

# Charlotte County

Commission Chambers, Room 119  
18500 Murdock Circle  
Port Charlotte, FL 33948  
CharlotteCountyFL.gov



## Regular and Land Use Meeting

Tuesday, July 14, 2020  
9 a.m.

### Board of County Commissioners

#### **COUNTY COMMISSIONERS**

*Bill Truex, District 3, Chairman*  
*Christopher Constance, District 2, Vice Chairman*  
*Ken Doherty, District 1*  
*Stephen R. Deutsch, District 4*  
*Joseph Tiseo, District 5*

#### **COUNTY ADMINISTRATOR**

*Hector Flores*

#### **COUNTY ATTORNEY**

*Janette S. Knowlton*

#### **CLERK OF THE CIRCUIT COURT**

*Roger D. Eaton*

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to David.Lyles@charlottecountyfl.gov.

Should any agency or person decide to appeal any decision made by the board with respect to any matter considered at such meeting, a record of the proceeding, and for such purpose, a verbatim record of the proceeding is required, which record includes the testimony and evidence upon which the appeal is to be based.

**9:00 A.M.**

## **Call to Order and Roll Call**

### **Invocation**

If you wish, please rise for the invocation

[Pastor Huggins](#)  
[New Testament Church of God](#)

### **Pledge of Allegiance**

### **Changes to the Agenda**

See separate sheet

### **Proclamations - Commissioner Bill Truex**

### **Employee Recognition**

### **Award Presentations**

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

Anyone wishing to address the Board during this portion of the meeting must fill out a card, state their name for the record, and state which agenda item(s) will be addressed. Remarks shall be limited to 3 minutes (max) and shall be addressed to the Commission as a body, and not to individual members.

## **COMMITTEE VACANCIES**

[MSBU-MSTU Advisory Board Vacancies](#)

The following **MSBU/TU Advisory Boards** are seeking volunteers who must be both a property owner within and reside within the Unit. Submit applications to Public Works Department, 7000 Florida Street, Punta Gorda, Florida 33950; call 941-575-3600 or e-mail [MSBU-TU@CharlotteCountyFL.gov](mailto:MSBU-TU@CharlotteCountyFL.gov).

- **Boca Grande Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2021.
- **Buena Vista Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2021.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Greater Port Charlotte Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2023.
- **Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2023.
- **Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Harbour Heights Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2023.
- **Harbour Heights Waterway Unit** is seeking three members to fill vacant unexpired terms through October 31, 2021, October 31, 2022 and October 31, 2023.
- **Northwest Port Charlotte Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022 and October 31, 2023.
- **Northwest Port Charlotte Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022, and October 31, 2023.
- **Pirate Harbor Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Rotonda Heights Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2021.
- **Rotonda Lakes Street & Drainage Unit** is seeking five members to fill vacant unexpired terms through October 31, 2021, October 31, 2022, and October 31, 2023.
- **Rotonda Sands North Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2021.
- **South Charlotte Stormwater Unit** is seeking five members to fill vacant unexpired terms through October 31, 2021, October 31, 2022, and October 31, 2023.
- **West Charlotte Stormwater Unit** is seeking one member to fill a vacant unexpired term through October 31, 2023.

[Construction Industry Licensing Board - Licensed Mechanical Contractor](#)

**Construction Industry Licensing Board** is seeking one volunteer to serve as a Mechanical Contractor. Volunteer must be a licensed Mechanical/HVAC Contractor and a resident of Charlotte County. Meetings are held on the 1st Thursday of each month at 6:00 p.m. at 18500 Murdock Circle, Administration Building. The term will expire on June 26, 2022. To obtain an application, please call 941-743-1298 or email [Diane.Whidden@CharlotteCountyFL.gov](mailto:Diane.Whidden@CharlotteCountyFL.gov).

## REPORTS RECEIVED AND FILED

### CONSENT AGENDA

#### Clerk of the Circuit Court

##### A. Comptroller Division

###### 1. [Finance](#)

**Recommended Action:**

Approve the Clerk's Finance Memorandum.

**Budgeted Action:**

No action needed.

##### B. Minutes Division

###### 1. [Minutes](#)

**Recommended Action:**

Approve the following Minutes:

June 9, 2020 BCC Regular Meeting

June 16, 2020 BCC Special Meeting

June 16, 2020 Board Workshop

June 18, 2020 Pre-Agenda

June 23, 2020 BCC Regular and Land Use Meeting

**Budgeted Action:**

No action needed.

