

BOARD OF COUNTY COMMISSIONERS

NOVEMBER 28, 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 Doherty, Commissioner Constance, Commissioner Deutsch, Commissioner Tiseo and Commissioner Truex. Also in attendance were: County Administrator Sandrock, County Attorney Knowlton, Clerk of the Circuit Court Roger D. Eaton, and Minutes Clerk Cash. The following members were absent: None

The Meeting was called to order at 9:00 am

The Invocation was given by Lois Virgo, First Church of Christ, Scientists, followed by the Pledge of Allegiance.

Elect Chairman and Vice-Chairman

County Attorney Knowlton conducted this portion of the meeting for the purpose of electing a Chairman and Vice-Chairman for the Board of County Commissioners.

County Attorney Knowlton opened the floor for nominations.

COMMISSIONER TRUEX MOVED TO NOMINATE COMMISSIONER DOHERTY AS CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO NOMINATE COMMISSIONER TISEO AS VICE-CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Chair Doherty voiced his willingness to serve and presented **Commissioner Truex** with an appreciation gift.

Changes to the Agenda

Change #1: A-1 Added Disbursements
Requested by: Finance

Change #2: R-2 Updated Agenda
Requested by: Utilities

Change #3: F-6 Updated Contract
Requested by: Purchasing

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

MOTION CARRIED 5:0.

Proclamations/Awards

Proclamations - Commissioner Christopher Constance

COMMISSIONER CONSTANCE MOVED TO APPROVE THE PROCLAMATIONS, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

Chamber of Commerce Christmas Parade Day

Julie Mathis accepted the Proclamation.

Community Garden Month

Lacey Solomon accepted the Proclamation.

Patrick Lewis Day

Commissioner Truex accepted the Proclamation.

Employee Recognition

Employee of the Month - October 2017 - Alexandria "Alex" Brehony, Community Services

Maureen Broderick, Recreation Manager gave a brief overview of Ms. Brehony's leadership and presented Award.

Award Presentations

Combat Wounded Veteran

Award Edward Baker, United States Army, with this month's Combat Wounded Veteran Certificate of Recognition.

Commissioner Constance gave a brief overview of Mr. Bakers' United States Army career and presented Award.

CITIZEN INPUT - AGENDA ITEMS ONLY

Peter Watson, South Gulf Cove Home Owners' Association President mentioned Ordinance Amending Chapter 4-3.5 pertaining to the Integrated Shoreline Management Municipal Service Taxing Unit (MSTU).

Joan Fischer commented on Consultant-Sanitation Collections & Related Services, MSBU/MSTU Methodology Contract and Amendment #1 Sidewalk Design-Sales Tax Project.

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.

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.

- **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 through October 31, 2018.
- **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.
- **Edgewater North Waterway 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.
- **Grove City Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2018.
- **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 through October 31, 2019.

- **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

Clerk of Court's County Investment Report, June 30, 2017.

CONSENT AGENDA

COMMISSIONER TRUEX MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-1 AND F-6, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

1. Finance

(Change #1) Added Disbursements

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

B. Minutes Division

1. Minutes

RECOMMENDED ACTION: Approve the following minutes:

October 24, 2017 Regular and Land Use Meeting
November 9, 2017 Pre-Agenda Meeting

BUDGETED ACTION: No action needed.

Board of County Commissioners

C. Commission Office

1. Appointments - Gardens of Gulf Cove Street & Drainage MSBU Advisory Board

RECOMMENDED ACTION: Approve the appointments of Lucille Breen and Thomas Sullivan to vacant terms on the Gardens of Gulf Cove Street & Drainage MSBU Advisory Board. These terms will be effective immediately. The length of the terms will be drawn at the first regular Advisory Board meeting after this appointment. BUDGETED ACTION: No action needed.

2. Appointment - Manchester Waterway MSBU Advisory Board

RECOMMENDED ACTION: Approve the appointment of Michael Wilde to the Manchester Waterway Unit MSBU Advisory Board. This will be a three year term replacing Michael McGarry who has chosen not to seek reappointment. This appointment will be effective immediately and will expire on October 31, 2020. BUDGETED ACTION: No action needed.

