

**BOARD OF COUNTY COMMISSIONERS**

**SEPTEMBER 9, 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, Clerk of the Circuit Court Scott, Minutes Supervisor Lansing, and Minutes Clerk Russo. The following members were absent: None

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

The Invocation was given by Chaplain Carlo Garguilo, Bayfront Health, Punta Gorda, followed by the Pledge of Allegiance.

**Changes to the Agenda:**

**Change #1: F-7**

Added Proposed East Charlotte Stormwater MSTU Map and South Charlotte Stormwater Utility MSBU Map.

Requested by Budget and Administrative Services

**Change #2: F-8**

Added Updated BCC letter to WCIND.

Requested by County Attorney

**Addition #1: R-6**

Discussion and direction regarding the 1991 Peace River Facility Project; and consideration of adoption of Resolution Initiating Conflict Resolution Procedures under Chapter 164, F.S. with the Water Authority.

Requested by County Attorney

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Stephen R. Deutsch**

**Artist of the Month - Beth Morrison**

**COMMISSIONER DEUTSCH MOVED TO PROCLAIM BETH MORRISON AS SEPTEMBER 2014 ARTIST AND HUMANITIES COUNCIL ARTIST OF THE MONTH, SECONDED BY COMMISSIONER TRUEX**

**MOTION CARRIED 5:0.**

Beth Morrison accepted the Proclamation with thanks to the Board. Reverend Bill Klossner, Arts and Humanities Council Board of Directors President, detailed aspects of Ms. Morrison's career and artwork, and expressed thanks to the Community and Board.

#### **Childhood Cancer Awareness Month**

**COMMISSIONER TRUEX MOVED TO PROCLAIM AUGUST 2014 AS CHILDHOOD CANCER AWARENESS MONTH, SECONDED BY COMMISSIONER DUFFY**

**MOTION CARRIED 5:0.**

#### **Constitution Week**

**COMMISSIONER DEUTSCH MOVED TO PROCLAIM SEPTEMBER 17, 2014 THROUGH SEPTEMBER 23, 2014 AS CONSTITUTION WEEK, SECONDED BY CHAIR DOHERTY**

**MOTION CARRIED 5:0.**

**Commissioner Deutsch** expressed the importance of the United States (US) Constitution for preservation of US Citizen freedom.

#### **Patriot Day and National Day of Remembrance**

**COMMISSIONER CONSTANCE MOVED TO PROCLAIM SEPTEMBER 11, 2014 AS PATRIOT DAY AND NATIONAL DAY OF REMEMBRANCE, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

#### **Gregg Alan Bala Day**

**COMMISSIONER TRUEX MOVED TO PROCLAIM SEPTEMBER 9, 2014 AS GREGG ALAN BALA DAY, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Greg Bala accepted the Proclamation and expressed thanks for the ability to serve and protect Charlotte County Citizens for the past thirty (30) years.

#### **Employee Recognition - Commissioner Stephen R. Deutsch**

#### **Employee of the Month for June, 2014 - Ashley Ewing, Public Safety**

County Administrator Ray Sandrock introduced Brian Jones, Animal Control Division Manager, to present the award. Mr. Jones provided details of Ashley Ewing's contributions and presented the June 2014 Employee of the Month award.

5 YEARS: Thomas Jalette, Utilities; Venkat Vattikuti, Public Works; 10 Years: Jonathan Baldwin, Utilities; Roland Bergeron, Jr, Public Works; Christina Blaich, Budget & Administrative Services; Charles Bush, Jr, Community Development; Joseph Dimina, Jr, Community Development; Debrah Forester, Economic Development; Julia Galofre, Community Development; Patrick Garcia, Utilities; Alvin Hodge, Jr, Facilities; Pauline Klein, Community Services; Beth Kovach, Public Works; Alison Layne, Community Services; Gerard Mallet, Public Safety; Manuel Soares, Public Safety; Craig Soosh, Public Safety; David Watson, Facilities; Kathy Wells, Budget & Administrative Services; 15 Years: Juancarlos Cadenas, Public Safety; Maryann Franks, Community Development; David Stokes, Public Safety; William White, Public Works; James Wilcox, Public Safety; 20 Years: Steve Sasher, Public Safety; Monty Rodriguez, Community Services; 25 Years: John Calendine, Facilities; Thomas Franz, Public Safety; Kevin Benson, Public Safety; Christina Perin, Community Development; 30 Years: Linda Moore, Community Development; Allen Rud, Public Works.

### **Award Presentations - No Items**

### **CITIZEN INPUT - AGENDA ITEMS ONLY**

Denise Garbacz indicated she has applied to both the Greater Port Charlotte Street and Drainage Municipal Services Benefit Unit (MSBU) Advisory Board and Charlotte Harbor Community Redevelopment Area (CRA) Advisory Board, and thanked the Board for the opportunity to apply and for their consideration of her appointment to either or both open positions.

Kelly Williamson, Director of Sakes at Four Points Sheraton Punta Gorda Harborside Hotel, indicated her interest in the open Tourist Development Council (TDC) position, described her background in the Tourism industry, and thanked the Board for the opportunity.

Scott Andrichak spoke to discussions regarding resurfacing of the tennis and basketball courts, surveying and mapping of the Federal Emergency Management Agency (FEMA) rankings, and economies of scale that took place at the Pre-Agenda Meeting, opined issues are occurring within the Purchasing Department, noted discrepancies stated for the amount of cubic yardage for Sunshine Lake and Sunrise Waterway, and stated that local preference should not be substituted for quality of work with Bid contracts.

### **COMMITTEE VACANCIES**

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

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

Charlotte Ranchettes Street & Drainage Unit Advisory Committee is seeking one volunteer to serve as an alternate member to complete an unexpired term that expires on March 11, 2016. 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 e-mail MSBU-TU@CharlotteFL.com.

Ackerman Waterway Unit Advisory Committee is seeking six volunteers who must be residents of Charlotte County and reside within the Unit. Terms: five regular members 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 e-mail MSBU-TU@CharlotteFL.com.

Boca Grande Street & Drainage Unit Advisory Committee is seeking three 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 and one alternate member to serve a two year term from the date of appointment. Submit an application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; 941.575.3600 or e-mail MSBU-TU@CharlotteFL.com.

Buena Vista Area Waterway 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 e-mail MSBU-TU@CharlotteFL.com.

Don Pedro & Knights Island Street & Drainage Unit Advisory Committee is seeking one volunteer. Applicant must be a resident elector of the Unit and must provide a copy of their voter registration or similar proof of residency on the Island and reside in Zone 3 as shown on the district map. Terms: one regular member to serve a 3 year term from the date of appointment. Submit application, resume and proof of residency to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail 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: 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.

Gardens of Gulf Cove Street & 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 e-mail MSBU-TU@CharlotteFL.com.

Grove City Street & Drainage 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.

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.

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 e-mail MSBU-TU@CharlotteFL.com.

Harbour Heights Waterway Unit 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.

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 e-mail MSBU-TU@CharlotteFL.com

Northwest Port Charlotte Street and Drainage Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: 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.

Northwest Port Charlotte Waterway Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: 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.

Peace River Shores Street & Drainage Unit Advisory Committee is seeking four 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 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 e-mail MSBU-TU@CharlotteFL.com.

