

BOARD OF COUNTY COMMISSIONERS

JANUARY 24, 2023

A Regular and Land Use Meeting was held at the Murdock Administration Complex in Commission Chambers; Room 119, Port Charlotte, Florida.

The following members were present: Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo. Also in attendance were: County Administrator Flores, County Attorney Knowlton, and Minutes Clerk Johnston. The following members were absent: None.

The Meeting was called to order at 9:00 am

The Invocation was given by Pastor Richard Webb, Faith Life Church, followed by the Pledge of Allegiance.

Changes to the Agenda

Addition #1: R-6, Discussion and Direction on the West Coast Inland Navigation District (WCIND) agenda for the upcoming meeting on January 27, 2023.

Requested by: Community Services

Addition #2: R-7, Approve agreement between the Charlotte County and the William R. Gaines Jr. Veteran Memorial fund to accept the donation of a Beirut Peacekeeper Tower to be installed at the William R. Gaines Jr. Veterans Memorial Park.

Requested by: Community Services

Change #1: R-2, Added attachment – Updated presentation.

Requested by: Community Development

Change #2: UB-4, Added attachment – Revised Applicant Presentation.

Requested by: Community Development

Change #3: UB-5, Added attachment – Revised Applicant Presentation.

Requested by: Community Development

Change #4: R-4, Added attachment – Resolution II.

Requested by: Commission Office

Change #5: F-9, Added attachment - Revised Lease Agreement.

Requested by: Budget & Administrative Services

Change #6: R-5, Added attachments – Presentation & Resolution with Exhibit A.

Requested by: Community Development

Change #7: B-1, Added minutes: January 10, 2023 BCC Regular Mtg, January 19, 2023 BCC Pre-Agenda.

Requested by: Minutes Division

Change #8: T-1, Added attachments – Presentations.

Requested by: Administration

Change #9: F-1, 1/20/2023: Added attachments – Crime Prevention Fund & Florida Statute, 1/23/2023: Added attachment – Crime Prevention Detail.

Requested by: Budget & Administrative Services

Change #10: R-1, Added attachments – ARP Update & Cultural Center.

Requested by: Administration

Change #11: R-3, Added attachments – DRAFT 20230208 Agenda & REVISED DRAFT. 20230208 Agenda.

Requested by: Administration

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Christopher Constance

COMMISSIONER DOHERTY MOVED TO APPROVE THE PROCLAMATION, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Annual Greek Festival Days

Gary Spangler accepted the Proclamation.

Employee Recognition

Employee of the Month - December 2022

Paul Burdziakowski
Community Services

Tommy Scott, Community Services Director highlighted Mr. Burdziakowski's career, community commitment, dedication, and presented Award.

Award Presentations

PUBLIC INPUT - AGENDA ITEMS ONLY

Sam Besase commented on Hurricane Ian Update.

Maureen McDowell discussed Hurricane Ian Update.

Linda Kopp mentioned Cultural Center Update.

Richard E. Patrick noted Cultural Center Update.

Joan Fischer remarked on Cultural Center Update.

Dan Rodriguez commented on Cultural Center Update.

Beth Niec, Mosaic Four Corner Mine Senior Manager spoke against Proposed Resolution – Phosphate Mining.

Richard Russell spoke in favor of Proposed Resolution – Phosphate Mining.

Betty C. Barriage discussed Cultural Center Update.

Kay Parker mentioned Cultural Center Update.

Chequia Andre noted Cultural Center Update.

Dave Kesselring remarked on New Positions, Crime Prevention Fund – Fiscal Year (FY) 2023, and Cultural Center Update.

Tim Ritchie spoke in favor of Proposed Resolution – Phosphate Mining.

Brooks Armstrong spoke in favor of Proposed Resolution – Phosphate Mining.

Andy Mele spoke in favor of Proposed Resolution – Phosphate Mining.

Michael McGrath spoke in favor of Proposed Resolution – Phosphate Mining.

Milly Black commented on Cultural Center Update.

Louise Ratermail spoke in favor of Proposed Resolution – Phosphate Mining and discussed Cultural Center Update.

Dr. Lucy Garner mentioned Cultural Center Update.

COMMITTEE VACANCIES

The committee vacancy list below is for informational purposes only. It is not part of the County Commission agenda upon which action is to be taken, and therefore not a topic on which public input is allowed at the beginning of this meeting.

The Agriculture & Natural Resources Advisory Committee (ANRAC) is looking for an individual that is a representative of an agriculturally related activity within Charlotte County. The term is to begin immediately and expire on December 31, 2024. This is to replace the term of Mitchell Aman. Please contact Morgan.Cook@charlottecountyfl.gov for an application.

The Environmentally Sensitive Lands Oversight Committee (ESLOC) is looking for a citizen of Charlotte County in the business of land development. The term begins immediately and will expire on December 31, 2025. Please contact Morgan.Cook@charlottecountyfl.gov for an application.

MPO - Citizens' Advisory Committee (CAC) is seeking one South County Representative; one West County Representative; one At-Large Representative; and two Mid-County Representatives. These individuals must be a resident of Charlotte County to serve on the CAC. The CAC reviews and makes recommendations on transportation plans and projects that the MPO Board will consider.

MPO - Bicycle/Pedestrian Advisory Committee (BPAC) is seeking one South County Representative; one West County Representatives (applicant must live West of the Myakka River); and two Mid-County Representatives: These individuals must be a resident of Charlotte County to serve on the BPAC. The BPAC reviews and makes recommendations on transportation plans and projects that the MPO Board will consider.

Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) is seeking one volunteer representing the Economically Disadvantaged (rule: "A person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged in the county."); and one "Disabled representative who is Disabled. The purpose of the LCB is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordination of service to be provided to the transportation disadvantaged.

The deadline for submitting an application is Friday, December 2, 2022. Please go online at www.ccmppo.com or contact the MPO for an application. The MPO mailing address is Charlotte County-Punta Gorda MPO, 18500 Murdock Circle, Port Charlotte, Florida 33948. Fax: 941-883-3534 Email: office@ccmpo.com. The MPO Board will elect the above positions at its Monday, December 15, 2022 meeting.

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.

- **Boca Grande Street & Drainage Unit** is seeking four members to fill vacant unexpired positions with terms through October 31, 2024, and October 31, 2025.
- **Buena Vista Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Edgewater North Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Englewood East Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024, and October 31, 2025.
- **Greater Port Charlotte Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2023.
- **Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Harbour Heights Street & Drainage Unit** is seeking three members to fill vacant unexpired positions with terms through October 31, 2023, October 31, 2024, and October 31, 2025.
- **Harbour Heights Waterway Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2023, and October 31, 2024.
- **Mid-Charlotte Stormwater Utility Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Northwest Port Charlotte Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Pirate Harbor Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.

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

REPORTS RECEIVED AND FILED

Monthly Housing Division Report - December 2022

CONSENT AGENDA

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-8, F-10, AND M-2, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Comptroller Division

1. Finance

Recommended Action: Approve the Clerk's Finance Memorandum.

Budgeted Action: No action needed.

B. Minutes Division

1. Minutes

(Change #7) Added minutes: January 10, 2023 BCC Regular Mtg, January 19, 2023 BCC Pre-Agenda.

Recommended Action: Approve the following Minutes:

January 5, 2023 BCC Pre-Agenda
January 11, 2023 BCC Citizen Budget Input Public Mtg
January 12, 2023 BCC Citizen Budget Input Public Mtg
January 10, 2023 BCC Regular Mtg
January 19, 2023 BCC Pre-Agenda

Budgeted Action: No action needed.

Board of County Commissioners

C. Commission Office

1. Appointment - Pirate Harbor Street & Drainage Advisory Board

Recommended Action: Approve the appointment of Thomas McClung to fill the unexpired term of Jeffrey Nilsson on the Pirate Harbor Street & Drainage Advisory Board. This appointment will be effective immediately and will expire on October 31, 2024.

Budgeted Action: No action needed.

