

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 11, 2014

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

Members present were: Chair Doherty, Commissioner Constance, Commissioner Deutsch, and Commissioner Duffy. Also in attendance were: County Administrator Sandrock, County Attorney Knowlton, Chief Deputy Board Services White, Commission Assistant Gant, Minutes Supervisor Lansing, and Minutes Clerk Murphy. The following members were absent: Commissioner Truex

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

The Invocation was given by Reverend George Cooks, Jr., First Macedonia Missionary Baptist Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: Z-2

Discussion and direction regarding the South County Overlay. ~~Items to include: map, signs, architecture, and landscaping.~~

Requested by Administration

Change #2: Z-1

Addition of Draft application for hardship program, Draft hardship income certification and Draft qualifying questions to background material.

Requested by CCU

Deletion #1: C-2

Re-appoint John W. Grubbs as a regular member to the Suncoast Waterway Maintenance Unit Advisory Committee for a three year term from the date of appointment.

Requested by Public Works

Deletion #2: E-1

Set a public hearing to amend the Limousine and Taxicab Code by further providing for regulation of Nonmedical Wheelchair Transportation Vehicles.

Requested by County Attorney's Office

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

MOTION CARRIED 4:0.

Proclamations/Awards

Proclamations - Commissioner Stephen R. Deutsch

John E. Ross, Jr. Day

COMMISSIONER CONSTANCE MOVED TO PROCLAIM FEBRUARY 21, 2014 AS JOHN E. ROSS, JR. DAY, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 4:0.

John Ross accepted the Proclamation with thanks and invited all to take part in welcoming home the men and women of the Armed Forces. Kim Lovejoy, Executive Director of the Military Heritage Museum, extended an invitation to the dinner honoring Mr. Ross on February 21, 2014 to honor Mr. Ross.

Theresa Parson Day

COMMISSIONER CONSTANCE MOVED TO PROCLAIM FEBRUARY 11, 2014 AS THERESA PARSON DAY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

Theresa Parson accepted the Proclamation, expressed hope that the past EMS operation would be remembered, and thanked all coworkers and Lyons Club Members present.

Artist of the Month - Marilyn Dorsey (Commissioner Duffy presented the Proclamation)

COMMISSIONER DEUTSCH MOVED TO PROCLAIM MARILYN DORSEY AS THE FEBRUARY 2014 ARTIST OF THE MONTH, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 4:0.

Marilyn Dorsey accepted the Proclamation and expressed thanks to the Board and the Arts and Humanities Council.

Employee Recognition - Commissioner Stephen R. Deutsch

5 Years: Michael Donnelly, Utilities; Philip Fairman, County Attorney's Office; Wanda Hall, Utilities; Henri Lafenetre, Utilities; 10 Years: Sandra Callanan-Smith, Utilities; Hendrick Dolleman, Utilities; David Kloor, Jr., Utilities; Jie Shao, Community Development; 25 Years: James Stern, Public Safety; Walter Vatter, Jr., Community Development; Not Attending: George Bartlett, 15 Years, Public Safety; Edward Diaz, 15 Years, Public Safety; John Loukota, Jr., 15 Years, Public Safety

I. CITIZEN INPUT - Agenda Items Only

George Kearns expressed concerns related to the Deep Creek Streets and Drainage Fund covering costs including the mowing and edging of Midway Boulevard, indicated the item was not brought to the Deep

Creek Municipal Service Benefit Unit (MSBU) Advisory Board, and requested clarification as to when staff presents items to the Advisory Board versus bringing the item to the Board of County Commissioners.

Gene Murtha, President of the Punta Gorda History Center, mentioned the purpose and background of the History Center, requested the Board approve the use of the smaller building located at the old Health Department location, noted no County funding is requested, stated completion and buildout of the Center will be accomplished through vigorous fundraising, indicated educational classes will be held for students, acknowledged several Punta Gorda History Center Board Members, and thanked the Board for their time and consideration.

Gussie Baker stated the Punta Gorda History Center would be proud to use the old Health Department facility, indicated the closeness to area schools is an advantage, commented on her past involvement with Charlotte High School Art Students, and provided a poster depicting aspects of Punta Gorda History used in the 2011 Punta Gorda Block Party.

Joan Fischer requested scheduling a Public Input Workshop to discuss proposals for the Historical Center, opined the Mid County Library is centrally located and should house Charlotte County and Charlotte Harbor historical documents, commented on the successfulness of Bayshore Road Environmental Center and Park, and asked the Board to consider the cultural development impacts of locating the Historical Center to the Mid County Library.

Louis Macri spoke to Agenda Item F7, inquired costs associated with obtaining easements on Midway Boulevard, and requested a clarification on the dollars required.

Susan Hutt read a statement written by Mrs. Friz of Garfield Avenue related the Sewer Project Hardship Program into the record, opined the Spring Lake Sewer Project is not needed, commented on approval of the East and West Spring Lake Resolution, thanked **Commissioner Truex** for his past dissenting vote, noted CCU survey results were not published, and cautioned the Board regarding Project cost overruns.