South Bridge Waterway Unit Advisory Committee is seeking five volunteers who must be residents of Charlotte County and reside within the Unit. Terms: four regular members 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 e-mail MSBU-TU@CharlotteFL.com.

South Burnt Store Street and Drainage Unit Advisory Committee is seeking one volunteer to serve as an alternate member for a two 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 e-mail MSBU-TU@CharlotteFL.com.

Suncoast Waterway Maintenance Unit Advisory Committee is seeking four 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 and one alternate member to serve a two year term from the

date of appointment. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e-mail MSBU-TU@CharlotteFL.com.

Tropical Gulf Acres Street & Drainage Unit Advisory Committee is seeking three volunteers. Terms: two regular members 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 e-mail MSBU-TU@CharlotteFL.com.

Enterprise Zone Development Agency is seeking one volunteer to serve a four year term. Volunteer must be employed by a Financial or Insurance entity located within the boundaries of the Enterprise Zone. Submit application and resume to the Economic Development Office, 18501 Murdock Circle, Suite 302, Port Charlotte, FL 33948; call 941.764.4941 with questions; fax to 941.764.4947; or e-mail: FloridaEDO@CharlotteFL.com.

Murdock Village Community Redevelopment Agency Advisory Committee is seeking two volunteers; one person to represent the Property Owner category (must own real property within the Murdock Village Redevelopment Area as described in Resolution No. 2003-081) and one to fill a Member-at-Large position. Both terms are for three years, they are effective September 20, 2014 and shall expire on September 20, 2017. Please contact Kathy Knee for an application form at 941.764.4941 or by e-mail: Kathy.Knee@CharlotteFL.com.

Construction Board of Adjustments and Appeals is 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 seeking the following volunteers to serve: one residential home builder, one for-profit provider, one real estate professional. Terms are for three years. The committee meets 3rd Wednesday of each quarter. For an application, please call Joann Dillon at 941.743.1300 or email: Joann.Dillon@CharlotteFL.com.

Children's Services Council is seeking two volunteers, who must be a resident of Charlotte County and have maintained residency for 24 months. The Commissioners will nominate six names to the governor, and two will be selected by the governor for appointment. To obtain an application, please contact Emily Lewis, Charlotte County Human Services, 1050 Loveland Blvd., Port Charlotte, FL 33980; call 941.833.6502; e-mail Emily.Lewis@CharlotteFL.com or fax 941.833.6565.

## **REPORTS RECEIVED AND FILED**

Clerk of Court's County Investment Report, June 30, 2014.

## **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 E1, F11, F12, F23, AND H1, SECONDED BY CHAIR DOHERTY**

**MOTION CARRIED 5:0.**

**Clerk of the Circuit Court**

**A. Finance Division**

(1) Finance

RECOMMENDED ACTION: Approve Clerk's Finance Memorandum. BUDGETED ACTION: No action needed.

**B. Minutes Division**

(1) Minutes

RECOMMENDED ACTION: Approve minutes for:

- June 24, 2014 BCC Regular Meeting
  - July 15, 2014 BCC Workshop
  - July 15, 2014 Local Sales Tax Public Hearing
  - July 17, 2014 Pre –Agenda
  - July 21, 2014 Tentative Budget Workshop
  - July 22, 2014 Regular Meeting
  - July 24, 2014 MSBU Hearing Tringali
- BUDGETED ACTION: No action needed.

**Board of County Commissioners**

**C. Commission Office**

(1) Re-appointment - Burnt Store Village Street & Drainage Unit Advisory Committee

RECOMMENDED ACTION: Re-appoint David T. Servis as a regular member to the Burnt Store Village Street & Drainage Unit Advisory Committee for a three year term from the date of appointment. BUDGETED ACTION: No action needed.

(2) Re-appointment - Pirate Harbor Waterway Unit Advisory Committee

RECOMMENDED ACTION: Re-appoint Charles A. Gertner Jr. as a regular member to the Pirate Harbor Waterway Unit Advisory Committee for a three year term from the date of appointment. BUDGETED ACTION: No action needed.

(3) Re-appointment - Manasota Sandpiper Key Advisory Committee

RECOMMENDED ACTION: Re-appoint Joe Jenkins as a regular member to the Manasota and Sandpiper Key Advisory Committee to serve a two year term from date of appointment ending November 30, 2016. BUDGETED ACTION: No action needed.

(4) Re-appointment - Placida Area Street & Drainage Advisory Committee

RECOMMENDED ACTION: Re-appoint Marvin J. Medintz as a regular member to the Placida Area Street and Drainage Unit Advisory Committee for a term of three years from the date of appointment. BUDGETED ACTION: No action needed.

(5) Re-appointment - Placida Area Street & Drainage Advisory Committee

RECOMMENDED ACTION: Re-appoint Dr. Carlo de Rosa as a regular member to the Placida Area Street and Drainage Advisory Committee for a term of three years from the date of appointment. BUDGETED ACTION: No action needed.

(6) Re-appointment - South Gulf Cove Waterway Benefit Unit Advisory Committee

RECOMMENDED ACTION: Re-appoint Ralph H. Young as an alternate member to the South Gulf Cove Waterway Benefit Unit Advisory Committee for a two year term from the date of appointment. BUDGETED ACTION: No action needed.

(7) Appointment - Deep Creek Street & Drainage Advisory Committee

RECOMMENDED ACTION: Appoint Lorenzo V. Lovato as an alternate member to the Deep Creek Street and Drainage Advisory Committee for a two year term from the date of appointment. BUDGETED ACTION: No action needed.

(8) Appointment - Greater Port Charlotte Street & Drainage Advisory Committee

RECOMMENDED ACTION: Appoint Denise R. Garbacz to the Greater Port Charlotte Street and Drainage Advisory Committee as a regular member for a term to expire on December 11, 2015. BUDGETED ACTION: No action needed.

(9) Appointment - Marine Advisory Committee

RECOMMENDED ACTION: Appoint Mr. Larry Hofmeister to the Marine Advisory Committee as the representative of the Punta Gorda Sports Fishing Club. This appointment is to fill an unexpired term and shall expire on December 31, 2014. Also, appoint Mr. Scott Schermerhorn to the Marine Advisory Committee as the representative of the U.S.C.G.A. Flotilla 99 Rotonda. This appointment is to fill an unexpired term and shall expire on December 31, 2016. BUDGETED ACTION: No action needed.

(10) Appointment - Natural Resources Advisory Committee

RECOMMENDED ACTION: Appoint Mr. Nigel Morris to the Agricultural and Natural Resources Advisory Committee as the rural land use representative. Members of ANRAC have submitted this nomination for approval for a four year term. BUDGETED ACTION: No action needed.

**D. Administration**

**Administration**

(1) Rescheduling September 18, 2014 Pre-Agenda Meeting

RECOMMENDED ACTION: Reschedule the Thursday, September 18, 2014 Pre-Agenda Meeting to Monday, September 22, 2014 at 1:30 p.m. in B106. BUDGETED ACTION: No action needed.

**Public Information Office - No Items**



**E. County Attorney**

(1) Ordinance Extending Temporary Suspension of Non-transportation Impact Fees

RECOMMENDED ACTION: Set a public hearing for September 23, 2014, at 10:00 a.m. or soon thereafter as may be heard, to consider approving an Ordinance extending the temporary suspension of all non-transportation impact fees. BUDGETED ACTION: No action needed.

