

BOARD OF COUNTY COMMISSIONERS

OCTOBER 24, 2017

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: Deputy County Administrator Shoemaker, County Attorney Knowlton, Clerk of the Circuit Court Eaton, and Minutes Clerk Cash.

**The Meeting was called to order at 9:00 am**

The Invocation was given by **Chair Truex**, followed by the Pledge of Allegiance.

**Changes to the Agenda**

**Addition #1:** Awards Presentation Frank Campagne, United States Army, with this month's Combat Wounded Veteran Certificate of Recognition.  
Requested by: Commission Office

**Addition #2:** S-1 a) Approve the Resolution, after conducting a Public Hearing to accept the proposal from the Lost Lagoon Development, LLLP to acquire approximately 160 acres in Murdock Village Community Redevelopment Area (CRA) as stated in the July 18, 2017 Letter of Interest; and b) Approve the Agreement for Purchase and Sale with Lost Lagoon Development, LLLP; and c) Authorize the Chairman to sign the Agreement. **AGR 2017-098 / RES 2017-237**  
Requested by: Economic Development

**Addition #3:** R-4 Approve the re-appointment of Stephen R. Gardiner to the Construction Industry Licensing Board representing the "Consumer Advocate" category. Term will expire on February 26, 2021.  
Requested by: Commission Office

**Addition #4:** R-5 Set a Public Hearing for November 14, 2017 at 10:00 a.m., or as soon thereafter as may be heard to discuss Ad Valorem Tax Exemption for Project CONDO.  
Requested by: Economic Development

**Addition #5:** R-6 Set a Public Hearing for November 14, 2017 at 10:00 a.m., or as soon thereafter as may be heard to discuss Ad Valorem Tax Exemption for Project PAR.  
Requested by: Economic Development

**Change #1:** R-2 Remove applicant and update ballot.  
Requested by: Commission Office

**Deletion #1:** ~~F-1 a) Approve Amendment #2 to Contract #14 195, Manasota Key Master Plan Design with The Weiler Engineering Corp. of Punta Gorda for an additional \$22,500. This amendment is for the preparation of 90% Plan Redesign for lighting from HPS to LED; and b) Authorize the Chairman to sign Amendment #2.~~  
Requested by: Public Works

~~Deletion #2: U-3 Approve Preliminary and Final Plat for Ainger Landing, Inc., for a Minor Subdivision to be named, Casper I, under Petition #FP-17-06-05.~~

Requested by: Community Development

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Joseph Tiseo**

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

**MOTION CARRIED 5:0.**

**Frank Weikel Day**

Frank Weikel accepted the Proclamation.

**Employee Recognition - Commissioner Joseph Tiseo**

**Employee of the Month - September 2017 - Trish Sturgess, Community Services**

Tommy Scott, Community Services Director gave a brief overview of Trish Sturgess' career, highlighted her Hurricane Irma shelter leadership, and read a letter from Emergency Management.

**Commissioner Deutsch** spoke to Hurricane Irma shelter team success.

**Award Presentations**

**(Addition #1) Combat Wounded Veteran**

Frank Campagne, United States Army, with this month's Combat Wounded Veteran Certificate of Recognition

**Commissioner Tiseo** gave a brief overview of Mr. Campagne's United States Army career and presented the Certificate of Recognition.

**CITIZEN INPUT - AGENDA ITEMS ONLY**

Roy Wiley summarized his application to serve on the Punta Gorda Community Redevelopment Agency.

Charles Council highlighted his application to serve on the Punta Gorda Community Redevelopment Agency.

Chris Freeland opined Shaune Freeland's application to serve on the Punta Gorda Community Redevelopment Agency.

Attorney Rob Berntsson, representing the Applicant spoke to Veterans Boulevard Access.

Michael Raysor, Raysor Transportation Consulting discussed Veterans Boulevard Access.

Wes Mallard, former transportation engineer mentioned Veterans Boulevard Access.

James Herston, Herston Engineering conversed about Veterans Boulevard Access.