#### Board of County Commissioners

##### C. Commission Office

1. [Appointment - Harbour Heights Waterway MSBU Advisory Board](#)

**Recommended Action:**

~~Approve the appointment of Dan Bonenberger to fill the unexpired term of Jeff Good as well as an additional new three-year term on the Harbour Heights Waterway Municipal Service Benefit Unit (MSBU) advisory board. This appointment will be effective immediately and will expire on October 31, 2023.~~

~~\*\*Deleted, 7/13/2020\*\*~~

**Budgeted Action:**

~~No action needed.~~

D. **County Administration**

1. [BCC Meeting Schedule Change](#)

**Recommended Action:**

Reschedule the Presentation of Tentative Budget scheduled for July 21, 2020 to July 22, 2020 at 2:00 p.m. in Room 119 at 18500 Murdock Circle, Port Charlotte.

**Budgeted Action:**

No action needed.

2. [Request for Support for Grant Application from the Department of Economic Opportunity](#)

**Recommended Action:**

Approval of a letter of support for an application by the University of Florida and Florida Gulf Coast University for a Rebuild Florida General Planning Support Program grant from the Department of Economic Opportunity for a web-based decision support tool for coastal inundation vulnerability and mitigation and resilience planning in Charlotte, Lee and Collier counties.

**Budgeted Action:**

No action needed.

E. **County Attorney**

1. [Extend #2 Temporary Outdoor Seating Provisions](#)

**Recommended Action:**

Approve a further extension of Resolution 20-052, dated May 5, 2020, which suspended portions of County's Land Development Regulations and adopted interim regulations to provide for temporary outdoor seating at restaurants in response to COVID-19.

**Budgeted Action:**

No action needed.

2. [Release of Certain Subsurface Rights to Lost Lagoon Development, LLLP or its assigns](#)

**Recommended Action:**

The first amendment to the Purchase and Sale Agreement requires as a condition to closing that the Board approve a Resolution releasing certain subsurface rights to real property located in the Murdock Village Community Redevelopment Area which is subject to sale to the Lost Lagoon Development, LLLP or its assigns. The Board is requested to approve this Resolution so that the County can proceed to close on the property.

**Budgeted Action:**

No action needed.

3. [Extension 17 of State of Local Emergency - COVID-19](#)

**Recommended Action:**

Approve Resolution extending the State of Local Emergency related to the Novel Coronavirus Disease 2019 (COVID-19).

**Budgeted Action:**

No action needed.

**F. Budget and Administrative Services**

**Fiscal Services**

1. [Power of Attorney for State Tax Account](#)

**Recommended Action:**

Approve and execute the Power of Attorney for the Florida Department of Revenue declaring additional Representatives with regard to the Sales and Use Tax account information as required by Charlotte County Clerk of the Circuit Court and County Comptroller.

**Budgeted Action:**

No action needed.

**Information Technology**

**Purchasing**

2. [20-409, Approve Ranking, Design Landfill Scale House \(Facilities\)](#)

**Recommended Action:**

a) Approve ranking of firms for Request for Proposal #20-409 Design Landfill Scale House: 1st - HDR Engineering; 2nd - Jones Edmunds & Associates; and

b) Approve start of negotiations; and

c) Authorize the Chairman to sign the contract after completion of negotiations. This is for a qualified firm to provide professional services.

**Budgeted Action:**

No action needed. Budgeted in Capital Improvements Project "Charlotte County Landfill Scale House," as approved in the FY20 budget process. Funding is supplied from the Solid Waste Enterprise Fund.

3. [20-410, Approve Ranking, Construction Manager at Risk, Landfill Scale House \(Facilities\)](#)

**Recommended Action:**

a) Approve ranking of firms for Request for Proposal #20-410, Construction Manager at Risk, Landfill Scale House: 1st - Willis-Smith Inc., 2nd - Wharton-Smith Inc., and 3rd - Gates Group LLC; and

b) Approve start of negotiations; and

c) Authorize the Chairman to sign the contract after completion of negotiations. This is for a qualified firm to provide professional Construction Manager (CM) at Risk services as part of a construction team, which includes the design consultants and the County for a Landfill Scale House.

**Budgeted Action:**

No action needed. Budgeted in Capital Improvements Project "Charlotte County Landfill Scale House" approved in the FY20 budget process. Funding is supplied from the Solid Waste Enterprise fund.

4. [20-430, Award, Sandhill Boulevard Phase 1 \(Public Works\)](#)

**Recommended Action:**

Approve the award of Request for Bid #20-430, Sandhill Boulevard-Phase 1 to the lowest responsive, responsible bidder, EHC, Inc. for the total project amount of \$1,602,681.07. This is for the construction of additional turn lanes at the intersections of Sandhill Boulevard.