3. Appointment - South Burnt Store Street & Drainage MSBU Advisory Board

RECOMMENDED ACTION: Approve the appointment of Gerald Laxton to the South Burnt Store Street & Drainage MSBU Advisory Board. This will be a three year term replacing Robert Pietrasanta who has chosen not to seek reappointment. This appointment will be effective immediately and will expire on October 31, 2020. BUDGETED ACTION: No action needed.

4. Re-Appointment - Alligator Creek Waterway Unit MSBU Advisory Board

RECOMMENDED ACTION: Approve the re-appointment of Ed Minzer to the Alligator Creek Waterway Unit MSBU Advisory Board. This appointment will be effective immediately and will expire on October 31, 2020. BUDGETED ACTION: No action needed.

D. County Administration

Administration - No Items.

Public Information Office - No Items.

E. County Attorney - No Items.

F. Budget and Administrative Services

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

1. 17-431, Consultant, Sanitation Collections & Related Services (Public Works)

RECOMMENDED ACTION: a) Approve the sole submitting firm for Request for Proposal #17-431, Consultant - Sanitation Collections & Related Services with NewGen Strategies & Solutions of Austin, TX; and b) Approve the start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations for a Consultant for sanitation collections and related services. BUDGETED ACTION: No action needed at this time. A budget adjustment will be completed when the cost is known to distribute the costs among the sanitation MSBUs.

Chair Doherty mentioned Request for Proposal (RFP) process. Commissioner Constance commented on RFP process. Commissioner Tiseo spoke to consultant services. Commissioner Truex discussed RFP process and Waste Management negotiations.

COMMISSIONER TRUEX MOVED TO APPROVE THE REQUEST FOR PROPOSAL #17-431, CONSULTANT - SANITATION COLLECTIONS & RELATED SERVICES WITH NEWGEN STRATEGIES & SOLUTIONS OF AUSTIN, TX; AND APPROVE THE START OF NEGOTIATIONS; AUTHORIZING THE CHAIRMAN TO SIGN THE CONTRACT AFTER COMPLETION OF NEGOTIATIONS FOR A CONSULTANT FOR SANITATION COLLECTIONS AND RELATED SERVICES, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

2. 18-085, Award, Purchase Two Ambulances (Public Safety)

RECOMMENDED ACTION: a) Approve File #18-085, for the Purchase of two (2) Freightliner M2 AEV Type 1 Ambulance including Optional Stryker Power Load with new unit installed at AEV factory, from Emergency, Tactical, Rescue (ETR) Vehicles of Altamonte Springs, FL; piggyback off the Florida Sheriff's Association Contract #FS16-VEF12.0, Specification #03, at a unit cost of \$298,454 each for a combined total cost of \$596,908 before trade-in. Pricing includes Stryker Power Pro XT Cot, Performance Load Compatibility, steer lock, foot end 02 bottle holder, fowler 02 bottle holder w/pad, 3 stage IV pole, equipment hook, flat head end storage pouch, base storage net, backrest storage pouch, XPS, and Stryker Performance load; and b) Authorize the Trade-in of two (2) 2007 Freightliners (Ambulances PN 31203 and PN 31204 for a trade-in allowance of \$5,750/each totaling \$11,500). BUDGETED ACTION: No action needed. Budgeted in the Countywide Equipment Replacement Plan as approved in the FY18 budget process.

3. 18-087, Award, Two E-One Cyclone Custom Pumpers (Public Safety)

RECOMMENDED ACTION: a) Approve File #18-087, for the purchase of two (2) 2018 E-One Level II Custom Rescue Pumpers on a Cyclone II Chassis, from Hall-Mark RTC, Inc, of Ocala, FL; piggybacking off the Florida Sheriff's Association Contract #FSA16-VEF12.0 Specification #20, at a unit cost of \$610,101.76 for a combined total cost of \$1,220,203.52; and b) Authorize the Trade-in of two (2) E-One Cyclone Pumpers (Pumper PN #26025 and PN 27600 for a trade in allowance of \$15,000/each totaling \$30,000). BUDGETED ACTION: No action needed. Budgeted in the Countywide Equipment Replacement Plan as approved in the FY18 budget process.