**Commissioner Constance** questioned the status of the item, commented on the lack of a Sunset Date within the proposed Ordinance, and stated his preference for reinstatement of Impact Fees. **Chair Doherty** indicated his ongoing review of Non Transportation Impact Fees, stated his concern with the Credit portion of the Impact Fee Equation, provided additional detail related to Impact Fees, noted his request to further discuss the topic at upcoming Workshops, and mentioned his preference to review surrounding area Impact Fees for comparison.

County Administrator Sandrock commented on the Affordable Growth Model and provided additional detail of the process to be followed.

**COMMISSIONER TRUEX MOVED TO APPROVE SETTING A PUBLIC HEARING FOR SEPTEMBER 23, 2014, AT 10:00 A.M. OR SOON THEREAFTER AS MAY BE HEARD, TO CONSIDER APPROVING AN ORDINANCE EXTENDING THE TEMPORARY SUSPENSION OF ALL NON-TRANSPORTATION IMPACT FEES, SECONDED BY COMMISSIONER DEUTSCH**

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

(2) Executive Session - Andress Family Florida LP, et al. v. Charlotte County, Case No. 10-639-CA ("Rotonda II")

RECOMMENDED ACTION: Set an Executive Session for September 9, 2014 at 2:00 p.m. in the Charlotte County Attorney's Office Conference Room to discuss settlement negotiations and strategy related to litigation expenditures concerning the civil lawsuit captioned Andress Family Florida LP, et al. v. Charlotte County, Case No. 10-639-CA. BUDGETED ACTION: No action needed.

(3) Executive Session - Rotunda Group Investments, et al. v. Charlotte County, Case No. 13-438-CA

RECOMMENDED ACTION: Set an Executive Session for September 9, 2014 at 3:00 p.m., (or immediately following the Executive Session in another matter, already scheduled for the same date at 2:00 p.m.) in the Charlotte County Attorney's Office Conference Room to discuss settlement negotiations and strategy related to litigation expenditures concerning the civil lawsuit captioned Rotunda Group Investments, et al. v. Charlotte County, Case No. 13-438-CA. BUDGETED ACTION: No action needed.

**F. Budget and Administrative Services**

**Fiscal Services**

(1) Approve the Joint Participation Agreement and the FY14/15 FDOT Section 5310 Grant

RECOMMENDED ACTION: a) Approve the Joint Participation Agreement and the FY14/15 Florida Department of Transportation (FDOT) Section 5310 Grant in the amount of \$17,500 for current year Sunshine Ride expenses; and b) Approve the county resolution authorizing the Chair to sign the Joint Partnership Agreement (JPA) and Accept Florida Department of Transportation (FDOT) Block Grant

allocations; and c) Authorize the County Administrator or his designee authority to execute and submit certain agreements, contracts and other required documents for Transit. BUDGETED ACTION: No action needed. Grant funds in the amount of \$17,500 and the required 100% cash match of \$17,500 will be included in the planned FY 14/15 Sunshine Ride budget for the Budget and Administrative Services Transit Division. **AGR2014-036 (XREF: RES2014-143) RES2014-143 (XREF: AGR2014-036)**

(2) Approval of Section 5339 and 5307 Federal Transit Grant FY14/15

RECOMMENDED ACTION: a) Approve Section 5339 Federal transit grant for FY14/15 requesting funds in the amount of \$475,592 for Fleet Maintenance Facilities Phase II Improvements as listed in the CIP; and b) Approve increase in Governor's Apportionment for Section 5307 Federal transit grant for FY 2013 requesting funds in the amount of \$313,000 which is being reallocated from Sarasota for the North Port/Port Charlotte Urbanized Area. These funds will be used for Fleet Maintenance Facilities Phase II Improvements as listed in the CIP; and c) Authorize the Chair or his designee to sign all necessary documents; and d) Approve addition of the CIP Fleet Maintenance Phase II Improvements to the FY15 Capital Improvement Program in the amount of \$788,592. BUDGETED ACTION: a) No action needed. Grant funds in the amount of \$475,592 will be added to the FY15 Dial-A-Ride budget for the Budget and Administrative Services Transit Division. The required match will be funded with Transportation Development Credits. b) No action needed. Grant funds in the amount of \$313,000 will be added to the FY15 Dial-A-Ride budget for the Budget and Administrative Services Transit Division. The required match will be funded with Transportation Development Credits.

(3) Impact Fee Refund Extensions FY14

RECOMMENDED ACTION: Adopt a Resolution extending the refund date for West County Parks and Law Enforcement impact fees; Mid County Inter-district Roads and administrative impact fees; and South County Fire, Parks, Sheriff, and administrative impact fees collected through September 30, 2014 by three years. BUDGETED ACTION: No action needed. **RES2014-144**

(4) Acceptance of 2014-DJ-BX-0307 DOJ JAG Federal Grant

RECOMMENDED ACTION: a) Request the Board to accept the 2014-DJ-BX-0307 US Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$28,370, with Budget and Administrative Services administrating the grant; and b) Authorize the County Administrator to execute all necessary grant documents related to this grant. BUDGETED ACTION: No action needed. Charlotte County's portion of the grant funds will be added to the FY15 budget. There is no County match required. **GRT2014-019 (XREF: GRT2013-016, GRT2012-008)**

(5) 2015 Edward Byrne Memorial Justice Grant (JAG)

RECOMMENDED ACTION: a) Request the Board accept the Florida Department of Law Enforcement's (FDLE) 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) with Budget and Administrative Services Department administrating the grant; and b) Authorize the Chairman or his designee to sign all necessary documents related to this grant. BUDGETED ACTION: No action needed. Charlotte County's portion of the grant funds will be added to the FY15 budget. There is no County match required. **GRT2014-013**

(6) Supervisor of Elections Annual State Grant

RECOMMENDED ACTION: a) Approve and authorize the Chairman to sign the grant Certificate Regarding Matching Funds for the Supervisor of Elections to meet the State requirement to receive Charlotte

County's share of the 2014-2015 Legislature appropriated funds to be distributed to State Supervisors of Elections for federal election activities; and b) Approve and authorize the Chairman to sign The Certificate of Equipment for Casting and Counting Ballots. BUDGETED ACTION: No action needed. The Supervisor of Elections FY14/15 budget contains sufficient amount of funds to cover the required match which will be used for the specific purposes designated in the grant. Charlotte County will receive \$28,920.49 and a local match of \$4,338.07 or 15% is required. **GRT2014-020 (XREF: GRT2013-017, GRT2012-027, GRT2011-044, GRT2009-051)**

**(CHANGE #1) (7) WCIND Project Extension - Gateway Harbor Walk**

RECOMMENDED ACTION: Request board approval of a fourth extension of West Coast Inland Navigation District (WCIND) funding in the amount of \$68,658 for the Gateway Phase 1 construction project. Special consideration is being requested to extend the WCIND funding for an additional year. BUDGETED ACTION: No action needed. Expenditures for this item will be budgeted in the FY14/15 budget.

**(CHANGE #2) (8) Create Proposed East Charlotte Stormwater MSTU**

RECOMMENDED ACTION: Set a public hearing for September 23, 2014, at 10:00 a.m. or soon thereafter as may be heard, to consider approving the creation of the East Charlotte Stormwater MSTU. BUDGETED ACTION: No action needed.