**Budgeted Action:**

No action needed. The roadway realignment and safety improvements are budgeted in Capital Improvements Project "Sandhill Blvd Widening" as approved in the FY20 budget process. The utility relocation is budgeted in Capital Improvements Project "Relocation Needs Utility Pipe Replacement" approved via amendment on December 10, 2019. Funding for the roadway is supplied from assessments in the Sandhill Municipal Services Taxing Unit (\$1,033,568.30), capital gas taxes (\$301,683) to be reimbursed from mid-county road impact fees, and the Utility Renewal and Replacement fund (\$267,429.77).

5. [20-396, Approve Ranking, Transit Development Plan-Annual Progress Report \(Transit\)](#)

**Recommended Action:**

- a) Approve ranking for request for Proposal 20-396, Transit Development Plan-Annual Progress Report; 1st Tindale-Oliver of Tampa, Florida; and 2nd The Corradino Group of Miami, Florida; and
- b) Approve start of negotiations; and
- c) Authorize the Chairman to sign the contract after completion of negotiations.

**Budgeted Action:**

No action needed. Grant funding in the amount of \$27,000 and the required match in the amount of \$5,400 are included in the FY20 budget for Budget & Administrative Services Transit Division. Grant funding will be provided by the Federal Transit Administration (FTA). Matching funds in the amount of \$5,400 will be provided from Transportation Development Credits (TDC). TDC will be used as a "soft match", which allows the federal share to be reimbursed up to 1005 as authorized by Chapter 53 of the Title 49 U.S.C.

6. [20-440, Award, Port Charlotte Beach Sailing Center \(Facilities\)](#)

**Recommended Action:**

Approve award of Bid #20-440, Port Charlotte Beach Sailing Center the lowest responsive, responsible bidder, Stultz, Inc. of Fort Myers, Florida for the total project cost of \$413,265.

**Budgeted Action:**

No action needed. Budgeted in Capital Improvements Project "Port Charlotte Beach Sailing Center," as approved in the FY20 budget process. Funding is supplied from the 2014 Sales Tax Extension.

7. [20-408, Award, Insecticides and Herbicides - Supply and Deliver \(Public Works\)](#)

**Recommended Action:**

- a) Approve Multi-Award by line item of Bid #20-408, Insecticides & Herbicides - Supply and Deliver to the following vendors as indicated on the attached bid tabulation: Mar Green Resources LLC of Wellington, Florida; HPI Products dba All Pro Vector Group of Northville, Michigan; Glades Formulating Corp. of Belle Glade, Florida; Clark Mosquito Control Products, Inc. of Kissimmee, Florida; Helena Agri Enterprises LLC of Dade City, Florida; Nutrien Ag Solution, Inc. of Mulberry, Florida; Adapco, Inc. of Sanford, Florida and ES OPCO USA LLC of Orlando, Florida, for the period from date of award through and including May 31, 2021; and
- b) Authorize the County Administrator to approve renewal options for up to two (2) one-year terms, at the same prices, terms and conditions, by mutual consent.

**Budgeted Action:**

No action needed. Funding from the General Fund - Mosquito Control Budget approved in the FY20 budget process.

8. [20-300, Approve Ranking, Design-Wind Retrofit Hazard Mitigation \(Facilities\)](#)

**Recommended Action:**

- a) Approve the ranking of firms for Request for Proposal 20-300, Design-Wind Retrofit Hazard Mitigation: 1st Shade Services of Arcadia, Florida; and 2nd APX Engineering of Miramar, Florida; and
- b) Approve start of Negotiations; and
- c) Authorize the Chairman to sign the Contract after completion of negotiations. This is for design services for an engineering study/evaluation followed by the design of the Harold Avenue Recreation Center for a Wind Retrofit Hazard Mitigation project.

**Budgeted Action:**

No action needed. Budgeted in Capital Improvements Project "Harold Ave Rec Center Wind Retrofit" approved in the FY20 budget process. Funding is supplied from Capital Projects ad valorem, reimbursed 75% from a FEMA mitigation grant. There is a 25% match.

9. [Property Deletions for the Month of July, 2020 \(Purchasing\)](#)

**Recommended Action:**

Approve the deletion of additional property inventory items listed on the attached for the month of July 2020.

**Budgeted Action:**

No action needed.

**Real Estate Services**

10. [Lease - Town Center Mall Crime Prevention Unit \(Sheriff\)](#)

**Recommended Action:**

Approve the lease of 1,000 square feet of office space to be utilized by the Charlotte County Sheriff's Office (Crime Prevention Unit) at the Port Charlotte Town Center Mall.