4. 16-420, Change Order #10, Cleaning Services, Charlotte County Facilities (Facilities)

RECOMMENDED ACTION: Approve Change Order #10 to Contract #16-420 Cleaning Services, Charlotte County Facilities-Annual with At Your Service Cleaning Group, Inc. of Sarasota, FL, for adding services at existing location: South County Annex, 410 Taylor Street, Punta Gorda, FL, 33950 for increase from current once per week cleaning services for \$981.17 per month at the facility for an additional \$381.33 per month for a new total

monthly price of \$1,362.50. BUDGETED ACTION: No action needed. Funding from various departments approved in the FY18 Budget Process.

5. 10-156, Amendment #1, Sidewalk Design - Sales Tax Project (2nd Year) (Public Works)

RECOMMENDED ACTION: a) Approve Amendment #1 to Contract 10-156, Sidewalk Design - Sales Tax Project (2nd Year) with Giffels-Webster Engineers, Inc. of Englewood, FL for additional design services with an increase to the contract amount of \$19,482.51; and b) Authorize the Chairman to sign Amendment #1 for additional sidewalk design services. BUDGETED ACTION: No action needed. Budgeted in CIP project "Sidewalks 2009 Sales Tax Extension", as approved in the FY18 budget process.

Commissioner Truex spoke to sales tax projects.

6. 17-310, Contract, MSBU/MSTU Methodology (Public Works)

(Change #3) Updated Contract

RECOMMENDED ACTION: Approve Contract #17-310, Public Works MSBU/MSTU Methodology, with Government Services Group, Inc. of Tallahassee, Florida, in the amount of \$259,895. This is for review of current methodology for Public Works Municipal Services Benefits Units and Municipal Services Taxing Units (MSBU/MSTU). BUDGETED ACTION: No action needed. Funding will be supplied from savings in other accounts in the County Transportation Trust Fund, Road Maintenance and Operations and The Utility Operations and Maintenance budget.

Kim Corbett, Purchasing Senior Division Manager explained the updated contract.

County Administrator Sandrock referenced the Government Services Group, Inc. and MSBU/MSTU management costs.

Chair Doherty inquired about updated contract and spoke to MSBU/MSTU methodology consultant services. **Commissioner Tiseo** asked about Government Services Group, Inc. and MSBU/MSTU management costs. **Commissioner Truex** commented on MSBU/MSTU methodology consultant services.

COMMISSIONER TRUEX MOVED TO APPROVE CONTRACT #17-310, PUBLIC WORKS MSBU/MSTU METHODOLOGY, WITH GOVERNMENT SERVICES GROUP, INC. OF TALLAHASSEE, FLORIDA, IN THE AMOUNT OF \$259,895, SECONDED BY CHAIR DOHERTY

MOTION CARRIED 5:0.

Real Estate Services

7. Proposed Disposal of Remnant Parcel

RECOMMENDED ACTION: Authorize the Chairman to execute the Purchase and Sale Agreement with David C. Hallam and Jennifer J. Hallam, husband and wife, for the disposal of a portion of County owned real property located at 3590 Port Charlotte Blvd, Charlotte County. BUDGETED ACTION: No action needed. **AGR 2017-101**

8. Veteran's Memorial Wall Easement

RECOMMENDED ACTION: Authorize the Chairman execute an Ingress and Egress and Parking easement to the City of Punta Gorda adjacent to the Veterans Memorial Wall. BUDGETED ACTION: No action needed. **AGR 2017-102**

Risk Management - No Items.

Transit - No Items.

G. Community Development - No Items.

H. Community Services

Parks and Natural Resources - No Items.

Recreation - No Items.

Libraries and Historical - No Items.

Environmental Services - No Items.