**Information Technology - No Items**

**Purchasing**

**(9) #14-327, Award, Landscape Maintenance County Facilities - Annual**

RECOMMENDED ACTION: a) Approve award of Bid #14-327, Landscape Maintenance County Facilities - Annual to the lowest, responsive, responsible bidder, Valley Crest Landscape Maintenance of Englewood, FL at the unit costs submitted from date of award through and including September 30, 2015; and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one (1) year periods at the same prices, terms and conditions, by mutual consent. The purpose of this bid is to secure the services of a licensed Landscape Contractor to provide landscape maintenance services in accordance with industry standards and Federal, State and Local rules, regulations and guidelines in accordance with the Technical Specifications at the unit prices submitted. BUDGETED ACTION: No action needed. Funding from various funds and departments approved in the FY14/15 budget process.

**(10) #14-342 Safety Mowing- South County**

RECOMMENDED ACTION: a) Award Bid #14-342, Safety Mowing - South County, to Pro Evergreen Unlimited, Inc. of Arcadia, FL in the amount of \$107,200 for the term October 1, 2014 up to and including September 30, 2015 with option to renew for two additional one-year terms; and b) Authorize Administrator to approve annual renewals. This is for safety mowing of roadway rights-of-ways, easements, and drainage facilities within South County. BUDGETED ACTION: No action needed. Budgeted in Road & Bridge and various MSBU/TUs, to be approved in the FY15 budget process.

**(11) #14-343, Award, Tennis & Basketball Court Resurfacing**

RECOMMENDED ACTION: Approve award of Bid #14-343, Tennis & Basketball Court Resurfacing, to the lowest responsive, responsible bidder, Sport Surfaces of West Palm Beach, FL, for a total cost of

\$151,600. BUDGETED ACTION: No action needed - Funding from Capital Projects Fund approved in CIP Court Resurfacing in the FY14 budget process.

**Commissioner Constance** requested details of the Bidding process and commented on the Tab Sheet.

Kim Corbett, Senior Division Manager of Purchasing, explained criteria for award of any Bid or Request for Proposal (RFP) must be included, clarified the Tennis and Basketball Court Resurfacing criteria and economies of scale, detailed Agenda Item F23 differences including the item being an RFP and Florida Statute requirements for selection of an Engineering Firm, stated the Department requested two (2) firms to conduct the Surveying and Mapping due to the volume of work and need for completion, described the process for negotiations; if the Agenda Item F23 is approved by the Board, and affirmed the inclusion of the Tab sheet per Statutory requirement and Board policy.

**COMMISSIONER CONSTANCE MOVED TO APPROVE AWARD OF BID #14-343, TENNIS & BASKETBALL COURT RESURFACING, TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, SPORT SURFACES OF WEST PALM BEACH, FL, FOR A TOTAL COST OF \$151,600, SECONDED BY CHAIR DOHERTY**

**Chair Doherty** noted the importance of Citizen understanding of the differences between Bid and RFP Process and thanked Ms. Corbett for her clarification.

**MOTION CARRIED 5:0.**

(12) #14-331 Master Plan-Parks & Recreation

RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #14-331 Master Plan - Parks & Recreation: 1st Weiler Engineering Corporation of Punta Gorda; 2nd Johnson Engineering, Inc. of Port Charlotte; 3rd David M. Jones, Jr. & Associates, Inc. of Punta Gorda; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for development of a new comprehensive Parks & Recreation Master Plan utilizing existing data regarding current inventory of passive and active recreational facilities, programs, and demographics. BUDGETED ACTION: No action needed - Funding from Capital Projects Fund approved in CIP Parks Comprehensive Master Plan in the FY14 budget process.

**Commissioner Constance** indicated his initial concerns regarding cost, questioned if approval was required due to the Comprehensive Plan and how the Master Plan was to be funded, inquired how the item related to Park Impact Fees, and asked when the last Parks and Recreation Master Plan was completed.

Tommy Scott, Community Services Director, detailed costs, affirmed the Plan was a requirement of the Comprehensive Plan, indicated Capital Improvement Project (CIP) funding was to be used to establish the Master Plan, explained the purpose of the Master Plan, confirmed the Master Plan would provide recommendations for future expansions or Community needs, and advised the last Master Plan was completed in 1997.

**COMMISSIONER CONSTANCE MOVED TO APPROVE RANKING OF FIRMS FOR REQUEST FOR PROPOSAL #14-331 MASTER PLAN - PARKS & RECREATION: 1ST WEILER ENGINEERING CORPORATION OF PUNTA GORDA; 2ND JOHNSON ENGINEERING, INC. OF PORT CHARLOTTE; 3RD DAVID M. JONES, JR. & ASSOCIATES, INC. OF PUNTA GORDA; AND APPROVE START OF NEGOTIATIONS; AND AUTHORIZE THE**

**CHAIRMAN TO SIGN THE CONTRACT AFTER COMPLETION OF NEGOTIATIONS, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(13) #14-405, Award, Maintenance/Repair of 800 MHz Communication Infrastructure

RECOMMENDED ACTION: Approve the Renewal Agreement, File #14-405, Maintenance and Repair of 800 MHz Communication Infrastructure, to Motorola, for the period of October 1, 2014 through and including September 30, 2015, for an annual cost of \$148,315.68. BUDGETED ACTION: No action needed. Funding from the Radio Communications Fund to be approved in the FY14/15 budget process.

(14) #08-359 Renew Medical Dental Vision

RECOMMENDED ACTION: Approve the annual renewal of Contract #08-359, Self Insured Medical, Dental, Life, Short-Term and Long-Term with CIGNA; and renewal of Vision with Humana/Comp Benefits, at the same terms and conditions, by mutual consent. Term of renewal is for the period October 1, 2014 up to and including September 30, 2015. BUDGETED ACTION: No action needed. Funding from the Health Insurance Trust Fund and will be budgeted in the FY14/15 budget.

(15) #10-281 Property & Casualty Renewal

RECOMMENDED ACTION: Approve renewal of Contract #10-281 Property & Casualty Insurance Coverage with Florida League of Cities located in Orlando, FL, for the term October 1, 2014 up to and including September 30, 2015. This is an annual contract for a comprehensive program of self-insurance. BUDGETED ACTION: No action needed. Funding for this item will be budgeted in the FY14/15 Self Insurance Fund.

(16) #14-338, Approve, Amended Exhibit, Temporary Personnel Services

RECOMMENDED ACTION: Approve, amended exhibit A, File #14-338 Temporary Services, City of Punta Gorda ITB #F2013120-SVC-TEMPEMP/1314/2, awarded to Snelling Staffing Services, of Port Charlotte, FL at the unit prices submitted for positions listed. BUDGETED ACTION: No action needed. This item is budgeted in various departmental budgets.

(17) #14-375, Award, Reinforced Concrete Culvert Pipe - Elliptical

RECOMMENDED ACTION: a) Award Bid #14-375, Reinforced Concrete Culvert Pipe - Elliptical, to the lowest responsive, responsible bidder, Rinker Materials, Fort Myers, FL at the unit prices indicated on their bid form, with the contract period of October 1, 2014 through and including September 30, 2015, 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, term and conditions, by mutual consent. BUDGETED ACTION: Funds are budgeted in the Transportation Trust Fund, and various street and drainage MSBU, to be approved in the FY15 budget process.