Robert Krannig conferred about Revisions to the County's LDR by Revising Section 3-9-2 and Adding New Section 3-9-26.1, Z-17-07-21B.

## COMMITTEE VACANCIES

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

**Environmentally Sensitive Lands Oversight Committee** is seeking one Business/Land Development Representative volunteer who must be a Charlotte County resident. Term will expire three years from the date of appointment. To obtain an application, please contact Lisa Eby at 941-743-1300 or email [Lisa.Eby@CharlotteCountyFL.gov](mailto:Lisa.Eby@CharlotteCountyFL.gov).

The following **MSBU/TU Advisory Boards** are seeking volunteers who must be residents of Charlotte County and reside within the Unit. Submit applications to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e-mail [MSBU-TU@CharlotteCountyFL.gov](mailto:MSBU-TU@CharlotteCountyFL.gov).

- Alligator Creek Waterway Unit is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Boca Grande Street & Drainage Unit is seeking two members to fill vacant unexpired terms. The length of each term will be drawn at the first Advisory Board Meeting to be scheduled at such time a quorum of three members is reached.
- Buena Vista Area Waterway Unit is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Charlotte Ranchettes Unit is seeking one member to fill a vacant unexpired term through October 31, 2019.
- Englewood East Non-Urban Street & Drainage Unit is seeking one member to fill a vacant unexpired term through October 31, 2018.
- Gardens of Gulf Cove Street & Drainage Unit is seeking four members to fill vacant unexpired terms. The length of each term will be drawn at the first Advisory Board meeting to be scheduled at such time a quorum of three members is reached.
- Greater Port Charlotte Street & Drainage Unit is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Gulf Cove Street & Drainage Unit is seeking one member to fill a vacant unexpired term through October 31, 2018.
- Gulf Cove Waterway Unit is seeking one member to fill a vacant unexpired term through October 31, 2020.

- Harbour Heights Waterway Maintenance District is seeking two members to fill vacant unexpired terms through October 31, 2018 and October 31, 2020.
- Manchester Waterway Benefit Unit is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Mid Charlotte Stormwater Utility Unit is seeking one member to fill a vacant unexpired term. The length of each term will be drawn at the next Advisory Board meeting.
- Northwest Port Charlotte Street & Drainage Unit is seeking one member to fill a vacant unexpired term through October 31, 2018.
- Northwest Port Charlotte Waterway Unit is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Rotonda Heights Street & Drainage Unit is seeking one member to fill a vacant unexpired term through October 31, 2020.
- Rotonda West Street & Drainage Unit is seeking one member to fill a vacant unexpired term through October 31, 2020.
- South Burnt Store Street & Drainage Unit is seeking one member to fill a vacant unexpired term through October 31, 2020.

**REPORTS RECEIVED AND FILED - None**

**CONSENT AGENDA**

**COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA WITH NO EXCEPTIONS, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

**Clerk of the Circuit Court**

**A. Finance Division**

**1. Finance**

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

**B. Minutes Division**

**1. Minutes**

RECOMMENDED ACTION: Approve the following Minutes:

September 19, 2017 First Budget Hearing

September 26, 2017 BCC Regular and Land Use Meeting  
September 26, 2017 Final Budget Hearing  
October 05, 2017 BCC Pre-Agenda

BUDGETED ACTION: No action needed.

**Board of County Commissioners**

**C. Commission Office**

**1. Re-Appointment - Don Pedro & Knight Islands Street & Drainage MSTU Advisory Board**

RECOMMENDED ACTION: Approve the re-appointment of Timothy Malone to the Don Pedro & Knight Islands Street & Drainage MSTU Advisory Board. This appointment will be effective immediately and will expire on October 31, 2018. BUDGETED ACTION: No action needed.

**2. Appointment - Historical Advisory Committee**

RECOMMENDED ACTION: Approve the appointment of Mr. Kent L. Kretzler to the Historical Advisory Committee as a Member-at-Large Representative. Term is effective immediately and will expire September 2020. BUDGETED ACTION: No action needed.