D. County Administration

1. New Positions

Recommended Action: a) Approve addition of twenty-four full-time positions in various departments; and b) Approve addition of thirteen new vehicles to the fleet; and c) Approve Resolution, MOD23-02 and budget adjustment BA23-188 in the amount of \$1,522,853. **RES 2023-010**

Budgeted Action: Approve Budget Adjustment BA23-188 in the amount of \$1,522,853 for these positions and the associated equipment. Funding for this expenditure comes from various funds in various cost centers.

E. County Attorney

F. Budget and Administrative Services

Fiscal Services

1. Crime Prevention Fund - FY23

(Change #9) 1/20/2023: Added attachments – Crime Prevention Fund & Florida Statute, 1/23/2023: Added attachment – Crime Prevention Detail.

Recommended Action: Approve the transfer of \$88,000 to Charlotte County Sheriff's Office for crime prevention programs.

Budgeted Action: No action needed. Budgeted in the Crime Prevention Fund budget as approved in the FY2023 budget process. Funding for the expenditure comes from court related fines and fees.

Information Technology

Purchasing

2. 23-216, Award, Purchase of One (1) E-One Rear Mounted Aerial Apparatus (Public Safety)

Recommended Action: a) Approve File #23-216, for the purchase of one (1) 2024 E-One Rear Mounted Aerial Apparatus, from Hall-Mark RTC, Inc., of Ocala, Florida; piggybacking off the Florida Sheriff's Association Contract #FSA20-VEF14.02, at the unit cost of \$1,467,743.87; and b) Authorize this unit to be added to county fleet; and c) Approve Resolution and budget adjustment BA23-187. **RES 2023-011**

Budgeted Action: Approve Budget Adjustment BA23-187 in the amount of \$1,467,744 to the Fire Rescue Fund - Fire budget. Funding for this expenditure comes from Fire Assessments to be reimbursed by Babcock Ranch per Schedule D agreement.

3. 23-006, Award, County Right of Way Landscape Maintenance - Mid County – Annual Contract (Public Works)

Recommended Action: a) Approve award of Request for Bid #23-006, County Right of Way Landscape Maintenance - Mid County - Annual Contract including Additional Services to the lowest responsive, responsible bidder at the unit prices submitted to Brightview Landscape Services of Port Charlotte, Florida for the period from date of award through and including December 31, 2023; and b) Authorize the County Administrator, or designee, to approve renewal options for up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent.

Budgeted Action: No action needed. Budgeted in the Transportation Fund - Public Works Maintenance and Operation budget as approved in the FY2023 budget process. Funding for the expenditure comes from Gas Tax.

4. 23-012, Award, Utilities Design Manual (Utilities)

Recommended Action: Recommend the Board award with the top-ranked firm, Kimley Horn, of Fort Myers, Florida for Request for Letters of Interest # 21-056, Work Order #17, File #2023000012 Utilities Design Manual for a total not-to-exceed amount of \$195,000.

Budgeted Action: No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Administration budget as approved in the FY23 budget process. Funding for this expenditure comes from rate revenues.

5. 21-054, Approve, Change Order 7, West and South County Right of Way Landscape Maintenance - Annual Contract (Public Works)

Recommended Action: a) Recommend approval of Change Order #7 to Contract #21-054, West and South County Right of Way Landscape Maintenance - Annual Contract for the West County group as awarded to Walkers Services Inc. of Punta Gorda, Florida in the amount of \$27,730; and b) Approve Resolution and budget adjustment BA23-186 in the amount of \$25,090 for Rotonda Lakes Street and Drainage MSBU. **RES 2023-012**

Budgeted Action: Approve budget adjustment BA23-186 in the amount of \$25,090 to the Rotonda Lakes Street and Drainage MSBU. There is sufficient budget in the Gulf Cove Street and Drainage MSBU as approved in the FY23 budget process. Funding is supplied by assessments in the respective MSBUs.

6. 23-094 Award, Regulatory Compliance Services - Water (Utilities)

Recommended Action: Recommend the Board award with the top-ranked firm, Kimley Horn, of Fort Myers, Florida for Request for Letters of Interest # 21-056, Work Order #18, File #2023000094 Regulatory Compliance Services - Water for a total not-to-exceed amount of \$195,000.

Budgeted Action: No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Operations budget as approved in the FY23 budget process. Funding for this expenditure comes from rate revenues.

7. 23-095, Award, Regulatory Compliance Services - Wastewater and Reclaimed Water (Utilities)

Recommended Action: Recommend the Board award with the top-ranked firm, Kimley Horn, of Fort Myers, Florida for Request for Letters of Interest # 21-056, Work Order #19, File #2023000095 Regulatory Compliance Services, Wastewater and Reclaimed Water for a total not-to-exceed amount of \$195,000.

Budgeted Action: No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Operations budget as approved in the FY23 budget process. Funding for this expenditure comes from rate revenues.

8. 23-267, Approve Construction Manager at Risk Emergency Repair Contract – Charlotte County Sports Park (Administration)

Recommended Action: a) Declare the existence of an emergency procurement condition due to Hurricane Ian, which caused significant damage to the Charlotte County Sports Park, thereby suspending the procurement formalities in Section 1-2-182 of the Charlotte County Procurement Code; and b) Authorize the County to enter into a contract for Construction Management at Risk services with Wharton Smith, Inc. for emergency repairs to the Charlotte County Sports Park; and c) Authorize the Chairman to sign the contract.

Budgeted Action: No action needed. Hurricane costs are being collected in the Hurricane Fund. Funding is supplied from County general revenues, with anticipated cost reimbursement from insurance proceeds.

Commissioner Constance noted plans, goals, Spring Training season, and facilities.

Travis Perdue, Facilities Construction and Maintenance Director responded to repairs and plans.

Deputy County Administrator Emily Lewis replied to repairs, Spring Training, Tampa Bay Rays, and facilities.

COMMISSIONER CONSTANCE MOVED TO APPROVE DECLARING THE EXISTENCE OF AN EMERGENCY PROCUREMENT CONDITION DUE TO HURRICANE IAN, WHICH CAUSED SIGNIFICANT DAMAGE TO THE CHARLOTTE COUNTY SPORTS PARK, THEREBY SUSPENDING THE PROCUREMENT FORMALITIES IN SECTION 1-2-182 OF THE CHARLOTTE COUNTY PROCUREMENT CODE; AUTHORIZE THE COUNTY TO ENTER INTO A CONTRACT FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES WITH WHARTON SMITH, INC. FOR EMERGENCY REPAIRS TO THE CHARLOTTE COUNTY SPORTS PARK; AND AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Real Estate Services

9. Modification of Lease Agreement - Sheriff's Department Administration Building

(Change #5) Added attachment - Revised Lease Agreement.

Recommended Action: Authorize the Chairman to execute the Modification of Lease Agreement for approximately 7.04 acres of land for the Charlotte County Sheriff's Department administration building located at 7474 Utilities Road, Building #307. **A.AGR 980100A0**

Budgeted Action: No action needed. Budgeted in the Public Safety Fund - Sheriff Bcc Direct Expense budget as approved in the FY2023 budget process. Funding for this expenditure comes from Ad valorem revenues.

10. Release and Removal of Deed Restrictions - Bachman Tract, Resolution Authorizing County Administrator and His or Her Designees to Execute Documents to Close Sale with Palladium Investment Company LLC, and Resolution Releasing Certain Subsurface Rights to Real Property Subject to Sale to Palladium Investment Company LLC

Recommended Action: a) Authorize the Chairman to execute the Release and Removal of Deed Restrictions on the Bachman Tract requiring the School Board to pay Charlotte County \$40,728.83 if the property is not used as a fine arts facility or a joint library; and b) Approve Resolution authorizing the County Administrator, or designee, to execute documents necessary to close the sale of real property to Palladium Investment Company LLC; and c) Approve Resolution releasing certain subsurface rights to real property subject to sale to Palladium Investment Company LLC. **AGR 2023-010 / RES 2023-013 / RES 2023-014**

Budgeted Action: No action needed.

