of the item, noted the proposed suspension of all Non-Transportation Impact Fees would expire September 30, 2014, and stated new Impact Fees would then be adopted October 1, 2014.

Scott Andrichak stated his belief that taxes are too high in Charlotte County, noted his review of neighboring County taxes, requested the Board consider keeping taxes and fees low, and opined Citizens should be thriving instead of the Government.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2014-010 AMENDING ORDINANCE NO. 2012-024, WHICH TEMPORARILY SUSPENDED CERTAIN IMPACT FEES, BY EXTENDING THE AUTOMATIC SUNSET DATE OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE WITH AN AMENDMENT TO STRIKE THE TERM LIBRARIES FROM LINE 28. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.**

**COMMISSIONER TRUEX MOVED TO APPROVE ORDINANCE 2014-010 AMENDING ORDINANCE NO. 2012-024, WHICH TEMPORARILY SUSPENDED CERTAIN IMPACT FEES, BY EXTENDING THE AUTOMATIC SUNSET DATE OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DUFFY**

**Commissioner Truex** stated his understanding of **Commissioner Constance's** position and indicated his preference to receive all information to conduct a better analysis at one time. **Commissioner Constance** stated a Library is absolutely needed in South County and opined further suspension of Library Impact Fees is counter intuitive. **Chair Doherty** spoke to revenue challenges, expressed his preference to be able to conduct a comprehensive review of the Impact Fee Information, and opined the ultimate solution to the revenue challenge is growth within the County. **Commissioner Duffy** agreed with **Commissioner Constance's** concerns of the South County Library, noted other Impact Fees may be restored at a later date, and spoke to low costs for those Residents ready to build within the County.

County Administrator Sandrock indicated the Impact Fee Study would be received in the near future, noted staff would review the information, and stated a presentation would be given in the Summer.

**MOTION CARRIED 4:1. COMMISSIONER CONSTANCE OPPOSING.**

**VII. PRESENTATION AGENDA 10:00 A.M. (Item heard after the 10:00 A.M. Public Hearing Agenda)**

(1) Budget and Administrative Services

A presentation by the consultants Tinsdale Oliver & Associates to provide an update on the process and status of the Transit Development Plan (TDP) to date. The final report will be presented in May or June of this fiscal year.

Gordon Burger, Director of Budget and Administrative Services, introduced the presentation and noted the joint effort between Transit Operations and the Metropolitan Planning Organization (MPO). Richard Dreyer, Tindale Oliver & Associates, provided an update related to the Transportation Development Plan (TDP) including specifics of the Charlotte Rides Program, details of the Transit Demand Assessment, the process and results of the Public Outreach Process, explained the "County's Ten (10) Year Needs without funding limitations," suggested routes deemed the North Port - Punta Gorda Connector, the Englewood Beach Hopper, the Lake Suzy - Punta Gorda Connector, and the North Port - Fort Myers Express Route, detailed the Flex-Route Service Option with four (4) suggested Flex Areas, recommended utilizing the Dial-A-Ride Program outside of service times, a Voucher Access Program, a Replacement Program, Bus Stop Amenities, three (3) Transfer Points, and shared Park-and-Rides Stops, indicated a review of cost efficiencies is currently being conducted, advised the Board of the upcoming TDP steps, and advised a Plan Presentation would be made in June, 2014.

**Commissioner Constance** questioned the meaning of the included initials within the Presentation. **Commissioner Deutsch** inquired if the County currently had enough vehicles to implement the proposed TDP, commented on the importance that Residents understand the presentation is a proposal, expressed concern over the price per ride, opined there is no place that operates a public transportation system without subsidy, noted his cautious optimism of the TDP, posed questions regarding the TDP interfacing with existing transportation, mentioned the effects to the Sunshine Ride and Dial-A-Ride Programs, the anticipated ridership, and estimated costs per ride. **Commissioner Duffy** expressed agreement with **Commissioner Deutsch's** concerns, questioned if the TDP was required by the State of Florida, inquired if the funding currently received funded the Dial-A-Ride and Sunshine Ride Programs, asked the cost of the TDP Study, stated her concern of Citizen ability to get to bus stops, spoke to the number of Residents within the Community that would prefer to have a Fixed Route System, stated the County does not have the population to warrant the transportation system, and indicated she would keep an open mind regarding the matter.

Mr. Dreyer responded to Board inquiries related to the County currently not having enough vehicles to implement the portrayed unlimited funding TDP, affirmed there is not a public transportation system in the Country that runs without a form of subsidy, noted the State of Florida requires the TDP to be updated every five (5) years to receive funding, advised funding received currently goes to the Dial-A-Ride Program, and indicated the County and MPO are splitting the \$80,000.00 cost of the TDP Study.