**D. County Administration**

**Administration - No Items**

**Public Information Office - No Items**

**E. County Attorney**

**1. Retention of Nabors, Giblin & Nickerson, P. A.-Gator Dredging**

RECOMMENDED ACTION: a) Authorize the County Attorney to retain the legal services of Nabor, Giblin & Nickerson, P.A. ("Nabors, Giblin") to assist in the analysis and defense of the claim of Waterfront Property Services, LLC, d/b/a Gator Dredging ("Gator Dredging") which seeks additional compensation associated with the dredging of Alligator Creek; and b) Authorize the County Attorney to retain the consulting and expert witness services of Coastal Engineering Consultants, Inc. ("Coastal Engineering"), to assist with the analysis and defense of this claim; And c) Authorize the County Attorney to sign both retainer agreements. BUDGETED ACTION: No action needed.

**F. Budget and Administrative Services**

**Fiscal Services - No Items**

**Information Technology - No Items**

**Purchasing**

**(Deletion #1) ~~1. 14-195, Amendment #2, Manasota Key Master Plan (Public Works)~~**

~~RECOMMENDED ACTION: a) Approve Amendment #2 to Contract #14-195, Manasota Key Master Plan Design with The Weiler Engineering Corp. of Punta Gorda for an additional \$22,500. This amendment is for the preparation of 90% Plan Redesign for lighting from HPS to LED; and b) Authorize the Chairman to sign Amendment #2. BUDGETED ACTION: No action needed. Budgeted in CIP project, "Manasota Key Community Plan", as approved in the FY17 budget process. Funding comes from assessments in the Manasota Key MSTU.~~

2. 18-021, Change Order #2, Final Debris Disposal (Hurricane Irma Debris)

RECOMMENDED ACTION: Approve Change Order #2 to the Sole Source File #18-021, Final Debris Disposal (Hurricane Debris) for West and Partial North County, with Charlotte Organix, LLC of Placida, FL. for debris disposal at the cost of \$6.00 per cubic yard for debris and \$10.00 per cubic yard for chips amending the not-to-exceed amount to \$500,000. BUDGETED ACTION: No action needed. Hurricane costs are being collected in the hurricane fund.

**Real Estate Services - No Items**

**Risk Management - No Items**

**Transit - No Items**

**G. Community Development - No Items**

**H. Community Services**

**Parks and Natural Resources**

1. Coastal Partnership Initiative Grant Application

RECOMMENDED ACTION: Approve the submittal of the Department of Environmental Protection's Coastal Partnership Initiative Program Grant for the Cedar Point Environmental Center Educational Display with Community Services administrating the grant. BUDGETED ACTION: A budget amendment will be returned to the Board, if awarded. The grant requires a 100% (1:1) match which will be provided from the Natural Resources operating budget. **GRT 2017-015**

**Recreation - No Items**

**Libraries and Historical - No Items**

**Environmental Services - No Items**

**I. Economic Development - No Items**

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

**K. Human Resources - No Items**

**L. Human Services**

1. MOA Crisis Center of Tampa Bay, Inc. & Charlotte 2-1-1

RECOMMENDED ACTION: a) Approve the agreement between Crisis Center of Tampa Bay Inc. and Charlotte County 2-1-1; and b) Authorize the County Administrator to approve any changes or renewals. BUDGETED ACTION: No action needed. Funding is provided in the FY17/18 211 operating budget. The grant is 100% funded and there is no local match required by the County. **AGR 2017-095**

**M. Public Safety**

1. Homeland Security Grant Agreement

RECOMMENDED ACTION: a) Approve the grant contract between the Florida Division of Emergency Management and Charlotte County in the amount of \$14,102 for training consistent with Homeland Security State Strategy guidelines; and b) Approve the Resolution and Budget Adjustment BA18-003 in the amount of \$14,102 to provide for grant funding; and c) Authorize the Chair, or designee, to sign any grant related documents. BUDGETED ACTION: Approve budget adjustment BA18-003 in the amount of \$14,102 for training. The grant is 100% funded and there is no local match required by the County. **GRT 2017-016 / RES 2017-232**