COMMISSIONER DOHERTY MOVED TO APPROVE AUTHORIZING THE CHAIRMAN TO EXECUTE THE RELEASE AND REMOVAL OF DEED RESTRICTIONS ON THE BACHMAN TRACT REQUIRING THE SCHOOL BOARD TO PAY

CHARLOTTE COUNTY \$40,728.83 IF THE PROPERTY IS NOT USED AS A FINE ARTS FACILITY OR A JOINT LIBRARY; APPROVE RESOLUTION 2023-013 AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE DOCUMENTS NECESSARY TO CLOSE THE SALE OF REAL PROPERTY TO PALLADIUM INVESTMENT COMPANY LLC; AND APPROVE RESOLUTION 2023-014 RELEASING CERTAIN SUBSURFACE RIGHTS TO REAL PROPERTY SUBJECT TO SALE TO PALLADIUM INVESTMENT COMPANY LLC, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

Risk Management

Transit

G. Community Development

H. Community Services

I. Economic Development

J. Facilities Construction and Maintenance

1. Lease Agreement - Senator Albritton

Recommended Action: a) Approve Lease Agreement between Charlotte County and Florida Senator Ben Albritton; and b) Approve Resolution authorizing the County Administrator, or designee, to sign and execute amendments, extensions, terminations, and novation changes to the Lease Agreement; and c) Authorize the Chairman to sign the Lease Agreement and Resolution. **AGR 2023-011 / RES 2023-015**

Budgeted Action: No action needed. Budgeted in the General Fund.

K. Human Resources

L. Human Services

M. Public Safety

1. Aircraft Rescue Firefighter (ARFF) Training Resolution and Contract

Recommended Action: a) Approve Resolution regarding the standard agreement for ARFF training services provided to outside agencies; and b) Authorize the County Administrator, or designee, to execute the Fire Training Services contract with agencies/customers outside of Charlotte County Fire & EMS. **RES 2023-016**

Budgeted Action: No action needed.

2. Amend Grant Agreement and FY23 Capital Improvement Project "Harold Avenue Recreational Center Wind Retrofit"

Recommended Action: a) Approve grant amendment with the Florida Division of Emergency Management in the amount of \$443,360 for the Harold Avenue Rec Center Wind Retrofit project; and b) Authorize the Chairman to sign; and c) Approve Resolution for budget adjustment BA23-185 in the amount of \$390,241, increasing the Capital Improvements Project "Harold Avenue Rec Center Wind Retrofit"; and d) Approve amended Capital Improvements Project "Harold Avenue Rec Center Wind Retrofit" increasing the total budget from \$166,099 to \$556,340. **A.GRT 2019-001 / RES 2023-017**

Budgeted Action: Approve budget adjustment BA23-185 in the amount of \$390,241 amending the FY23 budget for adopted Capital Improvements Project "Harold Avenue Rec Center Wind Retrofit" from \$166,099 to \$556,340. The County match of 25% increases from \$28,245 to \$139,085, and the Federal share increases from \$88,971 to \$417,255. Funding is provided from Capital Projects Fund Ad valorem taxes.

Chair Truex spoke to Agreement, language, design, code, facility utilization, requirements, and Grant.

Patrick Fuller, Emergency Management Director interjected on Grant, requirements, shelters, code, Federal Emergency Management Agency (FEMA), and Florida Department of Emergency Management (FDEM).

COMMISSIONER CONSTANCE MOVED TO APPROVE GRANT AMENDMENT 2019-001 WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT IN THE AMOUNT OF \$443,360 FOR THE HAROLD AVENUE REC CENTER WIND RETROFIT PROJECT; AUTHORIZE THE CHAIRMAN TO SIGN; APPROVE RESOLUTION 2023-017 FOR BUDGET ADJUSTMENT BA23-185 IN THE AMOUNT OF \$390,241, INCREASING THE CAPITAL IMPROVEMENTS PROJECT "HAROLD AVENUE REC CENTER WIND RETROFIT"; APPROVE AMENDED CAPITAL IMPROVEMENTS PROJECT "HAROLD AVENUE REC CENTER WIND RETROFIT" INCREASING THE TOTAL BUDGET FROM \$166,099 TO \$556,340, AND ALLOW ADMINISTRATION, IF THEY CAN UPGRADE THE PARAMETERS, TO DO SO, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

N. Public Works

O. Tourism Development

1. Florida Sports Foundation Snowbird Baseball Grant Agreement

Recommended Action: a) Ratify the Grant Administrative Approval, of the grant application, as executed by the County Administrator on October 18, 2022; and b) Approve the acceptance of the Florida Sports Foundation grant in the amount of \$15,000; and c) Authorize the Chairman to sign the agreement. **GRT 2023-003**

Budgeted Action: No action needed. Budgeted in the Tourism Promo General account during the FY23 budget process. Grant funding in the amount of \$15,000 will be paid by the Florida Sports Foundation. Matching funding in the amount of \$15,000 will be paid by the Tourism Development Tax Fund.

P. Utilities

1. Ackerman Collection System FDEP Loan Application WW0802J

Recommended Action: a) Approve submittal and execution of State of Florida Department of Environmental Protection (FDEP) State Revolving Construction Loan Application WW0802J for Ackerman Collection System Project; and b) Adopt Resolution authorizing the County Administrator, or designee, to execute the loan agreement, any amendments to the loan agreement, and any other related documentation. **AGR 2023-012 / RES 2023-018**

Budgeted Action: No action needed. Future loan will be repaid by the Ackerman Sewer MSBU Base Rates and Assessments. The project has been previously reviewed by the Finance Committee.

2. East Port Water Reclamation Facility FDEP Loan Application WW0802E

Recommended Action: a) Approve submittal and execution of State of Florida Department of Environmental Protection (FDEP) State Revolving Construction Loan Application WW0802E for East Port Water Reclamation Facility Expansion (WRF) Project; and b) Adopt Resolution authorizing the County Administrator, or designee, to execute the loan agreement, any amendments to the loan agreement, and any other related documents. **AGR 2023-013 / RES 2023-019**

Budgeted Action: No action needed. Future loan will be repaid by Utility rate revenues. The project has been previously reviewed by the Finance Committee.

Q. Other Agencies

REGULAR AGENDA

R. Regular Agenda

Taken Out of Order

(Addition #1) 6. WCIND Agenda, January 27, 2023

Community Services

Discussion and Direction on the West Coast Inland Navigation District (WCIND) agenda for the upcoming meeting on January 27, 2023.

Justin McBride, West Coast Inland Navigation District (WCIND) Executive Director highlighted WCIND Agenda, January 27, 2023.

Chair Truex commented on canal debris removal. Commissioner Constance discussed State intervention.

1. Hurricane Ian Update

County Administration

(Change #10) Added attachments – ARP Update & Cultural Center.

Update on Hurricane Ian.

Mr. Fuller highlighted applications, US Small Business Administration (SBA) loans, Disaster Recovery locations, FEMA, transitional sheltering, weekly disaster housing meetings, mobile homes, group sites, commercial parks, Non-Congregate Sheltering Mission, State resources, Centennial Park, insurance companies, and unlivable structures.

Chair Truex discussed FEMA, TetraTech, billing, Hurricane Charley, debris costs, cubic yards, and Heating, Ventilation, and Air Conditioning (HVAC) Systems. **Commissioner Constance** mentioned mobile homes, unlivable structures, General Fund Reallocation, FEMA, AshBritt, invoices, Hurricane Ian Initial Damage Assessment Dashboard, Cultural Center, damages, American Rescue Plan (ARP), Air Quality, and HVAC Systems. **Commissioner Deutsch** noted insurance companies, Charlotte Harbor Event Center, event, FEMA, rebuilding cost, deductible, depreciation, Edgewater Drive, parks, trees, Harbor Boulevard, and William R. Gaines Jr. Veterans Memorial Park. **Commissioner Tiseo** spoke to cashflow, contractor, payments, reimbursement, timeline, accuracy, FEMA, limits, assets, Hurricane Ian Initial Damage Assessment Dashboard, Cultural Center, damages, assessment, loss, Theater, and Justice Center generator.

County Administrator Flores remarked on Recovery Timeline.