(18) #14-336 Water Quality Analysis

RECOMMENDED ACTION: a) Approve award of Bid #14-336, Water Quality Analysis, to Benchmark EnviroAnalytical, Inc. of North Port, FL at the unit prices listed on the attached tabsheet for the term October 1, 2014 up to and including September 30, 2015; and b) Authorize the Administrator to approve two additional one year renewals at the same prices, terms, and conditions, by mutual consent. This is for various water testing services for the Public Works and Utilities Departments, and for the City of

North Port. BUDGETED ACTION: Funds for TS-09, estimated at \$39,420 annually, are split equally and budgeted in Mid, South and West Charlotte Stormwater Units. Funds for TS-08, estimated at \$36,750 and TS-10, estimated at \$124,680 are budgeted in CCU Operations and Maintenance. All funds are to be approved in the FY2015 budget process.

(19) #10-335 Novation for Name Change - R.W. Beck to Leidos

RECOMMENDED ACTION: a) Approve Novation for name change to Contract #2010000335.84 Professional Services Library from R. W. Beck, Inc. to Leidos Engineering, LLC.; and b) Authorize the Chairman to sign the Novation. BUDGETED ACTION: No action needed.

(20) #12-382 Novation for Name Change HRA-Flex

RECOMMENDED ACTION: a) Approve Novation for name change to Contract #2012000382, HRA & Flex Account-Third Party Administration from EflexGroup, Inc. to Total Administration Services Corporation (TASC); and b) Authorize the Chairman to sign the Novation. BUDGETED ACTION: No action needed.

(21) #14-379, Award - Sand, Rock, and Rock Screening

RECOMMENDED ACTION: a) Approve the split "per item" Award of Bid #14-379, Sand, Rock, and Rock Screening, to three firms--Colonial Mining Materials, LLC, of Placida, FL, ABC Transfer, Inc. of Clewiston, FL, and Grippo Pavement Maintenance, Inc. of Lehigh Acres, FL, at the unit prices attached, with an initial contract term beginning October 1, 2014, through and including September 30, 2015; 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. Funds are budgeted in the Transportation Trust Fund, and various street & drainage MSBU/TUs, to be approved in the FY15 budget process.

(22) #14-424, Award Piggyback, Trailer Purchases

RECOMMENDED ACTION: Award "Piggyback" for Equipment Trailer purchases off the Florida Sheriff's Association Contract #13-11-0904, for File #14-424, Various Equipment Trailers. BUDGETED ACTION: No action needed. This item is budgeted in various funds.

(23) #14-320 Survey & Mapping-Vertical Control

RECOMMENDED ACTION: a) Approve the ranking of firms for Request for Proposal #14-320, Surveying & Mapping-Vertical Control Network: 1st - DMK Associates, Inc of Englewood, FL; 2nd - Hyatt Survey Services, Inc. of Bradenton, FL; 3rd -George F. Young, Inc of St. Petersburg, FL; and 4th - GCY, Inc. of Palm City, FL; and b) Approve start of negotiations with the top two (2) ranked firms; and c) Authorize Chairman to sign the contract after completion of negotiations. This is for two (2) firms to provide professional services for the expansion of the Vertical Control Network throughout Charlotte County on the North American Vertical Datum of 1988 (NGVD 88). BUDGETED ACTION: No action needed. Budgeted in CIP "FEMA Vertical Benchmark Improvements" approved in the FY14 budget process.

**COMMISSIONER CONSTANCE MOVED TO APPROVE #14-320 SURVEY & MAPPING-VERTICAL CONTROL  
RECOMMENDED ACTION: A) APPROVE THE RANKING OF FIRMS FOR REQUEST FOR PROPOSAL #14-320, SURVEYING & MAPPING-VERTICAL CONTROL NETWORK: 1ST - DMK ASSOCIATES, INC OF ENGLEWOOD, FL; 2ND - HYATT SURVEY SERVICES, INC. OF BRADENTON, FL; 3RD -GEORGE F. YOUNG, INC OF ST. PETERSBURG, FL; AND 4TH - GCY, INC. OF PALM CITY, FL; AND APPROVE START OF NEGOTIATIONS WITH THE TOP TWO (2) RANKED FIRMS; AND AUTHORIZE CHAIRMAN TO SIGN THE CONTRACT AFTER COMPLETION OF NEGOTIATIONS. THIS IS FOR TWO (2) FIRMS TO PROVIDE**

**PROFESSIONAL SERVICES FOR THE EXPANSION OF THE VERTICAL CONTROL NETWORK THROUGHOUT CHARLOTTE COUNTY ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NGVD 88), SECONDED BY CHAIR DOHERTY**

**MOTION CARRIED 5:0.**

(24) #14-286 Anger Pier & Parking Improvements

RECOMMENDED ACTION: Award Bid #14-286, Anger Pier & Parking Improvements, to the lowest responsive, responsible Bidder: Bayshore Construction, Inc. of Sarasota, FL., at the project total of \$218,974 for the rehabilitation of the Anger fishing pier and parking lots. BUDGETED ACTION: No action needed. Funding from the Capital Projects Fund approved in the FY14 budget process.

(25) Property Deletions - Month of September, 2014

RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of September, 2014. BUDGETED ACTION: No action needed.

**Real Estate Services**

(26) Consent to accept the maintenance of a portion of West Railroad Avenue in Mid-County

RECOMMENDED ACTION: Approve a resolution authorizing the Chair of the Board of the Charlotte County Board of County Commissioners to accept the maintenance of a portion of West Railroad Avenue which is located in Mid-County. BUDGETED ACTION: No action needed. **RES2014-145**

(27) Charlotte County real property being proposed as surplus

RECOMMENDED ACTION: Approve the attached 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 Florida Statute 125. BUDGETED ACTION: No action needed. **RES2014-146**

**G. Community Development**

(1) DRC-PD-85-1F (MM) Major Modification for the Englewood Wal-Mart Supercenter Store

RECOMMENDED ACTION: Approve the DRC-PD-85-1F(MM) Major Modification Resolution permitting Wal-Mart Stores East, LP to construct the Englewood Wal-Mart Supercenter Store Expansion. BUDGETED ACTION: No action needed. **RES2014-147 (XREF: ORD2003-035, RES2003-201, RES0000-152, RES2000-032, RES1999-186, RES1991-301, RES1991-279, RES1987-290, RES1986-002)**

(2) Landscaping and Buffers Code

RECOMMENDED ACTION: Set a public hearing for September 23, 2014, at 2:00 p.m. or soon thereafter as may be heard, to adopt an Ordinance amending Part III Land Development and Growth Management, Chapter 3-5, Article XVIII Landscaping and Buffers of the Code of Laws and Ordinances of Charlotte County, Florida, by revising Section 3-5-397 Planting Standards. Legislative BUDGETED ACTION: No action needed.

(3) Earthmoving Code

RECOMMENDED ACTION: Set a public hearing for September 23, 2014, at 2:00 p.m. or soon thereafter as may be heard, to adopt an Ordinance amending Part III Land Development and Growth Management,

Chapter 3-5 of the Code of Laws and Ordinances of Charlotte County, Florida, by deleting Article XXI Excavations and Article XXIII Excavation and Earthmoving, in their entirety, and creating new Article XXIII Earthmoving; providing for applicability and definitions; providing for nonconformities; providing for exemptions; providing for general location and operation standards; providing for standard earthmoving and construction permits; providing for specific earthmoving permits; providing for specific earthmoving permit application requirements; providing for conflict with other ordinances; providing for severability; and providing an effective date. Applicant: Charlotte County Board of County Commissioners. Legislative BUDGETED ACTION: No action needed.