2. EMS Pre-Hospital Grant Application

RECOMMENDED ACTION: a) Approve and authorize the Chairman to sign an application for an Emergency Medical Services County Grant from the Florida Department of Health for EMS training and equipment in the amount of \$23,953; and b) Approve the Resolution certifying that the EMS County Grant funds received shall be used to improve and expand the County's pre-hospital EMS system and will not be used to supplant existing County EMS budget allocations. BUDGETED ACTION: A budget amendment will be returned to the Board once the letter of award is received. The grant is 100% funded and there is no local match required by the County. **GRT 2017-017 / RES 2017-233**

3. Set a Public Hearing to Consider an Ordinance Amending the Charlotte County Code Relating to Emergency Management

RECOMMENDED ACTION: Set a public hearing for Tuesday, November 14, 2017 at 10:00 a.m. or as soon thereafter as may be heard, to consider an Ordinance amending the Charlotte County Code Relating to Emergency Management. BUDGETED ACTION: No action needed.

**N. Public Works**

1. Resolution Recommending Appointment of Scott Schermerhorn as Mosquito Control Director

RECOMMENDED ACTION: Approve the Resolution Recommending the Appointment of Scott Schermerhorn as Mosquito Control Director. BUDGETED ACTION: No action needed. **RES 2017-235**

**O. Tourism Development**

1. Waterfest 2017 In-Kind Services Funding Agreement

RECOMMENDED ACTION: a) Approve the Event Funding Agreement between Charlotte County and Englewood Beach Waterfest, Inc., for in-kind services not to exceed \$50,000; and b) Approve the Resolution and Budget

Amendment BA18-006 in the amount of \$50,000; and c) Authorize the Chairman to sign the Funding Agreement and Resolution. BUDGETED ACTION: Approve budget adjustment BA18-006 in the amount of \$50,000 from General Fund Contingency Reserves to General Fund - BCC Control. **AGR 2017-096 / RES 2017-234**

**P. Utilities - No Items**

**Q. Other Agencies - No Items**

**REGULAR AGENDA**

**R. Regular Agenda**

1. Veterans Blvd. Access

Commission Office

Discussion and direction on Veterans Boulevard Access.

Venkat Vattikuti, County Transportation Engineer gave a brief overview of the Veterans Boulevard Access issues and responded to Board inquiries.

Oliver Rodrigues, FTE, Inc. commented on speed study, Florida Department of Transportation (FDOT) Access Management Standards, and deviations.

County Attorney Knowlton spoke to permitting, final site plan, and Resolution.

James Herston, Herston Engineering noted driveway change and speed limit.

**Chair Truex** discussed permitting, deceleration lanes, safety issues, FDOT standards, shared driveway, preliminary site plan, driveway change, and speed limit. **Commissioner Constance** inquired about existing driveways and deceleration lanes. **Commissioner Deutsch** conversed about speed limit, safety issues, shared driveway, and preliminary site plan. **Commissioner Doherty** mentioned FDOT Access Management Standards, deviations, and safety issues. **Commissioner Tiseo** asked about speed study, permitting, and controlled access management.

**COMMISSIONER DEUTSCH MOVED TO APPROVE THE REQUEST**

**MOTION FAILED FOR LACK OF SECOND**

2. Select by Ballot for Recommendation - Punta Gorda Community Redevelopment Agency

**(Change #1)** Remove applicant and update ballot

Commission Office

Select by ballot a representative for recommendation to the Punta Gorda City Council, to serve on the Punta Gorda Community Redevelopment Agency for a four year term commencing November 17, 2017.

Deputy County Administrator Shoemaker announced the ballot majority vote for Charles A. Council.



**COMMISSIONER CONSTANCE MOVED TO RECOMMEND BY BALLOT CHARLES A. COUNCIL TO THE PUNTA GORDA CITY COUNCIL TO SERVE ON THE PUNTA GORDA COMMUNITY REDEVELOPMENT AGENCY, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

**Taken Out Of Order**

**PRESENTATION AGENDA**

**T. 10:00 A.M.**

**1. CHNEP Update**

Charlotte Harbor National Estuary Program Update by Jennifer Hecker, Executive Director.