Scott Andrichak, SOS, stated the Sewer Project is unnecessary and a waste of taxpayer money, commented on letters written between County Administrator Sandrock and Jon Iglehart of the Florida Department of Environmental Protection (FDEP), opined the Hardship Program is not needed due to the lack of reasons for sewer installation, mentioned documents have been provided through various sources to prove septic systems are not polluting Charlotte Harbor, and noted Residents are being put at risk of losing their homes due to the costs of the Sewer Project.

II. COMMITTEE VACANCIES

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

Boca Grande Street & Drainage Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one 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; 941.575.3600 or email: MSBU-TU@CharlotteFL.com.

Burnt Store Village Street and Drainage Unit Advisory Committee is seeking one volunteer to serve as a regular member for a three year term from the date of appointment. Applicant must be a resident of Charlotte County and reside within the Unit. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or email MSBU-TU@CharlotteFl.com.

Deep Creek Non-Urban Street & Drainage 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 email MSBU-TU@CharlotteFl.com.

Englewood East Non-Urban Street & Drainage Advisory Committee is seeking one volunteer that must be a resident of Charlotte County and reside within the unit. Term is for 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 email MSBU-TU@CharlotteFl.com.

Grove City Street & Drainage Advisory Committee is seeking two volunteers. Terms: one regular member to serve a three year term from the date of appointment and one alternate member to serve a two year term from the date of appointment. Applicants must be residents of Charlotte County and reside within the Unit. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or email MSBU-TU@CharlotteFl.com.

Gulf Cove Waterway Benefit Unit Advisory Committee is seeking two volunteers who must be residents of Charlotte County and reside within the Unit. Terms: one regular member to serve a three year term from the date of appointment and 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 email MSBU-TU@CharlotteFl.com.

Manchester Waterway Benefit Unit Advisory Committee is seeking two volunteers who must be residents of Charlotte County and reside within the Unit. Terms: two regular members 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 email MSBU-TU@CharlotteFl.com.

Northwest Port Charlotte Waterway Unit Advisory Committee is seeking three volunteers who must be residents of Charlotte County and reside within the Unit. Terms: three regular members 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 email MSBU-TU@CharlotteFl.com.

South Burnt Store Street and Drainage Advisory Committee is seeking two volunteers to serve as regular members for a three year term from the date of appointment. Applicant must be a resident of Charlotte County and reside within the Unit. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or email MSBU-TU@CharlotteFl.com.

South Gulf Cove Non-Urban Street & Drainage Advisory Committee is seeking one volunteer to serve as a regular member for a three year term from the date of appointment. Applicant must be a resident of

Charlotte County and reside within the Unit. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or email MSBU-TU@CharlotteFL.com.

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

Construction Board of Adjustment and Appeals is currently seeking the following volunteers: one general building contractor, one mechanical contractor, one architect, one member to serve as an alternate. The alternate must be a licensed member of the construction industry. Terms are for three years. Committee meets 1st and 3rd Monday of each month at 8:30 a.m. in Murdock. For an application call 941.743.1300 or email Joann.Dillon@CharlotteFL.com

Affordable Housing Advisory Committee is currently seeking volunteers to fill the following categories: one Residential Home Builder, one For-Profit Provider; one Real Estate Professional; and one citizen who is an advocate for lower income persons. Terms: three years. Committee meets on the 3rd Wednesday of each quarter (October, January, April, July). Please call 941.743.1300 for an application or email Joann.Dillon@CharlotteFL.com.

Lemon Bay Street and Drainage Unit Advisory Committee is seeking five volunteers who must be residents of Charlotte County and reside within the Unit. Terms: four regular members and one alternate member. The term lengths will be determined at the first regular meeting. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or email MSBU-TU@CharlotteFL.com.

Charlotte Ranchettes Street & Drainage Unit Advisory Committee is seeking one volunteer to serve as an alternate member to complete an unexpired term that expires February 26, 2015. Applicant must be a resident of Charlotte County and reside within the Unit. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or email MSBU-TU@CharlotteFL.com.

III. REPORTS RECEIVED AND FILED

IV. CONSENT AGENDA

Chair Doherty polled the Board for Consent Agenda Items to be pulled for discussion.

COMMISSIONER CONSTANCE MOVED TO APPROVE THE BALANCE OF THE CONSENT AGENDA WITH THE EXCEPTION OF CONSENT AGENDA ITEMS F4, F6, F7 AND G1, SECONDED BY CHAIR DOHERTY

MOTION CARRIED 4:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Finance Memorandum. BUDGETED ACTION: None

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for:
January 23, 2014 Pre -Agenda Meeting
BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Approve the appointment of Victor A. Dudash as a regular member to the Charlotte Ranchettes Street and Drainage Advisory Committee for a term of three years from the date of appointment. BUDGETED ACTION: None

(DELETION #1) (2) RECOMMENDED ACTION: Re appoint John W. Grubbs as a regular member to the Suncoast Waterway Maintenance Unit Advisory Committee for a three year term from the date of appointment. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Approve the appointment of Martin F. Simone to the Lemon Bay Street and Drainage Advisory Committee as a regular member. The term length will be determined at the first regular meeting. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Approve the appointment of Franz J. Leppla as an alternate member to the Gulf Cove Street and Drainage Advisory Committee for a term of two years from the date of appointment. BUDGETED ACTION: None