Gordon Burger, Budget and Administrative Services Director gave a brief overview of American Rescue Plan Budget, General Fund Reallocation, Appendix J: Public Assistance Work Eligibility Matrix, Recovery Timeline, commented on Hurricane Ian Initial Damage Assessment Dashboard, and FEMA.

Ray Carter, Risk Manager interjected on insurance company, rebuilding, deductible, mitigation, cost, FEMA, Ordinance and law of coverage, code, and endorsement.

Mr. Perdue gave a brief overview of Pre-Storm Condition, Air Quality, HVAC Systems, Post Storm Condition, Theater, Learning Center, Senior Center, Port Charlotte Library, Current Status, and highlighted Justice Center generator.

John Elias, Public Works Director highlighted signs, materials, debris, removal, citizen drop areas, Waste Management, cubic yards, truck loads, completed and uncompleted zones, FDEM, waterways, and roadways.

Taken Out of Order

PRESENTATION AGENDA

T. 10:00 A.M. Presentations

1. Cultural Center Update

(Change #8) Added attachments – Presentations.

Update on Cultural Center.

Ashley Maher, Charlotte Community Foundation Chief Executive Officer (CEO) gave a brief overview on History of the Cultural Center, History of the Center, Charlotte County Cultural Center, Port Charlotte Cultural Center, The place that friendship built, Cultural Center: Final Offerings, Top Cultural Center Articles (Relevance) 10/2021-09/2022, Charlotte County: Current Offerings, Charlotte County Statistics, About Charlotte Community Foundation, Charlotte Community Foundation Involvement, Consultant: Robert Meeder, PhD, Robert Meeder, PhD consulting projects, Introductory Visit to Charlotte County, Charlotte County Meetings, Bob Meeder perspective on Charlotte County (CC) assets, Visioning, 21st Century Library, Innovation/Technology, Medicine/Science/Research/Support Groups, Arts & Culture, Education, Food-Seed to Table, Conference, Meeting, Small Business Space, A new place for friendship to begin, and Timeline of next steps.

Commissioner Constance inquired to grant funding. **Commissioner Tiseo** mentioned programs, utilization, Citizen Master Plan, and Education.

RECESS: 12:17 pm – 1:00 pm

1 P.M. PUBLIC INPUT - ANY SUBJECT

John Beane noted Carmalita Park, Pop Warner and Cheerleading program, Hurricane Charley, press box, shipping container, Hurricane Ian, Charlotte County Chamber Leadership Program, permits, public safety, code, and funding.

Tim Ritchie spoke to toxins, Mosaic, phosphate, mining, sediment testing, request, and run-off.

Richard Russell commented on Mosaic, testing, Florida Department of Environmental Protection (FDEP), contamination, DeSoto County, Workshop, Sunrise Waterway, meetings, Hurricane Ian, sandbar, Charlotte Harbor, groin system, and access.

Scott Prosuch discussed 4488 Harbor Boulevard, home construction, community safety, sidewalk closure, Buena Vista Association, and Florida Building Code 3306.

Matthew Rhineberger, Septic Sucks mentioned septic systems, red tide, nutrient removal technology, environmental impacts, and water quality.

Rob Kruzel noted Tringali Hockey Rink, surface, sealer, and Parks and Recreation.

Steve Sousa spoke to Sunrise Waterway, budget, General Fund, dredging, cost, and increase.

R. Regular Agenda (Continued)

2. Coastal Planning and Neighborhood Framework Discussion

Community Development

(Change #1) Added attachment – Updated presentation.

Discussion and possible direction regarding the history of the County's Neighborhood Framework Designations and Coastal Planning discussion moving forward in the aftermath of Hurricane Ian.

Shaun Cullinan, Planning and Zoning Official gave a brief overview of Coastal Planning, Coastal Planning Objectives, Coastal (CST) Goals, Objectives and Policies, Coastal High Hazard Area (CHHA), Future Land Use Map (FLUM) Series Map #14: CHHA and Evacuation Routes, Storm Surge Evacuation Zones, FEMA Flood Insurance Rate Map (FIRM), FIRM, Ian Projects, Moving Forward, History of the County's 2050 Comprehensive Plan Rewrite, Process for Creating the Comprehensive Plan, Key Issues & Challenges, Results, Purpose of Frameworks, Process for Creating Frameworks, Initial Planning Concept Plan, Table FLU-3: Neighborhoods Planning Framework, Outcomes, and FLUM Series Map #2: 2050 Framework.

Chair Truex commented on Coastal Barrier Resource Act (CBRA) Zones, FEMA, standards, Property Appraisers Office, Moving Forward, and dirt cost. **Commissioner Constance** discussed density, Moving Forward, transient and coastal living, surges, Ian Projections, and FLUM Series Map #2: 2050 Framework. **Commissioner Deutsch** mentioned emerging and maturing neighborhoods, road improvements, impacts, density, elevations, and Moving Forward. **Commissioner Doherty** noted Moving Forward, storm surge maps, and engineering solutions. **Commissioner Tiseo** spoke to Comprehensive Plan, studies, Coastal Planning Objectives, Moving Forward, density, classifications, and FLUM Series Map #2: 2050 Framework.

Donna Bailey, Floodplain Coordinator responded to CBRA Zones, display issues, Property Appraisers Office, and Geographic Information System (GIS).

Assistant County Administrator Claire Jubb remarked on density, Comprehensive Plan, and CHHA.

3. Water Authority Agenda - February 8, 2023

Utilities

(Change #11) Added attachments – DRAFT 20230208 Agenda & REVISED DRAFT 20230208 Agenda.

Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the upcoming February 8, 2023 meeting.

Dave Watson, Utilities Director highlighted Water Authority Agenda – February 8, 2023.

Commissioner Constance commented on Hurricane Ian Damage and Repair Update, reservoir, cost, Southwest Florida Water Management District (SWFWMD), funding, proportionate share, supply, sources, Babcock Ranch, Bermont Road, and pipeline. **Commissioner Deutsch** discussed water rates, growth, reservoir, and cost.

Commissioner Doherty mentioned SWFWMD, funding, reservoir, supply, sources, County needs, resiliency, cost, and revenue. **Commissioner Tiseo** noted reservoir, cost, Bermont Road, Babcock Water Supply, and funding.

4. Proposed Resolution - Phosphate Mining

Commission Office

(Change #4) Added attachment – Resolution II.

Approve Resolution regarding Phosphate Mining. **RES 2023-020**

Chair Truex spoke to Mosaic, site, tour, process, data, source, references, and Workshop. **Commissioner Constance** commented on Resolution, language, FDEP, Water Management District, Mosaic, email, water supply, development capacity, impacts, regulatory agencies, and Mulberry gypsum stack. **Commissioner Doherty** discussed Resolution, language, Mosaic, regulatory agencies, Workshop, risk probability, email, Water Authority, DeSoto County Commission, design standards, and Hurricane Ian. **Commissioner Deutsch** mentioned Mosaic, Workshop, water quality, rules, regulations, risk probability, and DeSoto County. **Commissioner Tiseo** noted Resolution, language, Mosaic, email, DeSoto County, Workshops, business model, shareholders, Ordinance, phosphate mining ban, One Water One Charlotte Policy, Hurricane Ian, flooding, Horse Creek, City of North Port, study, water supply, and impacts.

County Administrator Flores responded to Mosaic and Workshop.

COMMISSIONER TISEO MOVED TO APPROVE RESOLUTION 2023-020 REGARDING PHOSPHATE MINING, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

2 P.M. LAND USE AGENDA

PUBLIC INPUT - LAND USE CONSENT AGENDA ITEMS ONLY - None

Consent Agenda

COMMISSIONER DOHERTY MOVED TO APPROVE THE LAND USE CONSENT AGENDA, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

UA 1. DRC-22-00194, Heritage Lake Park

Community Development

Banks Engineering is requesting Final Detail Site Plan approval for Heritage Lake Park. This project consists of 40 single-family attached units. This project site is 8.1± acres and is located at 2063-2120 Royal Tern Circle, Punta Gorda, Florida in Section 17, Township 40, Range 23. Located in Commission District I. **RES 2023-022**

Quasi-Judicial

UA 2. FP-22-01-03, Babcock Ranch Community Spine Road DD8-10

Community Development

Approve a Final Plat for a subdivision to be named, Babcock Ranch Community Spine Road DD8-10. The subdivision is to consist of eight tracts for roadway, drainage, and future development. The site contains 192.67± acres, and is generally located south of Bermont Road, north of Saw Palmetto Parkway, west of the County line with Glades County and east of Bluebird Trail, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 2, within the East County area. Located in Commission District I.