## **Parks and Natural Resources - No Items**

### **Recreation**

#### **H. Community Services**

##### **(1) Third Amendment - Tampa Bay Rays Sports Park Agreement**

RECOMMENDED ACTION: Approve an Amendment to the Tampa Bay Rays-Sports Park Agreement to provide for additional capital reserve funding. The Capital Reserve Fund is used for capital repairs and improvements at the Charlotte County Sports Park. BUDGETED ACTION: No action needed. Funding for the County portion \$50,000 will be supplied by the Capital Projects Fund and \$50,000 will be supplied by the Tampa Bay Rays. These amounts will be added to the Stadium Improvement Fund in the FY15 budget process. **Amends AGR2006-053**

**Chair Doherty** requested further detail of the historical data related to funding used, questioned other possible funding sources, asked if the \$50,000.00 could be shown as a loan from the Ad Valorem Fund to be repaid, and noted the Agreement is for three (3) years. **Commissioner Constance** commented on repayments, spoke to the possibility of Tourism Taxes out-performing, and expressed agreement with **Chair Doherty's** suggestion.

County Administrator Sandrock explained that Ad Valorem funding was used prior to the Agreement made with the Tampa Bay Rays to maintain the Stadium, commented on the Capital Reserve Fund, stated improvements must be approved by both the Board and the Tampa Bay Rays, indicated other funding sources are needed, highlighted the Capital Projects Fund as an appropriate funding source, mentioned Tourist Tax performance and building of Reserves, and affirmed the ability to show the funding as a loan. Gordon Burger, Budget and Administrative Services Director, stated the County portion of the Stadium Debt Schedule escalates, explained the payment grows at a rate of 3.5% percent per year, and indicated refinancing cannot take place until 2017.

**COMMISSIONER CONSTANCE MOVED TO APPROVE THE AMENDMENT TO THE TAMPA BAY RAYS-SPORTS PARK AGREEMENT WITH THE FUNDING SOURCE FROM THE CAPITAL PROJECTS FUND AS A LOAN, SECONDED BY CHAIR DOHERTY**

**MOTION CARRIED 5:0.**

**RECESS: 10:00 am - 10:10 am**

**Libraries and Historical - No Items**



**I. Economic Development**

(1) Re-appointment - Enterprise Zone Development Agency

RECOMMENDED ACTION: Approve the reappointment of Gloria Walberg, Charlotte County Community Development Licensing & Code Compliance, to the Enterprise Zone Development Authority. BUDGETED ACTION: No action needed.

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

**K. Human Resources - No Items**

**L. Human Services**

(1) State Housing Initiatives Partnership (SHIP) Program Annual Report

RECOMMENDED ACTION: Board of County Commissioners (Board) approval of the annual State Housing Initiatives Partnership (SHIP) Program annual report, authorization for signature of Board Chairman, and submission to the Florida Housing Finance Corporation. BUDGETED ACTION: No action needed. **GRT2014-021 (XREF: GRT2011-041)**

**M. Public Safety**

(1) Resolution Adopting the CEMP 2014-2018

RECOMMENDED ACTION: Approve a Resolution adopting the Charlotte County Comprehensive Emergency Management Plan 2014-2018 as the Emergency Management Plan for Charlotte County. BUDGETED ACTION: No action needed. **RES2014-148**

(2) FRA Amendment #9 between Charlotte County and Nextel South Corp.

RECOMMENDED ACTION: Approve Amendment #9 and revise that certain Frequency Reconfiguration Agreement between Charlotte County and Nextel South Corp., a wholly owned indirect subsidiary of Sprint Corporation. BUDGETED ACTION: No action needed. **Amends AGR2009-013**

**N. Public Works**

(1) Solid Waste Rates for Lee County Residents on Gasparilla Island

RECOMMENDED ACTION: Approve a Resolution adopting solid waste rates for Lee County residents on Gasparilla Island, as adopted by interlocal agreement with the Lee County Board of County Commissioners. This request is pursuant to Charlotte County Code Chapter 4-4 "Sanitation Districts" and has been reviewed by Charlotte County Public Works Solid Waste Division and the Charlotte County Attorney's office. BUDGETED ACTION: No action needed. **RES2014-149 (XREF: AGR1999-0760A0, AGR1994-232, AGR1990-042)**

(2) Arthropod Control FY13/14 Budget Amendment

RECOMMENDED ACTION: Approve and authorize the Chairman to sign the attached Arthropod Control Budget Amendment No. 2 per Florida Administrative Code 5E-13. Amendment moves \$6,000 from Capital Outlay to Communications Services. This will allow for the cost of wireless airtime for the

division's tablets that are used for scheduling and communicating service requests. BUDGETED ACTION: Approve budget change moving \$6,000 from the capital line to communications services. There is no change to the total budget.

(3) FY14/15 Mosquito Control Annual Certified Budget

RECOMMENDED ACTION: Approve and authorize the Chairman to sign the attached Mosquito Control Annual Certified Budget per Florida Administrative Code 5E-13. BUDGETED ACTION: No action needed. This is the proposed budget for FY14/15.

**O. Tourism Development - No Items**

**P. Utilities**

(1) FDEP Financial Assistance Agreement RECOMMENDED ACTION: Authorize staff to enter into the Florida Department of Environmental Protection (DEP) State Financial Assistance Agreement (LP08023) to reimburse Charlotte County in the amount of \$500,000 toward construction costs related to the installation of centralized wastewater services in the East and West Spring Lake MSBU area. BUDGETED ACTION: No action needed. This amount will be included in the FY15 budget process. There is no match required for this grant. **GRT2014-022**

**Q. Other Agencies - No Items**

**REGULAR AGENDA**

**R. Regular Agenda**

(1) Appoint by Ballot - Tourist Development Council – Commission Office

Select by ballot one member to serve as the tourism accommodations representative on the Tourist Development Council. Both candidates meet all qualifications for appointment and will fill the unexpired term of Ms. Crouch, who resigned from the Council. This term will expire on August 28, 2016.

County Administrator Sandrock read the ballot entries into the record as: three (3) votes Kelly Williamson and two (2) votes Robin Madden.

**COMMISSIONER DUFFY MOVED TO APPOINT KELLY WILLIAMSON AS THE TOURISM ACCOMODATIONS REPRESENTATIVE ON THE TOURIST DEVELOPMENT COUNCIL, SECONDED BY COMMISSIONER CONSTANCE**

**Commissioner Truex** questioned if another position was open on the Tourism Development Council.

**MOTION CARRIED 4:1. COMMISSIONER TRUEX DISSENTING.**

(2) Appoint by Ballot - Charlotte Harbor Community Redevelopment Agency Advisory Committee Business Representative – Commission Office

Select by ballot one member to serve as the business representative to the Charlotte Harbor Community Redevelopment Agency Advisory Committee.

County Administrator Sandrock read the ballot entries into the record as follows: four (4) votes Vanessa Oliver and one (1) vote for Rick Page.