D. Administration

Administration

(1) RECOMMENDED ACTION: Approval for Chairman to sign Reappointment Ballot Form to the Medical Examiners commission for their recommendation to the Governor of reappointing Dr. Riazul H. Imami as District Medical Examiner in District 22, Charlotte County. BUDGETED ACTION: None

Public Information Office - No Items

E. County Attorney

(DELETION #2) (1) RECOMMENDED ACTION: Set a public hearing to amend the Limousine and Taxicab Code by further providing for regulation of Nonmedical Wheelchair Transportation Vehicles. BUDGETED ACTION: None

F. Budget & Administrative Services

Fiscal Services - No Items

Information Technology - No Items

Purchasing

(1) RECOMMENDED ACTION: Approve the "Piggyback", File #14 176, Striping Truck TSM, from M B Companies, Inc., of New Holstein, WA (Piggyback of the National Joint Powers Alliance, Contract #113012 MBC, Road Maintenance Equipment with Related Accessories, Services and Supplies, Specification #1213 1119 4 CHCO) for a total cost of \$245,914.15. BUDGETED ACTION: No budget action needed. Budgeted in approved FY14 CIP project "Truck, Paint Striper Replacement". The budget for the replacement vehicle did not include a message/arrow board that will be installed on the truck. This increased the cost of the vehicle from the budgeted amount of \$225,000 to \$245,914. The additional cost will be covered by savings from materials and supplies.

(2) RECOMMENDED ACTION: Approve the piggyback purchase of File #14 178, Dump Trucks, for the purchase of six (6) dump trucks utilizing the Florida Sheriff's Association & Florida Association of Counties Bid #13 11 0904, Off Road Utilities, Medium/Heavy Trucks, and Other Fleet Equipment, with Wallace International Trucks of Fort Myers, FL, at a unit cost of \$122,351 per dump truck with a total cost of \$734,106. BUDGETED ACTION: No budget action needed. Funding for the 4 trucks for Public Works were approved in CIP project "Dump Trucks, Tandem Wheel Replacements" in the Maintenance & Operations division of the Transportation Trust Fund. Funding for the 2 trucks for CCU were approved in CIP project "Replace Backhoes and Dump Trucks" in CCU Operating Systems Fund. Both CIP were approved in the FY2014 budget process.

(3) RECOMMENDED ACTION: a) Approve Novation for name change to Contract #2010000335.54 Professional Services Library from GPI Southeast, Inc. to Greenman Pedersen, Inc.; and b) Authorize the Chairman to sign the Novation. BUDGETED ACTION: No action needed. Name change only.

(4) RECOMMENDED ACTION: a) Approve budget adjustment #14 010, in the amount of \$34,414, and b) Approve the Piggyback Purchase off the Florida Sheriff's Associated, Contract #13 11 0904, Off Road Utilities, Medium/Heavy Trucks & Other Fleet Equipment, Specification #32, and award File #14 179, Purchase Two (2) Wheel Loaders from Flagler Construction Equip, LLC of Tampa, FL for the total cost of \$348,651. BUDGETED ACTION: Approval of budget adjustment #14 010, will increase the total project funds available for the purchase of a Wheeled Loader to replace PN 28670 in the budgeted CIP "Loader, Front End Replacement" by \$34,414. Funding for the purchase of a Wheeled Loader to replace PN 28685, was approved in CIP "Loader, Front End Replacement". Both loaders were approved in the FY2014 budget process for the Maintenance & Operations division of Public Works/Transportation Trust Fund.

COMMISSIONER DEUTSCH MOVED TO APPROVE BUDGET ADJUSTMENT #14 010, IN THE AMOUNT OF \$34,414, AND APPROVE THE PIGGYBACK PURCHASE OFF THE FLORIDA SHERIFF'S ASSOCIATED, CONTRACT #13 11 0904, OFF ROAD UTILITIES, MEDIUM/HEAVY TRUCKS & OTHER FLEET EQUIPMENT, SPECIFICATION #32, AND AWARD FILE #14 179, PURCHASE TWO (2) WHEEL LOADERS FROM FLAGLER

CONSTRUCTION EQUIP, LLC OF TAMPA, FL FOR THE TOTAL COST OF \$348,651, SECONDED BY COMMISSIONER CONSTANCE

Chair Doherty requested clarification of the Specialty Mowing contract per the Citizen's earlier request. Dan Quick, Public Works Director, indicated the information requested to be discussed falls under Agenda Item F5. Discussion continued regarding confusion of Agenda Items.

MOTION CARRIED 4:0.

(5) RECOMMENDED ACTION: Approve Change Order #2 to Contract #13 383 Specialty Mowing with Walker Services, Inc. in the amount of \$12,760 for a revised total contract amount of \$351,159. This is for additional mowing cycles for locations recently acquired by Public Works Maintenance & Operations for maintenance. BUDGETED ACTION: No budget action needed. Budgeted in Deep Creek Streets & Drainage Fund and Road & Bridge/Transportation Trust Fund approved in the FY2014 budget process.

County Administrator Ray Sandrock noted the online Agenda version differs from the paper copy.

Commissioner Constance indicated his intent to pull the item regarding the Specialty Mowing Contract and requested to discuss the matter. **Chair Doherty** affirmed the item could be discussed and requested further clarification.