Quasi-Judicial

UA 3. FP-22-02-04, Babcock National Phase 6

Community Development

Approve a Final Plat for a subdivision to be named, Babcock National Phase 6, as well as approval of a Developer's Agreement and surety to cover the construction of the plat infrastructure. The proposed subdivision is a residential development to consist of 54 single-family lots on 18.51± acres. The site is generally located south of Bermont Road, north of Greenway Boulevard, west of Crane Marsh Court and east of Greenway Boulevard. The site is located within the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, the East County area. Located in Commission District I. **AGR 2023-014**

Quasi-Judicial

UA 4. FP-21-01-03, Cove at West Port Phase 1B

Community Development

Approve a Bond Reduction request and First Amendment to a Developer's Agreement to reduce the surety amount provided by Bond No. 2316663, issued by North American Specialty Insurance Company, in the amount of \$2,064,529.04 to \$73,174.62 for the completion of the remaining infrastructure for Cove at West Port Phase 1B. The site contains 115.34± acres and generally located north of El Jobean Road, south of Tamiami Trail, east of Crestwood Waterway and west of Powell Valley Drive, in the Port Charlotte area. Located in Commission District IV. **AGR 2022-005**

Quasi-Judicial

UA 5. FP-17-04-03, Harbor West

Community Development

Approve a Bond Release for the Final Plat of a residential subdivision named, Harbor West. The site is 99.6± acres and generally located south of the Butterford Waterway, north of Abalone Road, east of Santa Cruz Drive, and west of St. Paul Drive, in the Port Charlotte area. Located in Commission District III.

Quasi-Judicial

UA 6. FP-17-06-04, Waterford Estates Phase 2B and 2C

Community Development

Approve a Bond Release for the Final Plat of a residential subdivision named, Waterford Estates Phase 2B and 2C. The site is 34.01± acres and generally located south of Carmalita Street, north of Airport Road, east of Education Avenue, and west of Carmalita Park. Located in Commission District II.

Quasi-Judicial

UA 7. FP-04-05-10, River Club

Community Development

Approve a Bond Release for the Final Plat of a residential subdivision named, River Club. The site is 126.0± acres and generally located north and south of Westchester Boulevard, east of Melissa Court, and west of Rowland drive, in the Port Charlotte area. Located in Commission District I.

Quasi-Judicial

UA 8. CSZ-22-09, Cape Haze Resort

Community Development

a) Approve a Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of Sending Zones located at 8401, 8415, 8419, 8423, and 8429 Placida Road, within the Cape Haze Resort development, in the Placida area; within Commission District III; containing 22.59± acres; for calculation and severance of 77 density units, in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-22-09; Applicants: Cape Haze Resort Community Association, Inc. joined by CHR Improvement, LLC and CHR Properties, LLC, providing an effective date. Located in Commission District III; and b) Authorize the Chairman to execute a First Amendment 2023-030 to Restrictive Covenant relating to this action. **AGR 2023-030 / RES 2023-023**

Quasi-Judicial

Public Hearing

Minutes Clerk Johnston administered oath for testimony.

Taken Out Of Order

UB 6. PP-22-05-12, The Flatwoods at Babcock Ranch

Community Development

Approve a Preliminary Plat for a subdivision to be named, The Flatwoods at Babcock Ranch, consisting of 246-lots and 23 tracts. This site contains 68.51± acres, and is generally located south of Cypress Parkway, north of the Lee County line, west of Muhly Grass Road, and east of SR 31, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment I, within the East County area. Located in Commission District I.
Quasi-Judicial

Chair Truex polled the Board for Ex Parte Disclosures. **Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo** advised they submitted the required forms to the Clerk's Office.

Mr. Cullinan gave a brief overview of PP-22-05-12, Location Map, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, 2021 Google Earth Image, FLUM Designations, Zoning Designations, 1000' Buffer Map, Proposed Changes, and Proposed Changes (Aerial).

Attorney Rob Berntsson, Applicant Representative joined in Staff Report.

Commissioner Constance spoke to Proposed Changes and Proposed Changes (Aerial).

Public Input

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE A PRELIMINARY PLAT FOR A SUBDIVISION TO BE NAMED, THE FLATWOODS AT BABCOCK RANCH, CONSISTING OF 246-LOTS AND 23 TRACTS. THIS SITE CONTAINS 68.51± ACRES, AND IS GENERALLY LOCATED SOUTH OF CYPRESS PARKWAY, NORTH OF THE LEE COUNTY LINE, WEST OF MUHLY GRASS ROAD, AND EAST OF STATE ROAD 31, IN THE BOUNDARY OF THE BABCOCK RANCH COMMUNITY DEVELOPMENT OF REGIONAL IMPACT (DRI) INCREMENT I, WITHIN THE EAST COUNTY AREA. LOCATED IN COMMISSION DISTRICT I, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

UB 1. PAS-22-00008, Creekside RV Resort

Community Development

Approve an Ordinance, pursuant to Section 163.3187, Florida Statutes, adopting a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, a. from Low Density Residential (LDR) (39.10± acres) and Agriculture (AG) (10.03± acres) to Medium Density Residential (MDR) with an annotation to the 2030 Future Land Use Map stating that 1) the base density of the entire site is 12 units, and 2) the use of the

entire site for a recreational vehicle park will be limited to 256 recreational vehicles and will not require a transfer of density; b. to remove an annotation from the 2030 Future Land Use Map which states that 1) the base density of the site (portion of a parcel located at 1 Creek Side Loop) is two units, and 2) the use of the site for a recreational vehicle park will be limited to 195 recreational vehicles and will not require a transfer of density; for property, including two parcels, 39.10 ± acres of one parcel located at 1 Creek Side Loop, and another parcel located at 27095 Jones Loop Road, in the Punta Gorda area, containing 49.13± acres; Commission District II; Petition No. PAS-22-00008; Applicant: TAG Creekside, LLC; providing an effective date. Located in Commission District II. **ORD 2023-001**

Legislative

Jie Shao, Principal Planner provided credentials, gave a brief overview of Proposed Changes, Location Map, 1000' Buffer Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, and Planned Development (PD) Concept Plan.

Chair Truex commented on density and discrepancy. **Commissioner Constance** discussed Recreational Vehicle (RV), zoning, density, discrepancy, site plan, and information. **Commissioner Doherty** mentioned information. **Commissioner Tiseo** noted units, by-rights, Staff Report, surrounding uses, rezoning, and density.

Attorney Geri Waksler, Applicant Representative accepted Ms. Shao as an expert, spoke to rezoning, sites, adjacent land, traffic study, Comprehensive Plan, Burnt Store Area Plan, density, discrepancy, language, joined in Staff Report, and requested approval.

Mr. Cullinan interjected on 2015 approval letter, units, site plan, and RV language.

Public Input for Petition Number PAS-22-00008, Creekside RV Resort and Petition Number PD-22-00012, Creekside RV Resort

Tim Ritchie spoke against Public Input for Petition Number PAS-22-00008, Creekside RV Resort and Petition Number PD-22-00012, Creekside RV Resort, commented on water usage, development, agricultural land, rezoning, traffic, City of Punta Gorda, and conservation.