**COMMISSIONER DEUTSCH MOVED TO APPOINT VANESSA OLIVER AS THE BUSINESS REPRESENTATIVE TO THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

(3) Appoint by Ballot - Charlotte Harbor Community Redevelopment Agency Advisory Committee Member at Large – Commission Office

Select by ballot one person as member at large to the Charlotte Harbor Community Redevelopment Agency Advisory Committee. This term is effective immediately.

County Administrator Sandrock read the ballot entries into the record as follows: three (3) votes Denise Garbacz and two (2) votes Rick Page.

**COMMISSIONER DUFFY MOVED TO APPOINT DENISE GARBACZ AS THE MEMBER AT LARGE TO THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

(4) State Lobbyist Contract – Administration

As requested by **Commissioner Duffy** - Discussion and direction of the state lobbyist contract.

**Commissioner Duffy** indicated her preference to discuss the County's State Level lobbying capacity, discussed County by County Allocations, opined the County is not requesting enough funding, cited the East/West Spring Lake Sewer Project as an example that did not receive an adequate amount of funding, commented on the timeline for the upcoming Legislative Session, spoke to the Contract with the current Lobbyist, and asked the Board to review the County by County Allocation listing. **Commissioner Truex** mentioned Commissioners should build individual relationships, suggested proposals for Firms be reviewed to ensure there would be proper preparation for the upcoming Legislative Session, questioned if Sarasota County was still represented by the same Lobbyist Firm as Charlotte County, recommended better direction be provided in the future, and expressed opposition to limiting the funding request list as in the past year. **Commissioner Deutsch** stated he does not prefer Lobbyists, recommended specifics be included in an RFP, and expressed concerns with the Lobbying process. **Commissioner Constance** discussed that Charlotte County has one (1) Representative and three (3) Senators, agreed that the County is not requesting enough funding, provided examples of funding needs including Burnt Store Road, additional sewer projects and additional road infrastructure projects, suggested reviewing the Capital Projects List as a starting point, questioned the RFP process requirements, stated his preference to review the current Contract prior to bidding for a new one, inquired if the topic could be discussed at

the September 2014 Workshop, said the Gulf Consortium Workshop Topic was scheduled take place at a Regular Meeting, suggested inviting Cari Roth, Lobbyist, to the Workshop to provide an update, and noted a November Workshop would not occur due to an Inauguration Ceremony. **Chair Doherty** suggested they continue working with the same Lobbying Firm while reviewing options; due to RFP time requirements.

Ms. Corbett explained the RFP process requirements and noted the current Contract would need to be terminated prior to putting out a Bid for a new Contract. County Attorney Janette Knowlton provided the listing of September 2014 Workshop Topics. Deputy County Administrator Kelly Shoemaker indicated Bryant, Miller, and Olive, P.A. has been asked to review the listing of Allocations to provide an analysis and stated the Firm is also reviewing the Health Department Funding.

(5) Purchasing #14-141 Concrete Box Culverts Little Farm Road RECOMMENDED ACTION: a) Approve budget adjustment #14-011 to allow for the transfer of \$391,061 from General Fund Reserves to the South Charlotte Stormwater MSBU to pay for the budgeted CIP project "Little Farm Culverts" and increase construction for the project by \$129,061 to \$379,061; 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 at the negotiated amount of \$314,943.56. 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; and c) Approve award RLI #10-335, Work Order #83, File #14-137, Little Farm Road Inspection Services to Weiler Engineering Corporation (WEC) of Punta Gorda, FL at the hourly rate of \$105 with an estimated not-to-exceed project amount of \$37,800.

**Chair Doherty** commented on photos received following after the Pre-Agenda Meeting held the prior week depicting approximately one (1) foot of water over Little Farm Road, suggested further review of the Item while the East Charlotte Municipal Services Taxing Unit (MSTU) would be established, and expressed his opposition to using General Revenue funding for the completion of the Item.

**COMMISSIONER CONSTANCE MOVED TO DENY AND REJECT THE BIDS, SECONDED BY COMMISSIONER TRUEX**

**MOTION CARRIED 5:0.**

**Commissioner Truex** asked that Ms. Corbett convey to the Contractor the appreciation of the Board for working with them.

**(ADDITION #1)** (6) Discussion and direction regarding the 1991 Peace River Facility Project; and consideration of adoption of Resolution Initiating Conflict Resolution Procedures under Chapter 164, F.S. with the Water Authority. – County Attorney **RES2014-151**

County Attorney Knowlton indicated expert consultants presented information to the Peace River Manasota Regional Water Supply Authority Board (PRMRWSA) ("Authority"), indicated Pat Lehman, Authority Executive Director, suggested critical information was missing from the presentation and a resolution would be able to be reached regarding the 1991 Rebuild Project and Cost Allocations, stated County Administrator Sandrock and Charlotte County Utilities (CCU) staff met with Authority staff, recommended a Resolution initiating the conflict be approved in addition to a letter requesting a \$2 million dollar reimbursement, and noted the suggested alternative proved successful in resolving past

differences with the Authority. County Administrator Sandrock provided details of meeting with the Authority Staff, indicated the meeting was cooperative and encouraging, and questioned if the Board still preferred an itemized expenditure list for the \$8 million dollars that has already been paid by Charlotte County to the Authority for Repair and Replacement (R&R).

**Commissioner Deutsch** expressed his preference for moving ahead. **Chair Doherty** indicated his preference for additional understanding of the Chapter 164 process and questioned if a mediator would be present throughout the process.

Edward De La Parte, Special Counsel, advised that the Chapter 164 process is no different than the negotiation tactics conducted the past few months; just a more formalized procedure to help the parties reach resolution, indicated his belief that the formalized process is needed due to the expanding complexities of the case, opined a settlement would never be reached unless the Member Governments of the Authority are also involved, detailed specifics of the Chapter 164 process and timeline, recommended a mediator and/or facilitator be utilized, and stated the Process is the logical next step for conclusion.

**COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2014-151 RELATING TO INITIATION OF THE CONFLICT RESOLUTION PROCEDURES PROVIDED BY CHAPTER 164, FLORIDA STATUTES TO RESOLVE ISSUES RELATING TO THE 1991 REBUILD PROJECT AND PROVIDING AN EFFECTIVE DATE AND AMEND TO ENSURE THAT EACH MEMBER GOVERNMENTS AND CUSTOMERS OF THE WATER AUTHORITY RECEIVE A COPY OF THE LETTER BEING SENT TO MR. LEHMAN REGARDING THE FACT THAT THE COUNTY IS INITIATING THE CONFLICT RESOLUTION PROCEDURES AND AMEND THE LAST LINE OF COUNTY ADMINISTRATOR SANDROCK'S REQUEST LETTER FOR THE \$2,081,569.00 TO SAY "WE REQUEST THE \$2,081,569.00 BE RETURNED WITHIN THIRTY (30) CALENDAR DAYS" INSTEAD OF "WE LOOK FORWARD TO THE RETURN OF THE \$2,081,569.00 AT YOUR EARLIEST CONVENIENCE", SECONDED BY COMMISSIONER DEUTSCH**

**Commissioner Truex** questioned if the thirty (30) day requirement interfered with any existing Agreements with the Authority.

Mr. De Le Parte affirmed there was an Authority Resolution that recognized there was excess money paid by the County and would return the funds upon request.