Mr. Quick provided details related to the Specialty Mowing Contract Change Order, noted additional items include mowing of the recently completed sidewalks, indicated mowing costs for Harbor and Deep Creek Boulevard would be absorbed through the Gas Tax Revenues, stated the Deep Creek MSBU would be funding the mowing and maintenance of the sidewalks along Rio De Janiero Avenue, and responded to Board inquiries.

(6) RECOMMENDED ACTION: a) Approve budget adjustment #14 011 in the amount of \$315,438, and b) Approve award of Bid #14 141, Concrete Box Culverts Little Farm Road to the lowest responsive responsible bidder, Lovin Construction of Bradenton, Florida in the amount of \$437,969.44. The purpose of this bid is to secure the services of a firm for the installation of concrete box culverts with headwalls, wingwalls, and roadway reconstruction. BUDGETED ACTION: Approval of budget adjustment #14 011, will increase the total project funds available in the Cook & Brown MSBU planned for construction in the budgeted CIP, "Little Farm Culverts", by \$315,438.

Commissioner Constance inquired additional detail related to the installation of the box culverts along Little Farm Road, noted his opposition to the costs related to the item, questioned the percentage of MSBU funds to be expended to cover the costs of the proposed Project, asked if the individuals within the Cook & Brown MSBU were notified regarding the costs, and stated his disapproval of the item. **Chair Doherty** indicated the proposed facility is a drainage facility and not typically classified under the Street and Drainage MSBU, opined the Project funding source should be the South County Stormwater MSBU, mentioned his review of the South County Stormwater MSBU Budget and original Ordinance, questioned the amount of properties assessed for the South County Stormwater MSBU, and expressed concerns regarding the availability of other funding options. **Commissioner Deutsch** stated his understanding of no other options to improve sheet flow in the area, noted concerns associated with the totality of the expenditure, and suggested tabling the item for further discussion at the upcoming Workshop.

Joanne Vernon, Assistant County Engineer, responded to related Board inquiries. County Administrator Sandrock affirmed the topic would be discussed at the next Workshop and spoke to the funding source for the proposed culvert installation.

COMMISSIONER DEUTSCH MOVED TO TABLE APPROVAL OF BUDGET ADJUSTMENT #14 011 IN THE AMOUNT OF \$315,438, AND AWARDING OF BID #14 141, CONCRETE BOX CULVERTS LITTLE FARM ROAD TO THE LOWEST RESPONSIVE RESPONSIBLE BIDDER, LOVIN CONSTRUCTION OF BRADENTON, FLORIDA IN THE AMOUNT OF \$437,969.44 FOR DISCUSSION AT THE FEBRUARY 18, 2014 WORKSHOP WITH FINAL ACTION AT THE FOLLOWING REGULAR BCC MEETING, SECONDED BY COMMISSIONER DUFFY

Commissioner Duffy commented on funding alternatives. **Commissioner Constance** stated his willingness to discuss the topic at the Workshop, indicated his overall opposition to the Project, mentioned an Easement should be obtained from another Road, noted the property owner's responsibility to understand existing conditions prior to the purchase of the land, and said he is not in favor of postponing the item.

MOTION CARRIED 3:1. COMMISSIONER CONSTANCE OPPOSING.

Real Estate Services

(7) RECOMMENDED ACTION: Approve the attached 46 Resolutions of Necessity authorizing the acquisition of real property and/or easement interests by any legal means for the Midway Boulevard Birchcrest Boulevard to Kings Highway Project. BUDGETED ACTION: No action needed. Funding from the 2009 Sales Tax Extension approved in CIP "Midway PH2" in the FY14 Budget Process. **RES2014-050, RES2014-051, RES2014-052, RES2014-053, RES2014-054, RES2014-055, RES2014-056, RES2014-057, RES2014-058, RES2014-059, RES2014-060, RES2014-061, RES2014-062, RES2014-063, RES2014-064, RES2014-065, RES2014-066, RES2014-067, RES2014-068, RES2014-069, RES2014-070, RES2014-071, RES2014-072, RES2014-073, RES2014-074, RES2014-075, RES2014-076, RES2014-077, RES2014-078, RES2014-079, RES2014-080, RES2014-081, RES2014-082, RES2014-083, RES2014-084, RES2014-085, RES2014-086, RES2014-087, RES2014-088, RES2014-089, RES2014-090, RES2014-091, RES2014-092, RES2014-093, RES2014-094, RES2014-095**

Commissioner Constance asked if the Easements were temporary, noted the item pertains to the final buildout of Midway Boulevard, and commented on requirements of the Southwest Florida Water Management District (SWFWMD) permit.

Paul Payette, Senior Division Manager of Real Estate Services, responded to inquiries and affirmed the Easements were for temporary construction purposes.

COMMISSIONER CONSTANCE MOVED TO APPROVE THE ATTACHED 46 RESOLUTIONS OF NECESSITY AUTHORIZING THE ACQUISITION OF REAL PROPERTY AND/OR EASEMENT INTERESTS BY ANY LEGAL MEANS FOR THE MIDWAY BOULEVARD BIRCHCREST BOULEVARD TO KINGS HIGHWAY PROJECT, SECONDED BY COMMISSIONER DEUTSCH

Chair Doherty requested clarification of costs at this stage of the Project and noted no Resident would be displaced from their home. **Commissioner Deutsch** asked the percentage of cases that continue through the Eminent Domain process and mentioned most easements are on a short term basis. **Commissioner Duffy** expressed her concern related to the costs of the Project.