Jennifer Hecker, Executive Director gave a brief overview of Charlotte Harbor National Estuary Program (CHNEP), Supporting Charlotte County's Water Resource Protection Efforts, Who We Are, Where We Work, What We Do, Some of Our Many Partners, The Power of Partnership, How We Fit into Big Picture, Where We Intersect, Aligning with Your Goals, CHNEP Projects in Charlotte County To Date, What We Continue to Do for You, Environmental Education and Awareness, Estuary Protection and Restoration, Improving Water Quality, Improving Water Quality – Still Work to Do, Charlotte County is a Valued and Critical Partner to CHNEP, Charlotte County Surface Water Quality Status Report, and responded to Board inquiries.

**Chair Truex** discussed CHNEP Committee Meetings, lobbying advocacy, and water quality. **Commissioner Constance** noted Association of National Estuary Programs (ANEP), lobbying advocacy, water quality, Sunshine Lake, and Sunrise Waterway. **Commissioner Tiseo** inquired about impaired waterbodies and Department of Health (DOH) Healthy Beaches Program.

**RECESS: 10:32 am – 11:24 am**

**R. Regular Agenda (Continued)**

**3. 17-315, Award, Harbor Boulevard Enhancement Project (Public Works)**

Purchasing

a) Approve Award of Bid #17-315, Harbor Boulevard Enhancement Project to Bonness, Inc. of Naples, FL for a total cost of \$7,253,668.72; and b) Approve the Resolution and Budget Adjustment BA18-004, in the amount of \$888,246 increasing FY18 adopted CIP projects "Parkside-Harbor, US41 to Olean" (Utility \$609,324), and "Parkside Harbor Blvd Improvements" (Roadway \$278,922). **RES 2017-238**

Kim Corbett, Purchasing Senior Division Manager gave a brief overview of Bid #17-315, Harbor Boulevard Enhancement Project and Budget Adjustment BA18-004.

**COMMISSIONER DOHERTY MOVED TO APPROVE AWARD OF BID #17-315, HARBOR BOULEVARD ENHANCEMENT PROJECT TO BONNESS, INC., AND RESOLUTION 2017-238, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0., COMMISSIONER CONSTANCE ABSTAINED**

**Taken Out Of Order**

**PUBLIC HEARING AGENDA**

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

**(Addition #2) 1. Lost Lagoon Development, LLLP Proposal**

Economic Development

a) Approve the Resolution, after conducting a Public Hearing to accept the proposal from the Lost Lagoon Development, LLLP to acquire approximately 160 acres in Murdock Village Community Redevelopment Area (CRA) as stated in the July 18, 2017 Letter of Interest; and b) Approve the Agreement for Purchase and Sale with Lost Lagoon Development, LLLP; and c) Authorize the Chairman to sign the Agreement. **AGR 2017-098 / RES 2017-237**

Lucienne Pears, Economic Development Director gave a brief overview of the Proposed Sale of Approximately 157 acres in Murdock Village CRA to Lost Lagoon Development, LLLP, Murdock Village, Murdock Village Property Under Consideration, Concept Master Plan, Lost Lagoon Transaction Summary, Toledo Blade Estimated Costs, Lost Lagoon Status, and Murdock Village - Remaining Parcels.

**Commissioner Constance** mentioned project benefits and infrastructure. **Commissioner Deutsch** commented on timeline and Toledo Blade Boulevard.

**Public Hearing - None**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DEUTSCH MOVED TO APPROVE RESOLUTION 2017-237, PURCHASE AND SALE AGREEMENT 2017-098 WITH LOST LAGOON DEVELOPMENT, LLLP AND AUTHORIZE THE CHAIRMAN TO SIGN THE AGREEMENT, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 4:0., COMMISSIONER TISEO ABSTAINED**

**R. Regular Agenda (Continued)**

**(Addition #3) 4. Re-Appointment – Construction Industry Licensing Board – Consumer Advocate**

Commission Office

Approve the re-appointment of Stephen R. Gardiner to the Construction Industry Licensing Board representing the "Consumer Advocate" category. Term will expire on February 26, 2021.