**MOTION CARRIED 5:0.**

**PUBLIC HEARING AGENDA - 10:00 A.M. / 2:00 P.M. - No Items**

**PRESENTATION AGENDA - 10:00 A.M. / 2:00 P.M. - No Items**

**PUBLIC WORKSHOP AGENDA - 10:00 A.M. / 2:00 P.M. - No Items**

**BOARD WORKSHOP AGENDA - 10:00 A.M. / 2:00 P.M. - No Items**

**CITIZEN INPUT - ANY SUBJECT**

Susan Hutt requested that Board Workshops be televised for Citizen viewing, commented on the survey conducted by Evergreen Solutions on County employees and questioned the results, expressed her agreement with the Board Decision related to Little Farm Road, indicated there has been a Public Records Request for the Engineering Plans for the Spring Lake Sewer Project and noted the negative response received to the Request due to Homeland Security, stated her lack of trust in CCU, and commented on the State Revolving Fund Loan Application and lack of science for sewer installation.

Mike Dodds noted issues with Chadwick Bay and sewage, stated a Sheriff's Officer was in the area threatening to cut anchor lines, indicated that he was informed that the Officer boarded his vessel while he was underwater repairing his anchor line with no explanation, opined the Coast Guard is the only organization that has the authority to board his boat in that manner, and expressed his preference for a resolution.

Scott Andrichak commented on a lawsuit against the County for Clean Water Act Violations, opined County Administrator Sandrock is unfit for the position, mentioned Rotonda I and II Lawsuits, spoke to the background of CCU Director Terri Couture, and questioned if County Attorney Knowlton was best suited for the legal representation of Charlotte County.

Don Monroe stated County spending is out of control, opined septic tanks work well, expressed his belief there is too much legislation, and indicated the Board should stand for the Citizens of the County.

**AA. County Administrator:**

County Administrator Sandrock clarified the five (5) cent Tourist Tax and that only the fourth and fifth cent are allocated for the Sports Park, requested the Land Use Meeting scheduled for the last BCC Regular Meeting in December, 2014 be rescheduled to the first Regular BCC Meeting on December 9, 2014 at the upcoming meeting, and noted an update would be provided for East/West Spring Lake Wastewater MSBU. Terri Couture, CCU Director, stated 100 percent design plans have been received from Gieffels Webster, noted staff is now reviewing the plans for any needed modifications or alterations, indicated staff has completed the gravity portion of design, mentioned the opinion of probable cost is being worked through, relayed initial review results indicate a thirty-five percent (35%) cost increase, detailed the SRF Interest Rate is at 1.12% annual interest; significantly less than the original three percent (3%), highlighted grant monies received, and advised a complete update would be brought back to the Board at an upcoming Meeting.

**BB. County Attorney:**

County Attorney Knowlton reminded the Board of the 2:00 pm Executive Session immediately followed by another Executive Session.

**CC. Commissioner Comments:**

**Commissioner Truex** expressed thanks to Citizens who attended the PRMRWSA Meeting, commented on the TDC Candidate selection process and noted his displeasure, spoke to the Legislative Priority List and the need for additional discussion related to what will be included, stated the Evergreen Study is not yet complete, indicated he would follow up with Mr. Dodd's concern regarding a leaking septic tank in Chadwick Bay, requested the Board allow him to attend the First Budget Public Hearing via Skype,

mentioned his concern related to Super Boat Sponsorships effort, asked that a full update be provided once the Audit is complete, advised a group meets monthly at the Englewood Chamber of Commerce to schedule a week-long festival in Englewood in conjunction with the Super Boat Race, and noted plans to visit the property for sale adjacent to the Family Services Center. **Commissioner Duffy** stated her agreement for **Commissioner Truex's** attendance via Skype, mentioned additional discussion is needed regarding Board Member focus for the Legislative Priority List, questioned assistance for Super Boat planning, and mentioned her receipt of an email relaying that the other portion of the piece of property that the Family Services Center is located on is for sale. **Commissioner Deutsch** agreed with **Commissioner Truex's** attendance via Skype, commented on boats anchored or moored in Chadwick Cove related to human waste, and spoke to Commission Office remodeling. **Commissioner Constance** stated **Commissioner Truex's** request to attend via Skype was appropriate, indicated attendance requests should be reviewed on a case by case basis, questioned timeline for the Super Boat Audit, commented on preliminary Super Boat numbers, requested an update related to Family Services relocating to the Cultural Center, asked that the November 2014 Workshop be removed from the calendar, spoke to the BCC Assistant Interview Process, inquired of the ability to modify the new BCC Assistant job description, expressed opposition to moving current BCC Assistants Offices, provided an update related to the Gulf Consortium, Trans Ocean Money, and Treasury Rules, and reminded the Board of an upcoming National Association of Counties (NACO) Meeting. **Chair Doherty** stated his appreciation for **Commissioner Truex's** efforts to attend the Budget Meeting via Skype, noted his request to receive additional information at the Budget Meeting regarding Non-Profits, suggested **Commissioner Constance** work towards obtaining a new BCC Assistant, and congratulated **Commissioners Constance** and **Deutsch** on their results in the Election.

County Attorney Knowlton indicated extraordinary circumstances are required for alternative methods of attendance and recommended Skype. Clerk of the Circuit Court Barbara T. Scott confirmed the Super Boat Audit was in process and indicated they are waiting for additional documentation. County Administrator Sandrock stated the relocation of the Family Services Center is an option, noted he would check with Facilities for additional information, and asked for Direction related to the Commission Office remodeling.

**RECESS: 11:54 am - 2:07 pm**

## **BOARD OF COUNTY COMMISSIONERS**

**SEPTEMBER 9, 2014**

Executive Sessions were held at the Murdock Administrative Complex in Commission Chambers, Room 119, Port Charlotte, Florida. The following members were present: Chair Doherty, Commissioner Constance, and Commissioner Truex. Also in attendance were: County Attorney Knowlton, Minutes Clerk Greene, and Minutes Clerk Russo.

**Called to Order at 2:06 pm.**

The opening of the public portion of the Executive Session(s) were announced. County Attorney Janette Knowlton informed the attorney/client portion of the Executive Session(s) would be held in the County Attorney's Conference Room.

County Attorney Knowlton advised the purpose of the 2:00 pm Session is to discuss the lawsuit captioned Andress Family Florida LLP et al. v. Charlotte County, Case No. 10-639-CA, and stated the following would be in attendance: **Chair Doherty, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, Commissioner Truex**, County Administrator Sandroock, County Attorney Knowlton, Special Counsel Brian Beason, and Special Counsel Cort Frohlich, noted the Session was expected to last approximately sixty (60) minutes and announced the lawsuit captioned Rotunda Group Investments and Lynnell v. Charlotte County, Case No. 13-438-CA would be discussed immediately following the conclusion of the previous lawsuit, indicated the participants would remain the same, and noted the Session was expected to last approximately thirty (30) minutes.

**EXECUTIVE SESSION RECESS: 2:07 pm – 2:55 pm.**

**EXECUTIVE SESSION RECESS: 2:55 pm – 3:10 pm.**

Executive Session(s) were reconvened and closed in Room 119 with Chair Doherty, Commissioner Constance, Commissioner Truex, County Attorney Knowlton, Minutes Clerk Greene, and Minutes Clerk Russo present.

**ADJOURNED: 3:15 pm.**

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**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**