**Budgeted Action:**

No action needed.

11. [Conveyance of Easements from Charlotte County to Florida Power and Light \(FPL\)](#)

**Recommended Action:**

Approve Resolution authorizing Real Estate Services manager to execute easement documents to convey easements to Florida Power & Light (FPL) at 19765 Kenilworth Boulevard, 23101 Hillsborough Boulevard, and 21401 Hillsborough Boulevard (Veterans Boulevard).

**Budgeted Action:**

No action needed. The amount to be received for General Fund property is \$138,400, and the amount to be received for Landfill Enterprise Fund property is \$129,400. Real Estate Services time and the cost to record the easements will be covered by the payment received from FPL.

**Risk Management****Transit****G. Community Development****H. Community Services****I. Economic Development****1. [Set a Murdock Village Community Redevelopment Agency Meeting on July 28, 2020](#)****Recommended Action:**

Set a Murdock Village Community Redevelopment Agency meeting on July 28, 2020 at 10:00 a.m., or as soon thereafter in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida.

**Budgeted Action:**

No action needed.

**2. [Set a Charlotte Harbor Community Redevelopment Agency Meeting on September 8, 2020](#)****Recommended Action:**

Set a Charlotte Harbor Community Redevelopment Agency meeting on ~~July 28, 2020~~ September 8, 2020 at 10:00 a.m., or as soon thereafter in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida.

**\*\*Changed, 7/9/2020\*\***

**Budgeted Action:**

No action needed.

**J. Facilities Construction and Maintenance****K. Human Resources****L. Human Services****M. Public Safety****1. [Charlotte County Behavioral Health Transportation Plan](#)****Recommended Action:**

Approve a Revised Behavioral Health Transportation Plan as required by State Statute.

**Budgeted Action:**

No action needed. Budgeted in the General Fund - Emergency Medical Services budget as approved in the FY2020 budget process. Funding for this expenditure comes from the General Fund.

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2. [Emergency Management Performance Grant Supplement Agreement and Resolution](#)

**Recommended Action:**

- a) Approve Emergency Management Performance Grant Supplemental funding agreement between Charlotte County and the Florida Division of Emergency Management in the amount of \$14,547; and  
b) Approve BA20-026 Resolution in the amount of \$14,457.

**Budgeted Action:**

A budget amendment in the amount of \$14,547 is needed to recognize the expense and revenues from the Florida Division of Emergency Management grant. The 100% County match is satisfied using Emergency Management operating funds. Expenses for this grant will be from Emergency Management Miscellaneous Supplies account.

N. **Public Works**

1. [Set a Public Hearing to Consider a Speed Limit Ordinance](#)

**Recommended Action:**

Set a Public Hearing for July 28, 2020 at 10:00 a.m., or soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider approving an ordinance setting new or modifying existing speed limits on various sections of Charlotte County roadways.

**Budgeted Action:**

No action needed. No financial impact.

2. [Set a Public Hearing to Consider a “No Vehicles Over 6 Wheels” Ordinance](#)

**Recommended Action:**

Set a Public Hearing for July 28, 2020 at 10:00 a.m., or soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider approving an ordinance setting new “No Vehicles Over 6 Wheels” on various sections of Charlotte County roadways.

**Budgeted Action:**

No action needed. No financial impact.

3. [Set a Public Hearing to Consider a No Parking Ordinance](#)

**Recommended Action:**

Set a Public Hearing on July 28, 2020 at 10:00 AM, or soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider approving an ordinance to prohibit the parking (all day or overnight) of vehicles along various sections of Charlotte County roadways.

**Budgeted Action:**

No action needed. Signage is budgeted in the Greater Port Charlotte Street and Drainage Maintenance MSBU Fund as approved in the FY20 budget process. Funding for this expenditure comes from the MSBU assessments.

**4.** [Interlocal Agreement with the City of Punta Gorda](#)**Recommended Action:**

Approve the Interlocal Agreement with the City of Punta Gorda ("City") which will allow the County to continue assessing all of the annexed properties listed in Exhibit A that continue receiving a special benefit from the County's maintenance of Cuneo Road within the South Punta Gorda Heights West Street & Drainage Municipal Service Benefit Unit (MSBU).

**Budgeted Action:**

No action needed. Assessment revenue is budgeted in the South Punta Gorda Heights West Street & Drainage MSBU.

**O. Tourism Development****1.** [Waterfest 2020 Golf Carts Resolution](#)**Recommended Action:**

Approve Resolution to allow Englewood Beach Waterfest to utilize golf carts during their event.

**Budgeted Action:**

No action needed. There is no financial component to the request, therefore, there is no financial impact.