Mr. Payette stated approximately seventy-five percent (75%) of the property easements required for the Project has already been obtained. Mr. Quick provided additional information related to the cost of road construction costs per lane mile.

MOTION CARRIED 4:0.

(8) RECOMMENDED ACTION: Approve the attached Resolution that describes the construction activities that will occur within property and/or easements interests to be acquired by any legal means for the Midway Boulevard - Birchcrest Boulevard to Kings Highway Project. BUDGETED ACTION: No action needed. RES2014-096 (XREF: RES2014-050, RES2014-051, RES2014-052, RES2014-053, RES2014-054, RES2014-055, RES2014-056, RES2014-057, RES2014-058, RES2014-059, RES2014-060, RES2014-061, RES2014-062, RES2014-063, RES2014-064, RES2014-065, RES2014-066, RES2014-067, RES2014-068, RES2014-069, RES2014-070, RES2014-071, RES2014-072, RES2014-073, RES2014-074, RES2014-075, RES2014-076, RES2014-077, RES2014-078, RES2014-079, RES2014-080, RES2014-081, RES2014-082, RES2014-083, RES2014-084, RES2014-085, RES2014-086, RES2014-087, RES2014-088, RES2014-089, RES2014-090, RES2014-091, RES2014-092, RES2014-093, RES2014-094, RES2014-095)

G. Community Development

(1) RECOMMENDED ACTION: Approval of an Interlocal Agreement between Charlotte County and Riverwood Community Development District. BUDGETED ACTION: None AGR2014-005 (XREF: ORD2000-025, ORD1991-058)

Commissioner Constance requested clarification of the item.

Shaun Cullinan, Planning and Zoning Official, advised the exchange of property has to be approved because of the expenditure is outside of the Riverwood Community Development District (CDD) boundary and affirmed the process as a standard practice among municipalities.

COMMISSIONER CONSTANCE MOVED TO APPROVE AGREEMENT 2014-005, AN INTERLOCAL AGREEMENT BETWEEN CHARLOTTE COUNTY AND RIVERWOOD COMMUNITY DEVELOPMENT DISTRICT, SECONDED BY CHAIRMAN DOHERTY

Commissioner Deutsch inquired on the presence of any guarantee regarding the sale of the Property to Riverwood CDD, indicated any party may have the option to purchase the land, questioned the responsibility required by the property owner to the residents of the Riverwood Community, noted his confusion surrounding the matter, and expressed concerns related to the residents of Riverwood. Board discussion continued.

MOTION CARRIED 4:0.

RECESS: 10:14 am - 10:22 am

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 Grand Prix. BUDGETED ACTION: None

R. Utilities - No Items

S. Other Agencies - No Items

V. REGULAR AGENDA

Z. Regular Agenda

(CHANGE #2) (1) Utilities

a) Board of County Commissioners authorization for Charlotte County Utilities to fund a Hardship Program in FY14 to aid East & West Spring Lake Wastewater MSBU residents by paying certain annual MSBU assessments as established in Resolution No. 2013 036 and described in Resolution No. 95 138, through approval of Budget Amendment BA14 10 in the amount of \$500,000, taking necessary funding from CCU Reserves and moving such funds to CCU's Hardship Program fund; and b) Board authorization for CCU to amend the Rebate Program for the MSBU, as described in Section 3.05 of Resolution No. 2013 036, by increasing program funding from \$500,000 to \$600,000, in order to accommodate all qualified rebate applications received from property owners within the MSBU, through approval of Budget Adjustment BA14 12 in the amount of \$600,000 to transfer funds from CCU Reserves to the Spring Lake MSBU Rebate Program.

Terri Couture, CCU Director, noted a FDEP press release related to the award of approximately \$600,000.00 Total Maximum Daily Load (TMDL) Grant Funds to CCU, indicated a Community Development Block Grant (CDBG) Application in the amount of \$500,000.00 would be presented at the following Commission Meeting, stated CCU is awaiting information related to RESTORE Act Funds, highlighted details of CCU's request to fund the Hardship Program for Fiscal Year (FY) 2014 and to amend the Rebate Program, and responded to Board inquiries. Robert Hebert, Housing / Community Initiatives Manager, indicated income levels are established and adjusted annually by the Department of Housing and Urban Development (HUD), noted Resolution 1995-138 includes more general language as opposed to the current Hardship Program, spoke to the number of qualified applicants for the Program, and stated the qualification process has the same basic parameters as the State Housing Initiatives Partnership (SHIP) Program.

Commissioner Deutsch inquired if the Grants applied for were specifically for the East and West Spring Lake Wastewater MSBU. **Chair Doherty** requested a clarification of the Hardship Application timeframe, asked how the income levels were established for the Hardship Program process, questioned what account has been used to fund the Rebate Program, inquired if a portion of Resolution 1995-138 should be identified as pertaining to the Hardship Program versus the entirety of the Resolution, and stated his preference for the Resolution coming back for Annual Board Review. **Commissioner Constance** requested additional detail related to the income table included, asked the approximate number of Residents in the Spring Lake Area that would qualify for the Program, inquired the source of funds for the Project, and questioned the documents required for the Program qualification.