I. Economic Development - No Items.

J. Facilities Construction and Maintenance

1. Lease - Englewood Community Care Clinic

RECOMMENDED ACTION: Approve a Resolution and Lease Agreement with Englewood Community Care Clinic, Inc. to lease space at the West County Annex used for providing community health care. BUDGETED ACTION: No action needed. **AGR 2017-103 / RES 2017-249**

K. Human Resources - No Items.

L. Human Services - No Items.

M. Public Safety - No Items.

N. Public Works

1. FDOT Highway Beautification Council Grant Acceptance SR-35

RECOMMENDED ACTION: a) Approve the Resolution accepting the Florida Highway Beautification Council (FHBC) Grant (FPID 440965-1) in the amount of \$70,058 (with a Charlotte County match of \$71,500) for the gateway improvements planned at the US 17 and Desoto County line location, and; b) Authorize the Chair to execute the FHBC Grant, Landscape, Construction, and Maintenance Memorandum of Agreement. BUDGETED ACTION: No action needed. Funding for the match is budgeted in CIP project, "Landscaping Gateways, Entry Features and Thoroughfares", as approved in the FY18 budget process. **AGR 2017-099 / RES 2017-247**

2. FDOT Highway Beautification Council Grant Acceptance SR-45

RECOMMENDED ACTION: a) Approve the Resolution accepting the Florida Highway Beautification Council (FHBC) Grant (FPID 440964-1) in the amount of \$69,000 (with a Charlotte County match of \$70,825) for the gateway improvements planned at the US41 and Lee County line location, and; b) Authorize the Chair to execute the FHBC Grant, Landscape, construction, and Maintenance Memorandum of Agreement. BUDGETED ACTION: No action needed. Funding for the match is budgeted in CIP project, "Landscaping Gateways, Entry Features and Thoroughfares", as approved in the FY18 budget process. **AGR 2017-100 / RES 2017-248**

O. Tourism Development - No Items.

P. Utilities - No Items.

Q. Other Agencies

1. Tax Collector Conduct County Business at Branch Office

RECOMMENDED ACTION: Approve a Resolution establishing a branch office at 21229-A Olean Boulevard, Port Charlotte, FL to conduct county business by the Charlotte County Tax Collector. BUDGETED ACTION: No action needed. **RES 2017-250**

R. Regular Agenda

REGULAR AGENDA

1. Debris Clean-Up Update

County Administration

Update on County Hurricane Irma debris clean-up.

Dan Quick, Public Works Director gave a brief overview of Hurricane Irma debris clean-up efforts and responded to Board inquiries.

Commissioner Constance inquired about south of the Peace River. **Commissioner Deutsch** questioned completion date. **Commissioner Tiseo** mentioned private roads. **Commissioner Truex** asked about Gasparilla Island.

2. Water Authority Agenda - December 6, 2017

(Change #2) Updated Agenda

Utilities

Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agendas for the upcoming December 6, 2017 Meeting and Workshop.

Travis Mortimer, Interim Utilities Director gave a brief overview of Peace River Manasota Regional Water Supply Authority Board agendas and responded to Board inquiries.

Chair Doherty spoke to Resolution 2017-06 Amending Conservation Rate for Fiscal Year 2017, solar farm, and private and public utility inventory. **Commissioner Constance** discussed Resolution 2017-06 Amending Conservation Rate for Fiscal Year 2017, Water Supply Conditions, Orange Hammock Ranch Conservation Update, legislative priorities, solar farm, and private and public utility inventory.

3. Appoint by Ballot - Edgewater North Waterway Unit MSBU Advisory Board

Commission Office

Choose by ballot to fill the unexpired term of Lucius Anthony on the Edgewater North Waterway Unit MSBU Advisory Board. This appointment will be effective immediately and will expire on October 31, 2019.

County Administrator Sandrock announced the ballot majority vote for Paul Roberts.