**Chair Doherty** thanked Mr. Dreyer for the presentation and stated he is looking forward to the Final Report.

**VIII. PUBLIC WORKSHOP AGENDA - No Items**

**IX. BOARD WORKSHOP AGENDA - No Items**

**X. CITIZEN INPUT - ANY SUBJECT**

Joan Fischer stated libraries are an essential part of neighborhood vitality and to the literate population, provided history regarding libraries including Thomas Jefferson and Andrew Carnegie, opined an additional Director be responsible for Libraries and Historical, noted the Cultural Center Library is in need of public access, and mentioned approximately 1700 children live within the Port Charlotte Library Area that does not offer Saturday hours.

Kathleen Coppola stated Public Transportation options does not pay for itself, commented on Smart Meters, noted her decision to opt out of the Program after being told the costs, mentioned Residents who have been charged the monthly cost and installation fee without changing over to the new meters, expressed concern that she was not informed of two (2) written reports regarding her septic system, advised she removed a problematic crepe myrtle tree on her own, commented on the number of species of fish in Charlotte Harbor, and opined sewers are not needed in the area.

Scott Andrichak, Save Our Septics (SOS), provided specifics of a letter written by County Administrator Sandrock to Secretary Herschel Vineyard of the Florida Department of Environmental Protection (FDEP), questioned why the letter was sent four (4) months after the receipt of an email from John Iglehart, FDEP, indicating no specific area was required to be sewerred, spoke to an additional email sent by Assistant to the County Administrator Hector Flores requesting the same information from Mr. Vineyard, opined the situation demonstrated how County Administrator Sandrock manipulated and misled the Board, and asked that he be removed from his position.

**Chair Doherty** stated he would inquire of the information on Mr. Andrichak's behalf during an individual meeting with County Administrator Sandrock.

**AA. County Administrator: None**

**BB. County Attorney:**

County Attorney Knowlton stated she had received a Citizen raising the question on how the Board could consider the Impact Fee Ordinance due to a vote received the previous month, noted she reviewed the matter, indicated County Administrator Sandrock had only requested Board direction, and clarified there was no Vote taken.

**CC. Commissioner Comments:**

**Commissioner Duffy** handed out a letter written by Susie Hackett indicating her resignation from the Code Enforcement Board, noted her request for further detail of Code Enforcement Board Member renewal dates and terms, suggested the possibility of having a Special Magistrate handle the Code Enforcement Hearings, requested the Board consider the Special Magistrate Option, and spoke to the Smart Meter Resolution and options it allowed. **Commissioner Constance** expressed agreement with receiving an analysis of the Code Enforcement Special Magistrate option and noted other Boards may be televised on CC-TV. **Chair Doherty** commented on the timing of the Special Magistrate possibility, noted the existing Code Enforcement Board has good productivity, and agreed with reviewing the Special Magistrate possibility. **Commissioner Deutsch** suggested conducting a Public Hearing for the Special Magistrate option, requested staff review the Smart Meter Resolution, noted the Charlotte County



Veteran's Council is moving ahead with the permanent Vietnam Memorial Wall, indicated students made a miniature model of the Wall and it would be on display at the Air Show, mentioned the American Legion Post 110 Wall Ball at the end of April to benefit the Memorial, and presented **Commissioner Constance** a book signed by Cal Ripken Junior.

County Attorney Knowlton spoke to the proposed Special Magistrate costs, indicated the costs would be about the same as expended for the current process, noted the procedure to hire Special Magistrates is already in place as they are utilized elsewhere, stated the removal of Code Enforcement Board questions and input would greatly reduce the necessary time, commented on the difficult decision due to the dedicated Code Enforcement Board, affirmed no Code change would be required, and said Board direction is required to bring back a Resolution.

**(CONSENSUS TO RECEIVE INFORMATION RELATED TO THE SPECIAL MAGISTRATE PROCESS FOR CODE ENFORCEMENT HEARINGS)**

**ADJOURNED: 12:40 pm**

\_\_\_\_\_  
**Ken Doherty, Chair**

**DATE ADOPTED:** \_\_\_\_\_

**ATTEST:  
BARBARA T. SCOTT, CLERK  
OF THE CIRCUIT COURT AND  
EX-OFFICIO TO THE BOARD  
OF COUNTY COMMISSIONERS**

**By:** \_\_\_\_\_  
**Deputy Clerk**