COMMISSIONER CONSTANCE MOVED TO APPROVE AUTHORIZATION FOR CHARLOTTE COUNTY UTILITIES TO FUND A HARDSHIP PROGRAM IN FY14 TO AID EAST & WEST SPRING LAKE WASTEWATER MSBU RESIDENTS BY PAYING CERTAIN ANNUAL MSBU ASSESSMENTS AS ESTABLISHED IN RESOLUTION NO. 2013 036 AND DESCRIBED IN RESOLUTION NO. 95 138, THROUGH APPROVAL OF BUDGET AMENDMENT BA14 10 IN THE AMOUNT OF \$500,000, TAKING NECESSARY FUNDING FROM CCU RESERVES AND MOVING SUCH FUNDS TO CCU'S HARDSHIP PROGRAM FUND; AND BOARD AUTHORIZATION FOR CCU TO AMEND THE REBATE PROGRAM FOR THE MSBU, AS DESCRIBED IN SECTION 3.05 OF RESOLUTION NO. 2013 036, BY INCREASING PROGRAM FUNDING FROM \$500,000 TO \$600,000, IN ORDER TO ACCOMMODATE ALL QUALIFIED REBATE APPLICATIONS RECEIVED FROM PROPERTY OWNERS WITHIN THE MSBU, THROUGH APPROVAL OF BUDGET ADJUSTMENT BA14 12 IN THE AMOUNT OF \$600,000 TO TRANSFER FUNDS FROM CCU RESERVES TO THE SPRING LAKE MSBU REBATE PROGRAM, SECONDED BY COMMISSIONER DUFFY

Commissioner Deutsch questioned future and current Grant Application possibility to assist with a reduction in the total Project costs. **Commissioner Duffy** inquired additional detail regarding receipt of Rebate Program Funds and the possibility of qualifying for the Hardship Program. **Commissioner Constance** analyzed Rebate and Hardship Program qualifications. **Chair Doherty** stated he needed clarification of the portions of Resolution 95-138 that do not apply to the current Program.

Ms. Couture affirmed Grant Funding is actively being sought out with the assistance of a Grant Analyst. Assistant County Attorney Marty Burton advised the Program intent for Fiscal Year 2014 was to be a Grant and noted the Board may request a revised Resolution be provided. County Administrator Sandrock asked if the Board preferred a revised Resolution.

COMMISSIONER DEUTSCH MOVED TO AMEND THE MOTION TO APPROVE TO STRIKE PARAGRAPHS OF RESOLUTION 95-138 TO BE CONSISTENT WITH THE APPLICATION PROCESS FOR THE CURRENT FY, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 4:0.

MOTION CARRIED 4:0.

Commissioner Duffy suggested starting the Application Process earlier to allow for Tax discounts. **Chair Doherty** noted his agreement with the concept.

(CHANGE #1) (2) Community Development

Discussion and direction regarding the South County Overlay. Items to include: map, signs, architecture, and landscaping. **(Item heard after Agenda Item Z-3)**

Ty Harris, Community Development Director, indicated the item was to follow up regarding the previous week's meeting with the City of Punta Gorda, and requested discussion and direction related to the extent of inclusion of Punta Gorda's design, sign, and landscaping requirements into the Charlotte County Code as well as the location for implementation. Mr. Cullinan detailed the proposed City of Punta Gorda map, portrayed staff's proposed South County Overlay Map including major roadways and corridors, and responded to Board inquiries.

Chair Doherty requested the proposed map be shown for Board review, stated his preference for focusing on main corridors of Punta Gorda, noted his agreement with phasing in changes, suggested the topic be placed on an upcoming Workshop Agenda to discuss comparative differences in the Codes, questioned the Process relative to Public Input of the US 41 Overlay Code, and inquired if the South County Overlay Code would go to the Public Hearing process. **Commissioner Constance** asked for additional detail relating to the color coding shown on the proposed staff map, indicated his preference for phasing in changes, commented on expansion of the Gateway Policy, suggested staff provide recommendations for landscaping and signage, expressed hope for the future, and mentioned constructive noticing related to the proposed Overlay Map. **Commissioner Deutsch** stated the Code is multi-faceted and should be discussed separately. **Commissioner Duffy** commented on differences in landscaping requirements, cautioned against delaying adoption, suggested receiving input from businesses that could be affected by the South County Overlay Code, stated costs should be reasonable while improving the appearance of the area, and mentioned her support of Gateways and major arteries as a starting place. **(CONSENSUS TO FOCUS ON MAIN CORRIDORS AS THE FIRST PHASE OF THE SOUTH COUNTY OVERLAY CODE AND TO PLACE THE SOUTH COUNTY OVERLAY CODE ONTO THE MARCH 2014 WORKSHOP AGENDA)**

(3) Facilities Construction and Maintenance

Discussion and direction regarding a proposal from the Punta Gorda History Center (PGHC) for renovation and long term use of the smaller wing of the Charlotte County Grace Street Annex for a museum and archive center. **(Item heard after Agenda Item Z-1)**

David Milligan, Facilities Construction and Maintenance Director, provided an overview of the item, noted upon Board Direction a Lease Agreement would be brought back for Board review, paralleled visual slides, and responded to Board inquiries.