COMMISSIONER CONSTANCE MOVED TO RECOMMEND BY BALLOT PAUL ROBERTS TO SERVE ON THE EDGEWATER NORTH WATERWAY UNIT MSBU ADVISORY BOARD, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

RECESS: 9:52 am - 10:00 am

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing

1. Ingram 24" Water Main - DWSRF

Utilities

a) Conduct a public hearing to review and consider adoption of the proposed Water Facilities Plan for the Ingram 24" Water Main; and b) Approve the Water Facilities Plan for the Ingram 24" Water Main; and c) Approve the Resolution authorizing the loan application and loan agreement for the DWSRF loan for the Ingram 24" Water Main. **RES 2017-251**

Mr. Mortimer gave a brief overview of the proposed Water Facilities Plan, DWSRF loan for the Ingram 24" Water Main, and responded to Board inquiries.

Commissioner Truex inquired about the route.

Public Hearing – None

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

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE THE WATER FACILITIES PLAN FOR THE INGRAM 24" WATER MAIN AND RESOLUTION 2017-251, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

2. Ordinance Amending Chapter 4-3.5 Pertaining to the Integrated Shoreline Management MSTU

Public Works

Conduct a public hearing to consider an ordinance amending Part IV, Chapter 4-3.5, Article VII, Charlotte County Code of Laws and Ordinances pertaining to the Integrated Shoreline Management Municipal Service Taxing Unit.
ORD 2017-049

County Attorney Knowlton gave a brief overview of amendment Part IV, Chapter 4-3.5, Article VII, Charlotte County Code of Laws and Ordinances pertaining to the Integrated Shoreline Management Municipal Service Taxing Unit (MSTU).

Commissioner Deutsch mentioned Stump Pass dredging.

Public Hearing

Peter Watson, South Gulf Cove Home Owners' Association President commented on Stump Pass MSTU amendment.

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

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE ORDINANCE 2017-049 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING PART IV, CHAPTER 4-3.5, ARTICLE VII, CHARLOTTE COUNTY CODE OF LAWS AND ORDINANCES PERTAINING TO THE INTEGRATED SHORELINE MANAGEMENT MUNICIPAL SERVICE TAXING UNIT; RENAMING THE UNIT THE STUMP PASS DREDGING MUNICIPAL SERVICE TAXING UNIT; AMENDING THE SCOPE TO LIMIT THE PURPOSE TO THE DREDGING OF STUMP PASS AND RELATED MAINTENANCE SERVICES, FACILITIES IMPROVEMENTS AND PROGRAMS; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

RECESS: 10:11 am - 1:00 pm

PRESENTATION AGENDA

T. 10:00 A.M. - No Items.

1 P.M. CITIZEN INPUT - ANY SUBJECT

Peg Niland spoke to advertising flags along roadways.

AA. County Administrator: None

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Constance discussed tentative 2018 Board of County Commissioner (BCC) meeting schedule, sign code changes, and Florida Association of Counties (FAC) 2018 calendar. **Commissioner Tiseo** conferred about sign code changes and his Commission anniversary. **Commissioner Truex** conversed about tentative 2018 BCC meeting schedule.

County Administrator Sandrock referenced sign code changes.

RECESS: 1:14 pm - 2:00 pm

LAND USE PUBLIC HEARING AGENDA

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

1. FP-17-07-06, Babcock 1B2

Community Development

a) Approve Final Plat for Babcock Property Holdings, LLC for a subdivision to be named, Babcock Ranch Community Phase 1B2, under Petition #FP-17-07-06; and b) Approve the Resolution designating all roads in the Babcock Ranch Community Division Phase 1B2 as roads where golf carts may be operated, provided such golf cart operation is in compliance with Section 2-4-10 of the Charlotte County Code of Laws and Ordinances. Quasi-Judicial **RES 2017-252**

Minutes Clerk Cash administered oath for testimony.

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

Steven Ellis, Planner II gave a brief overview of Final Plat for Babcock Property Holdings, LLC for a subdivision to be named, Babcock Ranch Community Phase 1B2, under Petition #FP-17-07-06, Resolution designating all roads in the Babcock Ranch Community Division Phase 1B2 as roads where golf carts may be operated, FP-17-07-06 – 2017 Aerial Location Map, FP-17-07-06 – Future Land Use Designations, FP-17-07-06 – Zoning Designations, FP-17-07-06 – Babcock Plats, and FP-17-07-06 – Proposed Changes.