COMMISSIONER DOHERTY MOVED TO APPROVE THE RE-APPOINTMENT OF STEPHEN R. GARDINER TO THE CONSTRUCTION INDUSTRY LICENSING BOARD REPRESENTING THE "CONSUMER ADVOCATE" CATEGORY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(Addition #4) 5. Set a Public Hearing – Project CONDO

Economic Development

Set a Public Hearing for November 14, 2017 at 10:00 a.m., or as soon thereafter as may be heard to discuss Ad Valorem Tax Exemption for Project CONDO.

COMMISSIONER DOHERTY MOVED TO APPROVE SETTING A PUBLIC HEARING FOR NOVEMBER 14, 2017 AT 10:00 A.M., OR AS SOON THEREAFTER AS MAY BE HEARD TO DISCUSS AD VALOREM TAX EXEMPTION FOR PROJECT CONDO, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(Addition #5) 6. Set a Public Hearing – Project PAR

Economic Development

Set a Public Hearing for November 14, 2017 at 10:00 a.m., or as soon thereafter as may be heard to discuss Ad Valorem Tax Exemption for Project PAR.

COMMISSIONER DOHERTY MOVED TO APPROVE SETTING A PUBLIC HEARING FOR NOVEMBER 14, 2017 AT 10:00 A.M., OR AS SOON THEREAFTER AS MAY BE HEARD TO DISCUSS AD VALOREM TAX EXEMPTION FOR PROJECT PAR, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

RECESS: 11:35 am – 1:00 pm

1 P.M. CITIZEN INPUT - ANY SUBJECT - None

**AA. County Administrator:**

Deputy County Administrator Shoemaker referenced the Disaster Supplemental Nutrition Assistance Program (SNAP).

**BB. County Attorney: None**

**CC. Commissioner Comments:**

**Chair Truex** discussed Florida Association of Counties (FAC) Constitution Revision Committee (CRC), Sarasota County Indigent Care, Hurricane Irma seawall repair, and Hurricane Irma debris removal. **Commissioner Constance** spoke to FAC CRC, Regional Planning Council (RPC), Florida International Air Show, Englewood Beach

Waterfest, Sarasota County Indigent Care, and Hurricane Irma seawall repair. **Commissioner Deutsch** commented on Florida International Air Show, Hurricane Irma seawall repair, Stump Pass groin, Metropolitan Planning Organization (MPO), Purple Heart Community signage, and RPC. **Commissioner Doherty** mentioned Legislative Delegation Meeting, RPC, and FAC CRC. **Commissioner Tiseo** conversed about RPC, Florida International Air Show, Hurricane Irma seawall repair, and Hurricane Irma debris removal.

Deputy County Administrator Shoemaker conferred about Hurricane Irma seawall repair.

County Attorney Knowlton noted RPC and Hurricane Irma seawall repair.

**(Consensus: For Staff to do whatever can be done to get the message out in multiple fashions as soon as possible to water front property owners regarding Hurricane Irma seawall repair funding options)**

**RECESS: 1:36 pm – 2:00 pm**

#### **LAND USE PUBLIC HEARING AGENDA**

#### **U. 2:00 P.M. Land Use Public Hearing**

##### 1. PP-17-07-06, Babcock 1B2

Community Development

Approve Preliminary Plat for a subdivision to be named Babcock Ranch Community Phase 1B2, for Babcock Property Holdings, LLC, under Petition PP-17-07-06. Quasi-Judicial

Minutes Clerk Cash administered oath for testimony.

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

Steven Ellis, Planner II gave a brief overview of the Preliminary Plat for a subdivision to be named Babcock Ranch Community Phase 1B2, for Babcock Property Holdings, LLC, under Petition PP-17-07-06, PP-17-07-06 – 2017 Aerial Location Map, PP-17-07-06 – Future land use Designations, PP-17-07-06 – Zoning Designations, and PP-17-07-06 – Proposed Changes.