**P. Utilities****1.** [Amend Ackerman MSBU Resolution](#)**Recommended Action:**

Approve amending Resolutions 19-076 and 19-153 to remove certain tax parcels that were erroneously included in the initial Municipal Service Benefit Unit (MSBU) Assessment.

**Budgeted Action:**

No action needed.

**2.** [Environmental Utilities, LLC Bulk Sewer Treatment Agreement](#)**Recommended Action:**

Authorize the Chairman to execute the bulk sewer treatment agreement with Environmental Utilities, LLC.

**Budgeted Action:**

No action needed.

**Q. Other Agencies**

## REGULAR AGENDA

**R. Regular Agenda**

1. [National Association of Counties \(NACo\) Elections](#)  
**Commission Office**  
Discussion and direction on voting delegate at the National Association of Counties (NACo) Annual meeting.
2. [COVID19 Response Update](#)  
**County Administration**  
a) Update on Charlotte County's COVID-19 response; and  
b) Discussion and direction on the CARES Act funding; and  
c) Approve retainer agreement with Nabors Giblin & Nickerson for CARES Act implementation and compliance.  
**\*\*Change, Added attachments - Charlotte CARES for Business Recovery Grant Application and Charlotte CARES for Business Recovery Grant Program - Outline, 7/10/2020\*\***  
**\*\*Change, Added attachments - Revised Retainer Agreement with Nabors Giblin & Nickerson for CARES Act, and COVID Update Presentation, 7/13/2020\*\***
3. [Face Covering](#)  
**Commission Office**  
~~Discussion and direction on face covering.~~  
**\*\*Deleted, 7/9/2020\*\***
4. [Southwest Florida Regional Resiliency Compact](#)  
**County Administration**  
Consider joining the Southwest Florida Regional Resiliency Compact as a founding member by authorizing the Chairman to sign the attached Memorandum of Understanding.  
**\*\*Change, Added attachment - Updated Compact Presentation, 7/14/2020\*\***

## PUBLIC HEARING AGENDA

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

1. [Face Covering Ordinance](#)  
**County Attorney**  
Approval of an emergency ordinance requiring face coverings to be worn by all persons in indoor public places. This ordinance shall automatically sunset in 90 days.  
**\*\*Added, 7/8/2020\*\***  
**\*\*Change, Added attachment - Monroe County Face Covering Ordinance, 7/9/2020\*\***

## PRESENTATION AGENDA

**T. 10:00 A.M. Presentations****CITIZEN INPUT - ANY SUBJECT**

Anyone wishing to address the Board during this portion of the meeting must state their name for the record. Remarks on any County related subject, shall be limited to 3 minutes (max) and shall be addressed to the Commission as a body, and not to individual members. There will not be any discussion.

**2 P.M. LAND USE AGENDA****Public Hearing****UB1. [PA-20-01-04-LS, BDC Shell & Aggregate, LLC](#)****Community Development**

Adopt an Ordinance pursuant to Section 163.3184(3), Florida Statutes, a large scale plan amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Mineral Resource Extraction (MRE); for property located at 2000 and 2150 State Road (SR) 31, in the East County area, containing 87.24± acres; Commission District I; Petition No. PA-20-01-04-LS; Applicant: BDC Shell & Aggregate, LLC.

**Legislative****UB2. [Z-20-01-05, BDC Shell & Aggregate, LLC](#)****Community Development**

Adopt an Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Excavation and Mining (EM); for property located at 2000 and 2150 State Road (SR) 31, in the East County area, containing 87.24± acres; Commission District I; Petition No. Z-20-01-05; Applicant: BDC Shell & Aggregate, LLC.

**Quasi-Judicial****UB3. [PP-20-03-11, Not Point of Pines, Richard Lake](#)****Community Development**

Richard Lake has requested Preliminary Plat approval for a two-lot subdivision to be named, Not Point of Pines. The site is 0.58 acres, more or less, and is located south of McCall Road, east of Point of Pines Road, north of Deer Creek Drive, and west of Gottfried Creek, in Section 06, Township 41S, Range 20E, in Commission District III.

**Quasi-Judicial****AA. County Administrator Comments****BB. County Attorney Comments**

**CC. Economic Development Director Comments**

**DD. County Commissioner Comments**

**County Commissioners**

Bill Truex, District 3, Chairman

Christopher Constance, District 2, Vice Chairman

Ken Doherty, District 1

Stephen R. Deutsch, District 4

Joseph Tiseo, District 5

**Board of County Commissioners**

**Schedule of Future Closures/Hearings/Workshops**

[Schedule](#)