Attorney Robert Berntsson, representing the Applicant offered to answer any questions.

Public Hearing – None

COMMISSIONER TRUEX MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE FINAL PLAT FOR BABCOCK PROPERTY HOLDINGS, LLC FOR A SUBDIVISION TO BE NAMED BABCOCK RANCH COMMUNITY PHASE 1B2 UNDER PETITION #FP-17-07-06, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE RESOLUTION 2017-252, SECONDED BY CHAIR DOHERTY

MOTION CARRIED 5:0.

2. FP-17-01-01, Villa Milano Phase 4, 5 & 6

Community Development

Approve Final Plat for Maronda Homes, Inc. of FL for Villa Milano Phases 4, 5 & 6 Subdivision under Petition #FP-17-01-01; and Approve a Developer's Agreement. Quasi-Judicial **AGR 2017-104**

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

Mr. Ellis gave a brief overview of Final Plat for Maronda Homes, Inc. of FL for Villa Milano Phases 4, 5 & 6 Subdivision under Petition #FP-17-01-01, Developer's Agreement, FP-17-01-01 – 2014 Aerial Location map (Mid-Range), FP-17-01-01 – 2014 Aerial View, FP-17-01-01 – Future Land Use Designations, FP-17-01-01 – Zoning Designations, FP-17-01-01 – Propose Changes, and responded to Board inquiries.

Chair Doherty noted Agent representing the Applicant acknowledged he had no presentation. **Commissioner Constance** inquired about the phases.

Public Hearing

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

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE THE FINAL PLAT FOR MARONDA HOMES, INC. OF FL FOR VILLA MILANO PHASES 4, 5 & 6 SUBDIVISION UNDER PETITION #FP-17-01-01 AND DEVELOPER'S AGREEMENT 2017-104, SECONDED BY CHAIR DOHERTY

MOTION CARRIED 5:0.

3. DRC-17-00006, RaceTrac

Community Development

Approve a Resolution for Final Detail Site Plan for RaceTrac Petroleum Inc. RaceTrac Petroleum Inc. is requesting a Final Detail Plan approval for a small 488 sq. ft. expansion to the existing building, an addition of outdoor patio seating as well as create an additional access to the road. This 1.22 +/- acre site is located at 24401 Sandhill Bldg., Lot 9, Sandhill Crossings Subdivision, in Section 6, Township 40 South, Range 23, in Port Charlotte, Florida. This site is located in the Sandhill DRI. (This modification is to the original DRC-PD- 80-04UU). Quasi-Judicial **RES 2017-253**

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

Shaun Cullinan, Planning and Zoning Official gave a brief overview the Final Detail Site Plan for RaceTrac Petroleum Inc. Petition #DRC-17-00006, DRC-17-00006 – Location Map, DRC-17-00006 - 2014 Aerial Image, DRC-17-00006 – Zoning Designations, Site Plan, Elevations, and responded to Board inquiries.

Venkat Vattikuti, County Transportation Engineer commented on Sandhill Boulevard improvements.

John Wojdak, DeLisi Fitzgerald, Inc. representing the Applicant spoke to access points, store improvements, Sandhill Boulevard improvements, and site plan.

Jeffrey Baird, Racetrac Petroleum, Inc. referenced Sandhill Boulevard improvements.

Chair Doherty discussed Sandhill Boulevard improvements. **Commissioner Constance** inquired about access points. **Commissioner Tiseo** mentioned Sandhill Boulevard improvements.