Attorney Robert Berntsson, representing the Applicant confirmed Staff's Report.

**Public Hearing - None**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE THE PRELIMINARY PLAT FOR A SUBDIVISION TO BE NAMED BABCOCK RANCH COMMUNITY PHASE 1B2, FOR BABCOCK PROPERTY HOLDINGS, LLC, UNDER PETITION PP-17-**

**07-06 WITH THE FOUR (4) CONDITIONS READ INTO THE RECORD BY STAFF, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

2. PP-06-04-03, Kensington Lakes

Community Development

Approve a two-year extension for the Preliminary Plat approval for Standard Pacific of FL, GP, for Kensington Lakes Subdivision, under Petition #PP-06-04-03. Quasi-Judicial

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

Mr. Ellis gave a brief overview of a two-year extension for Preliminary Plat approval for Standard Pacific of FL, GP, for Kensington Lakes Subdivision, under Petition #PP-06-04-03, PP-06-04-03(2) - 2017 Aerial Location Map, PP-06-04-03(2) Future Land Use Designations, PP-06-04-03(2) Zoning Designations, PP-06-04-03(2) Proposed Changes Map, and responded to Board inquiries.

**Chair Truex** spoke to project extensions. **Commissioner Constance** asked about lot sizes and water features. **Commissioner Tiseo** queried project extensions.

Todd Rebol, Banks Engineering representing the Applicant confirmed Staff's Report and explained water features.

**Public Hearing - None**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE A TWO-YEAR EXTENSION FOR THE PRELIMINARY PLAT APPROVAL FOR STANDARD PACIFIC OF FL, GP, FOR KENSINGTON LAKES SUBDIVISION, UNDER PETITION #PP-06-04-03, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

**(Deletion #2) ~~3. FP-17-06-05, Casper I~~**

~~Community Development~~

~~Approve Preliminary and Final Plat for Ainger Landing, Inc., for a Minor Subdivision to be named, Casper I, under Petition #FP-17-06-05. Quasi-Judicial~~

4. Transmit Petition PA-17-07-20-LS to DEO - Parkside Community Revitalization Plan Text Amendment

Community Development

Transmit a Large Scale Plan Amendment to the Department of Economic Opportunity for review and comments; the request is to amend the Future Land Use (FLU) Element, FLU Appendix II: Future Land Use Map Series, and FLU Appendix IV: Revitalization Plans to create the Parkside Community Revitalization Plan; Petition No. PA-17-07-20-LS; Applicant: Charlotte County Board of County Commissioners, Commission District 4 & 5. Legislative

Matthew Trepal, Principal Planner gave a brief overview of PA-17-07-20-LS: A large-scale plan amendment, Map #26B: Parkside Community Redevelopment Area (Proposed), Three Objectives to the Revitalization Plan, Incentive density use, and responded to Board inquiries.

**Chair Truex** commented on incentive density. **Commissioner Constance** inquired about site plan approval timeframe and incentive density.

**Public Hearing - None**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE TRANSMITTAL OF PETITION PA-17-07-20-LS, A LARGE SCALE PLAN AMENDMENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR REVIEW AND COMMENTS, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0., COMMISSIONER CONSTANCE ABSTAINED**

5. Revisions to the Table of Contents of the County's LDRs, Z-17-07-21A

Community Development

Approve an Ordinance amending Charlotte County Code Chapter 3-9, by renumbering Section 3-9-26.1, Use Table - Environmental and Agricultural Districts to Section 3-9-26.2; renumbering Section 3-9-26.2, Use Table - Residential Districts to Section 3-9-26.3; renumbering Section 3-9-26.3, Use Table - Commercial Districts to Section 3-9-26.4; renumbering Section 3-9-26.4, Use Table - Industrial Districts to Section 3-9-26.5, and creating new Section 3-9-26.1, Prohibited Uses; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners. Legislative **ORD 2017-047**

Shaun Cullinan, Planning and Zoning Official gave a brief overview of Z-17-07-21A (Adoption Hearing), Proposed Amendments, and responded to Board inquiries.