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-001 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, ADOPTING A SMALL SCALE PLAN AMENDMENT TO CHANGE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE: (A) FROM LOW DENSITY RESIDENTIAL (LDR) (39.10± ACRES) AND AGRICULTURE (AG) (10.03± ACRES) TO MEDIUM DENSITY RESIDENTIAL (MDR) WITH AN ANNOTATION TO THE 2030 FUTURE LAND USE MAP STATING THAT: (1) THE BASE DENSITY OF THE ENTIRE SITE IS 12 UNITS, AND (2) THE USE OF THE ENTIRE SITE FOR A RECREATIONAL VEHICLE PARK WILL BE LIMITED TO 256 RECREATIONAL VEHICLES AND WILL NOT REQUIRE A TRANSFER OF DENSITY; AND (B) TO REMOVE AN ANNOTATION FROM THE 2030 FUTURE LAND USE MAP WHICH STATES THAT: (1) THE BASE DENSITY OF THE SITE (PORTION OF A PARCEL LOCATED AT 27005 JONES

LOOP ROAD) IS TWO UNITS, AND (2) THE USE OF THE SITE FOR A RECREATIONAL VEHICLE PARK WILL BE LIMITED TO 195 RECREATIONAL VEHICLES AND WILL NOT REQUIRE A TRANSFER OF DENSITY; FOR PROPERTY, INCLUDING TWO PARCELS, 39.10± ACRES OF ONE PARCEL LOCATED AT 27005 JONES LOOP ROAD, AND ANOTHER PARCEL CONSISTING OF 10.03± ACRES LOCATED AT 27095 JONES LOOP ROAD, IN THE PUNTA GORDA AREA, CONTAINING A TOTAL OF 49.13± ACRES; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT II; PETITION PAS-22-00008; APPLICANT, TAG CREEKSIDE, LLC; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

UB 2. PD-22-00012, Creekside RV Resort

Community Development

Approve an Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Recreational Vehicle Park (RVP) (39.10± acres) and Residential Estate 1 (RE-1) (10.03± acres) to Planned Development (PD) to allow for expansion of an existing RV park to have recreational vehicles up to 256 units, and also adopt a General PD Concept Plan; for property, including two parcels, 39.10± acres of one parcel located at 27005 Jones Loop Road, and another parcel consisting of 10.03± acres located at 27095 Jones Loop Road, in the Punta Gorda area, containing a total of 49.13± acres; Commission District II; Petition No. PD-22-00012; Applicant: TAG Creekside, LLC; providing an effective date. Located Commission District II. **ORD 2023-002**

Quasi-Judicial

Chair Truex polled the Board for Ex Parte Disclosures. **Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo** advised they submitted the required forms to the Clerk's Office.

Ms. Shao provided credentials, gave a brief overview of Proposed Changes, Location Map, 1000' Buffer Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, and PD Concept Plan.

Chair Truex commented on density and discrepancy. **Commissioner Constance** discussed Recreational Vehicle (RV), zoning, density, discrepancy, site plan, and information. **Commissioner Doherty** mentioned information. **Commissioner Tiseo** noted units, by-rights, Staff Report, surrounding uses, rezoning, and density.

Attorney Geri Waksler, Applicant Representative accepted Ms. Shao as an expert, spoke to rezoning, sites, adjacent land, traffic study, Comprehensive Plan, Burnt Store Area Plan, density, discrepancy, language, joined in Staff Report, and requested approval.

Mr. Cullinan interjected on 2015 approval letter, units, site plan, and RV language.

Public Input for Petition Number PAS-22-00008, Creekside RV Resort and Petition Number PD-22-00012, Creekside RV Resort

Tim Ritchie spoke against Public Input for Petition Number PAS-22-00008, Creekside RV Resort and Petition Number PD-22-00012, Creekside RV Resort, commented on water usage, development, agricultural land, rezoning, traffic, City of Punta Gorda, and conservation.

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

COMMISSIONER TISEO MOVED TO APPROVE ORDINANCE 2023-002 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM RECREATIONAL VEHICLE PARK (RVP) (39.10± ACRES) AND RESIDENTIAL ESTATE 1 (RE-I) (10.03± ACRES) TO PLANNED DEVELOPMENT (PD) TO ALLOW FOR EXPANSION OF AN EXISTING RV PARK TO HAVE RECREATIONAL VEHICLES UP TO 256 UNITS, AND ALSO ADOPT A GENERAL PD CONCEPT PLAN; FOR PROPERTY, INCLUDING TWO PARCELS, 39.10± ACRES OF ONE PARCEL LOCATED AT 27005 JONES LOOP ROAD, AND ANOTHER PARCEL CONSISTING OF 10.03± ACRES LOCATED AT 27095 JONES LOOP ROAD, IN THE PUNTA GORDA AREA, CONTAINING A TOTAL OF 49.13± ACRES; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT II; PETITION PD-22-00012; APPLICANT, TAG CREEKSIDE, LLC; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

UB 3. PD-22-00010, Major Modification to the Bella Via PD

Community Development

Approve an Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD; this is a major modification to modify the layout and placement of some buildings, and to revise development standards as established in the Final Detail Site Plan for the residential development, Bella Via Condominium, and approved via Resolution Number 2006-169. This development is within the existing Planned Development (PD-80-1). The proposed changes will also reduce the approved residential development rights from 212 dwelling units to 208 dwelling units, and adopt the General PD Concept Plan; for property generally located north of Harborview Road, south of Westchester Boulevard, west of Loveland Boulevard, and east of Kings Highway, in the Port Charlotte area, containing 42.62± acres; Commission District I; Petition No. PD-22-00010; Applicant: Taylor Morrison of Florida, Inc -c/o Charles Cook; providing an effective date. Located Commission District I. **ORD 2023-003**

Quasi-Judicial

Chair Truex polled the Board for Ex Parte Disclosures. **Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo** advised they submitted the required forms to the Clerk's Office.

Ms. Shao provided credentials, gave a brief overview of Proposed Changes, Location Map, 1000' Buffer Map, Area Image, Framework, FLUM Designations, Zoning Designations, and Master Concept Plan.

Jeremy Frantz, Applicant Representative accepted Ms. Shao as an expert, joined in Staff Report, discussed emergency access location, minor PD changes, units, parking, code requirements, amenities, and buffer.

Chair Truex mentioned modification and extension. **Commissioner Constance** noted units, parking, zoning, density, Area Image, and PD. **Commissioner Deutsch** spoke to units, parking, amenities, and square footage. **Commissioner Tiseo** commented on Area Image, Proposed Changes, units, parking, density, buildings, modification, extension, and site plan.

Mr. Cullinan interjected on parking, RV, boats, requirements, code, regulations, and PD.

Public Input

Debbie Sharon spoke against PD-22-00010, Major Modification to the Bella Via PD, discussed RV storage, development, zoning, units, and parking.

Minutes Clerk Johnston administered oath for testimony.

Dean Neal mentioned parking and buildings.

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-003 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD); A MAJOR MODIFICATION TO MODIFY THE LAYOUT AND PLACEMENT OF SOME BUILDINGS, AND TO REVISE DEVELOPMENT STANDARDS AS ESTABLISHED IN THE FINAL DETAIL SITE PLAN FOR THE RESIDENTIAL DEVELOPMENT, BELLA VIA CONDOMINIUM, APPROVED VIA RESOLUTION NUMBER 2006-169, AND LYING WITHIN THE EXISTING PLANNED DEVELOPMENT (PD-80-1), AND ALSO REDUCING THE APPROVED RESIDENTIAL DEVELOPMENT RIGHTS FROM 212 DWELLING UNITS TO 208 DWELLING UNITS; AND ADOPTING A GENERAL PD CONCEPT PLAN; FOR PROPERTY GENERALLY LOCATED NORTH OF HARBORVIEW ROAD, SOUTH OF WESTCHESTER BOULEVARD, WEST OF LOVELAND BOULEVARD, AND EAST OF KINGS HIGHWAY, IN THE PORT CHARLOTTE AREA, CONTAINING 42.62 ACRES MORE OR LESS, COMMISSION DISTRICT L, CHARLOTTE COUNTY, FLORIDA; PETITION PD-22-00010; APPLICANT, TAYLOR MORRISON OF FLORIDA, INC.; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

UB 4. PAS-22-00002, Harper Multi-family Development

Community Development

(Change #2) Added attachment – Revised Applicant Presentation.