Commissioner Constance questioned what Utilities serve the Grace Street Annex Building, suggested presenting the City of Punta Gorda with the option to cover Utility costs while the County is providing the Building, noted the location of the Building would serve the Schools in South County, and commented on possible uses of the larger old Health Department building. **Chair Doherty** requested additional information related to Utility costs, noted his agreement with the use of the Building, commented on the Bayshore Road Facility and uses, and stated his support of the item. **Commissioner Duffy** thanked the Punta Gorda Historical Society for their hard work, and commented on Citizens doing positive activities within the Community.

County Administrator Sandrock indicated a South County Health Clinic Center is not needed presently.

COMMISSIONER DUFFY MOVED TO APPROVE THE PROPOSAL FROM THE PUNTA GORDA HISTORY CENTER (PGHC) FOR RENOVATION AND LONG TERM USE OF THE SMALLER WING OF THE CHARLOTTE COUNTY GRACE STREET ANNEX FOR A MUSEUM AND ARCHIVE CENTER, SECONDED BY COMMISSIONER CONSTANCE

Chair Doherty noted no action was needed. County Attorney Knowlton advised the item would be coming back to the Board in the form of a Resolution for approval. **(CONSENSUS FOR STAFF TO MOVE FORWARD WITH THE ITEM)**

- VI. PUBLIC HEARING AGENDA**
- VII. PRESENTATION AGENDA - No Items**
- VIII. PUBLIC WORKSHOP AGENDA - No Items**
- IX. BOARD WORKSHOP AGENDA - No Items**
- X. CITIZEN INPUT - ANY SUBJECT**

Joan Fischer opined a number of Ordinances are not enforced within the County, requested clarification related to the Rebate and Hardship Programs, inquired if the Punta Gorda Historical Center could approach the City of Punta Gorda to assist with the costs of the museum and archive center, noted discussions held with a Board member of the Punta Gorda Historical Center regarding the history of Charlotte County, and stated Charlotte County Residents should be afforded the right to speak about the proposed Historical Center.

Joanne Mulvaney noted the October 2012 FDEP Report found toxins within the Sunrise Waterway in Parkside, stated details of the February 2012 Atkins Report, read quotes from the Country's Founding Fathers into the record, commented on the County's decision to refer to the Punta Gorda Christmas Tree as a Holiday Tree, requested the October 2012 FDEP Report be put on public record, and

questioned why the point sources of contamination have not yet been located within the Sunrise Waterway.

Marie Urso opined the sewers are not needed due to the lack of scientific evidence proving necessity, commented on the Hardship Program, noted the Board represents all Charlotte County Residents, and requested the Board consider the ramifications of their actions related to the Sewer Project.

Stanley Hutt read into the record emails between County Administrator Sandrock, Jon Iglehart of FDEP, and County Attorney Knowlton, noted the date of the email exchanges occurred on May 24, 2013, and indicated the subject was Spring Lake Sewer Project.

Susan Hutt continued to read the aforementioned emails into the record, requested all Board meetings occur in the Commission Chambers Room 119, and mentioned her disagreement with the Minutes Format.

Scott Andrichak reminded the Board of the request for the resignation of the County Administrator, spoke to the emails between County Administrator Sandrock and Jon Iglehart related to the Consent Order, indicated a manipulation of wording occurred within the email to be provided to the County on FDEP Letterhead, and commented on the NBC2 News Interview of County Administrator Sandrock and the Memorandum written by the Mr. Sandrock.

Marilyn Pazora stated her appreciation of the Hardship Program funding, indicated she has the money to pay for her property taxes but not enough to include for the MSBU costs, noted discussions between neighbors related to the lack of a Hardship Program for this Fiscal Year, asked if Citizens would still be able to apply for the Hardship Program even though their taxes have already been paid, mentioned Residents are not in favor of the Sewer Project, and requested the Board consider the Residents preference.

Franz Leppla, newly appointed Alternate Member to the Gulf Cove Street and Drainage Advisory Committee, commented on the safety concerns at the corner of Gulf Cove and El Jobean, requested the Board address the difficulties at the intersection for pedestrians, indicated friends in the Punta Gorda Isles area are selling their home due to increased Flood Insurance premiums, and spoke to Flood Zones related to the Sewer Project.

Joe Tiseo stated the Charlotte County Landscaping Committee has identified fifteen (15) County Gateways, noted the formation of a planting matrix, indicated the Pilot Program for the Kings Highway Gateway is on track for commencement in June or July 2014, commented on the South County Overlay related to the Landscaping Committee plan, highlighted the Committee's suggestion to utilize the One Percent (1%) Local Sales Tax Revenue to landscape all of US 41 in conjunction with the 2016 FDOT road widening, expressed concerns regarding CCU Reserve Fund expenditures, and said CCU Rate Payers would be interested in a clarification of the matter.