**Commissioner Constance** inquired about new Section.

**Public Hearing – None**

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

**MOTION CARRIED 5:0.**

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2017-047 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9, ZONING, TABLE OF CONTENTS, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY RENUMBERING SECTION 3-9-26.1, USE TABLE – ENVIRONMENTAL AND AGRICULTURAL DISTRICTS TO SECTION 3-9-26.2; RENUMBERING SECTION 3-9-26.2, USE TABLE – RESIDENTIAL DISTRICTS TO SECTION 3-9-26.3; RENUMBERING SECTION 3-9-26.3, USE TABLE – COMMERCIAL DISTRICTS TO SECTION 3-9-26.4; RENUMBERING SECTION 3-9-26.4, USE – TABLE INDUSTRIAL DISTRICTS TO SECTION 3-9-26.5; AND CREATING NEW SECTION 3-9-26.1, PROHIBITED USES; PETITION Z-17-07-21A; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY CHAIR TRUEX

**MOTION CARRIED 4:1., COMMISSIONER TISEO OPPOSED**

6. Revisions to the County's LDR by Revising Sec. 3-9-2 and Adding New Sec. 3-9-26.1, Z-17- 07-21B

Community Development

Approve an Ordinance of the Board of Commissioners of Charlotte County, Florida, providing that the Code of Laws and Ordinances of Charlotte County, Florida, be amended by revising Section 3-9-2, Rules of Construction; Definitions, to provide for the definition of Medical Marijuana Treatment Center Dispensing Facilities; adding new Section 3-9-26.1, Prohibited Uses, to provide such uses as prohibited uses under all zoning districts, and to provide intent and restrictions; providing for conflict with other Ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners. Legislative

Mr. Cullinan gave a brief overview of Z-17-07-21B, Proposed Changes, Neighboring Jurisdictions, and responded to Board inquiries.

Joshua Moye, Assistant County Attorney spoke to dispensary locations, State Statute, and pharmacy definition.

**Chair Truex** spoke to Neighboring Jurisdictions, federal and state government, product regulations, and dispensary locations. **Commissioner Constance** discussed Neighboring Jurisdictions, federal and state government, voters' decision, product regulations, dispensary locations, and restrictions. **Commissioner Deutsch** conversed about federal and state government, voters' decision, and dispensary locations. **Commissioner Doherty** conferred about voters' decision, federal and state government, product regulations, and dispensary locations. **Commissioner Tiseo** mentioned federal and state Constitutions, laws, voters' decision, and dispensary locations.

**Public Hearing**

Tammy Cash noted dispensary locations, opioid addiction, and voters' decision.

Steve Vierra commented on benefits, dispensary locations, and voters' decision.

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

**MOTION CARRIED 5:0.**

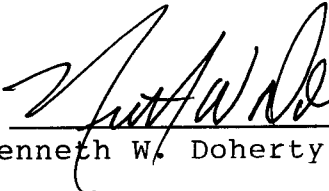
**COMMISSIONER DOHERTY MOVED TO APPROVE AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9, ZONING, ARTICLE I, IN GENERAL, SECTION 3-9-2,**


RULES OF CONSTRUCTION; DEFINITIONS, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, TO PROVIDE FOR THE DEFINITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; ADDING NEW SECTION 3-9-26.1, PROHIBITED USES, TO PROVIDE MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AS PROHIBITED USE UNDER ALL ZONING DISTRICTS, AND TO PROVIDE INTENT AND RESTRICTIONS; PETITION Z-17-07-21B; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY CHAIR TRUEX

MOTION DENIED: 2:3., COMMISSIONER CONSTANCE, COMMISSIONER DEUTSCH, AND COMMISSIONER TISEO OPPOSED

(Consensus: If there is anything else that can legally be done to make it clear, Staff will bring back to the next meeting)

ADJOURNED: 3:17 pm

  
Kenneth W. Doherty  
DATE ADOPTED: 11/28/17



ATTEST:

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

By:   
Deputy Clerk