Approve an Ordinance, pursuant to Section 163.3187, Florida Statutes, adopting a Small Scale Plan Amendment to change 1) Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Charlotte Harbor Coastal Residential (CHCR) to Charlotte Harbor Mixed Use (CHMU) for 11.88± acres, and 2) Charlotte County FLUM Series Map #1A: Charlotte Harbor 2030 FLU - Detail Map from Charlotte Harbor Coastal Residential (CHCR) to Charlotte Harbor Mixed Use (CHMU) for 11.88± acres, for a portion of the property located at 23317 Harper Avenue and 4460 Pinnacle Street, in the Charlotte Harbor Community Redevelopment Area (CRA) and in the Port Charlotte area; Commission District I; Petition No. PAS-22-00002; Applicant: Pastore Doyle Developers, LLC; providing an effective date. Located in Commission District I. **ORD 2023-004**

Legislative

Ms. Shao provided credentials, gave a brief overview of Proposed Changes, Location Map, 1000' Buffer Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, PD Concept Plan, and CHHA.

Attorney Geri Waksler, Applicant Representative gave a brief overview of PD Concept Plan, Transfer of Density Units (TDU) Sending Zone, Sending Zone Evacuation Routes, Proposed Conditions of Approval, asked that Todd Rebol, Banks Engineering be accepted as an expert, noted elevation, Sunseeker, mixed use code, Charlotte Harbor Mixed Use (CHMU), building height, buffers, wetland mitigation plan, tidal creek, density, future development, and requested approval.

Mr. Rebol gave a brief overview of Map 14: CHHA and Evacuation Routes, SLOSH Data National Oceanic and Atmospheric Administration (NOAA), National Hurricane Center Storm Surge Risk Maps: Category 1, Category 2, Category 3, Category 4, Category 5, FEMA Map (Effective 12/15/2022), Boundary & Topographic Survey, Development Summary, Site Conditions Compared to Standards/Proposed Site Conditions, spoke to elevation, Sunseeker, parking, building height, Americans with Disabilities Act (ADA), utilities, eagles' nest, PD Concept Plan, SWFWMD permit, tidal discharge area and creeks, water quality treatment, site run-off, and stormwater basins.

Chair Truex commented on elevation, variance, parking, building height, eagles' nest, and density transfer. **Commissioner Constance** discussed site location, density, units, zoning, conditions, CHHA, and major modification. **Commissioner Deutsch** mentioned elevation, rendering, and parking. **Commissioner Doherty** noted elevation, evacuation, zones, CHHA, utilities, eagles' nest, Water Management District, flooding, historic basic storage component, permit, unrestricted discharge, water quality treatment, wetlands, and land use rights. **Commissioner Tiseo** spoke to traffic studies, classification, density, by-rights, units, and future development.

Mr. Cullinan responded to building height, freeboard, base flood elevation, Charlotte Harbor Community Redevelopment Agency (CHCRA), waterfront overlay code, Comprehensive Plan, zoning, by-rights, major PD modification, concept plan, mitigation, and evacuation study.

Rudy Ortega, Project Architect replied to building height.

Public Input for Petition Number PAS-22-00002, Harper Multi-family Development and Petition Number PD-22-00001, Harper Multi-family Development

Betsy Williams, Shady Lane resident spoke against PAS-22-00002, Harper Multi-family Development, PD-22-00001, Harper Multi-family Development, commented on Staff Report, codes, zoning, density, roadway, utilities, sidewalks, drainage, public safety, CHHA, and units.

John Miscoe spoke against PAS-22-00002, Harper Multi-family Development, PD-22-00001, Harper Multi-family Development, discussed Charlotte Harbor Utilities, water tank, safety, traffic, reports, Sunseeker, Harborview Road, roadways, access, school bus stops, sidewalks, evacuation, wetlands, drainage, and Hurricane lan.

John Everson spoke against PAS-22-00002, Harper Multi-family Development, PD-22-00001, Harper Multi-family Development, mentioned code, zoning, public safety, Sunseeker, floodplain zone, Peace River Preserve, and coastal waterfront area.

Tim Ritchie spoke against PAS-22-00002, Harper Multi-family Development, PD-22-00001, Harper Multi-family Development, noted water tank, flood zones, median high, water quality, eagles' nest, environmental impacts, zoning, Sunseeker, traffic, low-income and workforce housing, Hurricane lan, and building height.

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-004 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, ADOPTING A SMALL SCALE PLAN AMENDMENT TO CHANGE: (1) CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM CHARLOTTE HARBOR COASTAL RESIDENTIAL (CHCR) TO CHARLOTTE HARBOR MIXED USE (CHMU) FOR 11.88 ACRES MORE OR LESS; AND (2) CHARLOTTE COUNTY FLUM SERIES MAP #1A: CHARLOTTE HARBOR 2030 FLU - DETAIL MAP FROM CHARLOTTE HARBOR COASTAL RESIDENTIAL (CHCR) TO CHARLOTTE HARBOR MIXED USE (CHMU) FOR 11.88 ACRES MORE OR LESS; FOR A PORTION OF THE PROPERTY LOCATED AT 23317 HARPER AVENUE AND 4460 PINNACLE STREET, IN THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AREA (CRA) AND IN THE PORT CHARLOTTE AREA, CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT I; PETITION PAS-22-00002; APPLICANT, PASTORE DOYLE DEVELOPERS, LLC; PROVIDING AN EFFECTIVE DATE, SECONDED BY CHAIR TRUEX

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

UB 5. PD-22-00001, Harper Multi-family Development

Community Development

(Change #3) Added attachment – Revised Applicant Presentation.

Approve an Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Charlotte Harbor Mixed Use (CHMU) (4.08± acres) and Coastal Residential 3.5 (CR-3.5) (37.76± acres) to Planned Development (PD), in order to allow for development of a multi-family residential community up to 222 units; increasing density from 193 units to 222 units, and requiring a transfer of 29 density units; also adopting a

General PD Concept Plan; for the subject property including four parcels located at 23317 and 23245 Harper Avenue, 4460 Pinnacle Street and 23386 Farnam Street, and two parcels located south of Harper Avenue, northeast of Freedom Avenue, east of Church Street, and west of Shady Lane, in the Charlotte Harbor Community Redevelopment Area (CRA) and in the Port Charlotte area, containing 41.84± acres; Commission District I; Petition No. PD-22-00001; Applicant: Pastore Doyle Developers, LLC; providing an effective date. Located Commission District I. **ORD 2023-005**

Quasi-Judicial

Chair Truex polled the Board for Ex Parte Disclosures. **Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo** advised they submitted the required forms to the Clerk's Office.

Ms. Shao provided credentials, gave a brief overview of Proposed Changes, Location Map, 1000' Buffer Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, PD Concept Plan, and CHHA.

Attorney Geri Waksler, Applicant Representative gave a brief overview of PD Concept Plan, TDU Sending Zone, Sending Zone Evacuation Routes, Proposed Conditions of Approval, asked that Todd Rebol, Banks Engineering be accepted as an expert, noted elevation, Sunseeker, mixed use code, CHMU, building height, buffers, wetland mitigation plan, tidal creek, density, future development, and requested approval.

Mr. Rebol gave a brief overview of Map 14: CHHA and Evacuation Routes, Slosh Data (NOAA), National Hurricane Center Storm Surge Risk Maps: Category 1, Category 2, Category 3, Category 4, Category 5, FEMA Map (Effective 12/15/2022), Boundary & Topographic Survey, Development Summary, Site Conditions Compared to Standards/Proposed Site Conditions, spoke to elevation, Sunseeker, parking, building height, ADA, utilities, eagles' nest, PD Concept Plan, SWFWMD permit, tidal discharge area and creeks, water quality treatment, site run-off, and stormwater basins.