AA. County Administrator:

County Administrator Sandrock stated the extension of the waiver of Impact Fees expires April 10, 2014, noted the Non-Transportation Impact Fees would be brought to the Board on March 27, 2014, requested Board Direction related to further extension or additional discussion, and responded to Board

inquiries. Assistant County Attorney Daniel Gallagher advised specifics related to the ninety (90) day notice requirement for Impact Fee increases.

Commissioner Constance noted his preference to allow the Impact Fee Waiver Extension to Sunset, commented on increased construction in the County, expressed concern for lack of funds for completion of Infrastructure, and agreed to discuss options to change the Impact Fee Structure while allowing the Waiver to Sunset. **Commissioner Deutsch** expressed his preference for discussion of the matter. **Commissioner Duffy** opined Impact Fee Funds are needed and the Extension should Sunset. **Chair Doherty** inquired when the Extension would Sunset, questioned when a briefing of the topic would take place, stated his preference to discuss the matter, and noted he would prefer to be aware of surrounding Community fees. Board discussion continued.

(CONSENSUS TO ALLOW STAFF TO RESEARCH SURROUNDING COMMUNITIES IMPACT FEE STRUCTURES)

County Administrator Sandrock announced the upcoming Charlotte County Academy schedule, commented on the start of the Rays Baseball Spring Training, and noted the Snowbird Classic begins February 14, 2014.

BB. County Attorney:


County Attorney Knowlton advised requirements of Florida Statute 286.011 related to Minutes compilation and affirmed the Clerk's Minutes are in compliance. Tommy White, Chief Deputy Board Services, stated Minutes summarize discussion points covered and any legal action taken, noted verbatim recordings of meetings are available for purchase when requested, commented that the Minutes Division serves Charlotte County Citizens and County staff as legally and professionally as required, and provided accolades to the Minutes Division for their work.

CC. Commissioner Comments:

Commissioner Deutsch commented on the Charlotte Harbor Regatta including volunteer work and praises received for the Event, volunteers, and County staff, spoke to Sunshine Law requirements related to Board discussion outside of formal meetings, noted all Board members have weekly scheduled meetings with the County Administrator, listed questions posed to the County Administrator including the schedule for Sunshine Lake and identification of the point source of contamination, the phasing and details related to Parkside Projects, questioned why recommendations were not followed relating to East and West Spring Lake, asked why nothing has been completed for Murdock Village, conveyed information related to the Smoke Test and Pipe Replacement, inquired when the County would begin operating a streaming webcam, opined County Administrator Sandrock cares about the County, said County Administrator Sandrock is conducting a complete review of the County, Administration and staff, and mentioned the evaluation will be enlightening to both the Board and Community. **Commissioner Duffy** commented on the Joint Meeting with Sarasota County held the previous week, noted a scheduled meeting with Commissioner Patterson and former Commissioner Shannon Staub, expressed thanks to Joe Tiseo for his volunteer work for the County, detailed meeting with business owners in the County related to their strong support of County Administrator Sandrock, stated she was very impressed with Sarasota County's Rules of Procedures, provided the Board a copy of the Rules, suggested similar work be done to provide to Citizens for understanding, commented on the

size of Sarasota County and the number of resources available to them, relayed details of Pre-Agenda Meetings, and expressed her preference for the informal nature of the Pre-Agenda Meetings. **Commissioner Constance** indicated the meeting held with Sarasota County went well, noted he looks forward to discussing matters with Sarasota County Commissioners with the exception of Commissioner Patterson due to Sunshine Law requirements, requested additional time to review Sarasota County's Rules of Procedures, stated his agreement with Commissioner Duffy's appraisal of County Administrator Sandrock's work, opined the Charlotte County Sports Park is a hallmark of the Community, spoke to Tourism Taxes related to the Sports Park, commented on homelessness within Sarasota County and measures taken to engage people in the resolution process, suggested the possibility of grant funding for Parkside homes to assist with the homelessness problems, mentioned his suggestion of meeting with Sarasota County every six (6) months, invited all to attend the upcoming Greek Festival taking place in Deep Creek, and recommended streaming audio Room B-106 meetings for the Public to listen to. **Chair Doherty** noted several facets included in Sarasota County's Rules of Procedures not included within the Boards, affirmed he would review the information provided, stated his support of meeting with Sarasota County related to the Water Authority and allowing the County Administrator Sandrock to schedule the meetings, stated his appreciation of the information provided at the Joint Meeting with Sarasota related to homelessness, expressed that work is needed and is awaiting recommendations from County Administrator Sandrock, opined continued attacks at the County Administrator is not needed and unproductive, suggested Pre-Agenda Meetings be held in the Commissioner Chambers 119 and asked for individual discussions to be held with the County Administrator regarding the matter, advised the Board of his receipt of the Giffels Contract and indicated he would be meeting with staff for additional review.

ADJOURNED: 12:34 pm



Ken Doherty, Chair
DATE ADOPTED: 4/8/14

Seal of the Board of County Commissioners, Charlotte County, Florida. The seal is circular with the text "BOARD OF COUNTY COMMISSIONERS" around the top and "CHARLOTTE COUNTY, FLORIDA" around the bottom. In the center, there is a large letter "S" and a star.

ATTEST:

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

By: Michelle DiBerardino
Deputy Clerk