Chair Truex commented on elevation, variance, parking, building height, eagles' nest, and density transfer. **Commissioner Constance** discussed site location, density, units, zoning, conditions, CHHA, and major modification. **Commissioner Deutsch** mentioned elevation, rendering, and parking. **Commissioner Doherty** noted elevation, evacuation, zones, CHHA, utilities, eagles' nest, Water Management District, flooding, historic basic storage component, permit, unrestricted discharge, water quality treatment, wetlands, and land use rights. **Commissioner Tiseo** spoke to traffic studies, classification, density, by-rights, units, and future development.

Mr. Cullinan responded to building height, freeboard, base flood elevation, CHCRA, waterfront overlay code, Comprehensive Plan, zoning, by-rights, major PD modification, concept plan, mitigation, and evacuation study.

Rudy Ortega, Project Architect replied to building height.

Public Input for Petition Number PAS-22-00002, Harper Multi-family Development and Petition Number PD-22-00001, Harper Multi-family Development

Betsy Williams, Shady Lane resident spoke against PAS-22-00002, Harper Multi-family Development, PD-22-00001, Harper Multi-family Development, commented on Staff Report, codes, zoning, density, roadway, utilities, sidewalks, drainage, public safety, CHHA, and units.

John Miscoe spoke against PAS-22-00002, Harper Multi-family Development, PD-22-00001, Harper Multi-family Development, discussed Charlotte Harbor Utilities, water tank, safety, traffic, reports, Sunseeker, Harborview Road, roadways, access, school bus stops, sidewalks, evacuation, wetlands, drainage, and Hurricane lan.

John Everson spoke against PAS-22-00002, Harper Multi-family Development, PD-22-00001, Harper Multi-family Development, mentioned code, zoning, public safety, Sunseeker, floodplain zone, Peace River Preserve, and coastal waterfront area.

Tim Ritchie spoke against PAS-22-00002, Harper Multi-family Development, PD-22-00001, Harper Multi-family Development, noted water tank, flood zones, median high, water quality, eagles' nest, environmental impacts, zoning, Sunseeker, traffic, low-income and workforce housing, Hurricane lan, and building height.

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-005 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM CHARLOTTE HARBOR MIXED USE (CHMU) (4.08± ACRES) AND COASTAL RESIDENTIAL 3.5 (CR-3.5) (37.76± ACRES) TO PLANNED DEVELOPMENT (PD), IN ORDER TO ALLOW FOR DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL COMMUNITY UP TO 222 UNITS, INCREASING DENSITY FROM 193 UNITS TO 222 UNITS, AND REQUIRING A TRANSFER OF 29 DENSITY UNITS; ALSO REQUESTING ADOPTION OF A GENERAL PD CONCEPT PLAN; FOR THE SUBJECT PROPERTY INCLUDING FOUR PARCELS LOCATED AT 23317 AND 23245 HARPER AVENUE, 4460 PINNACLE STREET AND 23386 FARNAM STREET, AND TWO PARCELS LOCATED SOUTH OF HARPER AVENUE, NORTHEAST OF FREEDOM AVENUE, EAST OF CHURCH STREET, AND WEST OF SHADY LANE, IN THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AREA (CRA) AND IN THE PORT CHARLOTTE AREA, CONTAINING 41.84 ACRES MORE OR LESS; COMMISSION DISTRICT I, CHARLOTTE COUNTY, FLORIDA; PETITION PD-22-00001; APPLICANT, PASTORE DOYLE DEVELOPERS, LLC; PROVIDING AN EFFECTIVE DATE, AND THE ADDITION OF 3 ADDITIONAL CONDITIONS AS READ INTO THE RECORD, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

R. Regular Agenda (Continued)

5. Temporary Affordable Housing for FEMA Disaster Housing

Community Development

(Change #6) Added attachments – Presentation & Resolution with Exhibit A.

Approve Resolution allowing Temporary Affordable Housing for FEMA Disaster Housing at two locations in Charlotte County. RES 2023-021

Mr. Cullinan gave a brief overview of Purpose, Specifics, Locations, Site Image of Parcel 402225126001, and Site Image of Parcel 412106482001.

Chair Truex spoke to need and County citizen priority. **Commissioner Deutsch** inquired to utilities, infrastructure, and site sizes.

Assistant County Administrator Jubb remarked on County citizen priority, needs, and site sizes.

COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2023-021 ALLOWING TEMPORARY AFFORDABLE HOUSING FOR FEMA DISASTER HOUSING AT TWO LOCATIONS IN CHARLOTTE COUNTY, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

(Addition #2) 7. William R. Gaines Jr. Veterans Memorial Park Beirut Peacekeeper Tower

Community Services

Approve agreement between the Charlotte County and the William R. Gaines Jr. Veteran Memorial fund to accept the donation of a Beirut Peacekeeper Tower to be installed at the William R. Gaines Jr. Veterans Memorial Park. AGR 2023-015

Mr. Scott highlighted William R. Gaines Jr. Veterans Memorial Park Beirut Peacekeeper Tower.

Chair Truex commented on non-profits, veterans, population, Purple Heart Community, and maintenance. **Commissioner Constance** discussed maintenance, cost, endowment, and Charlotte Community Foundation. **Commissioner Deutsch** mentioned Charlotte County Community Foundation, groundbreaking, funds, maintenance, school tours, park concept, and fundraising. **Commissioner Tiseo** noted Agreement, language, fundraising, public private partnership, State funds, maintenance, and non-profits.

County Attorney Knowlton responded to Agreement, language, and maintenance.

COMMISSIONER DOHERTY MOVED TO APPROVE AGREEMENT 2023-015 BETWEEN THE CHARLOTTE COUNTY AND THE WILLIAM R. GAINES JR. VETERAN MEMORIAL FUND TO ACCEPT THE DONATION OF A BEIRUT PEACEKEEPER TOWER TO BE INSTALLED AT THE WILLIAM R. GAINES JR. VETERANS MEMORIAL PARK TO INCLUDE LANGUAGE MODIFICATION TO SAY "AND TRUST", SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing

AA. County Administrator Comments– None.

BB. County Attorney Comments– None.


CC. Economic Development Director Comments – None.

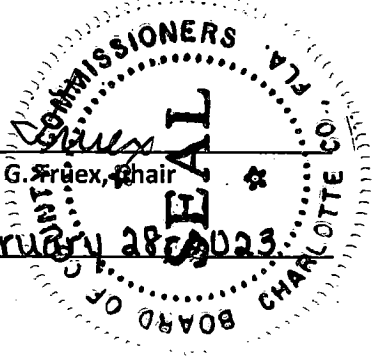
DD. County Commissioner Comments

Chair Truex spoke to Tringali Hockey Rink, sealer, safety, Carmalita press box, Englewood, Agreement, Charlotte Leadership, Harborview Road, timeline, State Road (SR) 776, stadium turn lane, Ranchettes, law enforcement, and RVs. Commissioner Constance commented on Carmalita press box, shipping container, budget, Joint Metropolitan Planning Organization (MPO) Meeting, River Road, Trust for Public Lands, bike ways, Harborview Road, timeline, plans, SR 776, stadium turn lane, Florida Department of Transportation (FDOT), Ranchettes, homeless camps, RVs, and County staff. Commissioner Deutsch discussed Cultural Center, 4488 Harbor Boulevard, construction, sidewalk closure, street lights, and signs. Commissioner Doherty mentioned MPO Meeting, FDOT, I-75 interchange, General Development Corporation (GDC), studies, City of North Port, DeSoto County, February 21 Workshop, and water master plan. Commissioner Tiseo noted Tringali Hockey Rink, sealer, Carmalita press box, Harold Avenue Little League, Agreement, shipping container, Risk Management, permit, MPO Board Meeting, SR 776, and stadium turn lane.

Assistant County Administrator Jubb interjected on Charlotte Leadership, Carmalita press box, electric, volunteers, shipping container, budget, and permit.

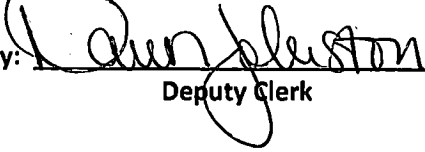
ADJOURNED: 6:07 pm



William G. Truex, Chair
DATE ADOPTED: February 28, 2023


ATTEST:

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

By: 

Deputy Clerk