Public Hearing – None

COMMISSIONER CONSTANCE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE RESOLUTION 2017-253, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

4. DRC-17-00030, Popeye's

Community Development

Approve a Resolution for Final Detail Site Plan for Popeye's Restaurant, DRC-17-00030. Sandhill Kings LLC is requesting a Final Detail Site Plan approval for Popeye's. This resolution will allow the construction of a 2,506 sq. ft., 66 seat Popeye's restaurant with drive- thru and associated infrastructure. This 0.99+/- acre site is located at 24471 Sandhill Blvd., Parcel A, Sandhill Commons, in Section 6, Township 40 South, Range 23 East in Port Charlotte, Florida. This site is in the Sandhill DRI. Quasi-Judicial **RES 2017-254**

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

Mr. Cullinan gave a brief overview of the Final Detail Site Plan for Popeye's Restaurant, DRC-17-00030, Location Map for DRC-17-00030, 2017 Aerial Image for DRC-17-00030, Zoning Designations for DRC-17-00030, Site Plan, Elevations, and responded to Board inquiries.

Mr. Vattikuti spoke to Sandhill Development of Regional Impact (DRI), Sandhill Boulevard Improvements, and Municipal Service Taxing Unit (MSTU) funds.

Chair Doherty conversed about Sandhill Boulevard improvements, Sandhill DRI, and MSTU funds. **Commissioner Constance** spoke to Sandhill DRI and Sandhill Boulevard improvements. **Commissioner Tiseo** commented on Sandhill DRI. **Commissioner Truex** mentioned Sandhill DRI.

Public Hearing

Attorney Geri Waksler discussed Sandhill DRI and MSTU funds.

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2017-254, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

5. Ordinance Adopting PA-17-07-23, Circle-K Stores

Community Development

Approve an Ordinance adopting PA-17-07-23, a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM); for properties located at 20341 Midway Boulevard, 20321 Albury Drive and 20329 Albury Drive, in Port Charlotte, containing 35,596 square feet (0.81± acres); Commission District V; Applicant: Circle K Stores, Inc.; providing an effective date. Legislative **ORD 2017-050**

Mr. Cullinan noted Petition No. PA-17-07-23 and Petition No. Z-17-07-24 are unified, requested he be accepted as a planning and zoning expert, gave a brief overview of PA-17-07-23 and Z-17-07-24, PA-17-07-23 & Z-17-07-24 – Location Map, PA-17-07-23 & Z-17-07-24 – Area image, PA-17-07-23 & Z-17-07-24 – US 41 Overlay District, PA-17-07-23 & Z-17-07-24 – Framework, PA-17-07-23 & Z-17-07-24 – FLUM Designations, PA-17-07-23 & Z-17-07-24 – Zoning Designations, PA-17-07-23 & Z-17-07-24 – Site image, and responded to Board inquiries.

Mr. Vattikuti spoke to access points and site plan.

Wayne Arnold, Grady-Minor and Associates representing the Applicant gave a brief overview of Proposed Overall Site, Store Front Rendering, Store Interior, and Circle K Stores, Inc.

Chair Doherty conversed about site plan. **Commissioner Constance** conferred about site improvements, site plan, and storm drainage. **Commissioner Deutsch** commented on access points, landscape plan, residential

neighbors, and storm drainage. **Commissioner Tiseo** mentioned driveway eliminations, access points, site plan, and residential neighbors. **Commissioner Truex** discussed site plan, access points, and barrier buffers.

Public Hearing for Petition No. PA-17-07-23 and Petition No. Z-17-07-24

Karen Thompson expressed concerns about barriers, lighting, safety, traffic, and storm drainage.

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

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE ORDINANCE 2017-050 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, ADOPTING A SMALL SCALE PLAN AMENDMENT TO THE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM LOW DENSITY RESIDENTIAL (LDR) TO COMMERCIAL (COM), FOR PROPERTIES LOCATED AT 20341 MIDWAY BOULEVARD, 20321 ALBURY DRIVE AND 20329 ALBURY DRIVE, IN THE PORT CHARLOTTE AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT V, CONTAINING 0.81 ACRES MORE OR LESS; PETITION PA-17-07-23; APPLICANT, CIRCLE K STORES, INC.; PROVIDING AN EFFECTIVE DATE, SECONDED BY CHAIR DOHERTY

MOTION CARRIED 5:0.

6. Ordinance Adopting Z-17-07-24, Circle-K Stores

Community Development

Approve an Ordinance adopting an amendment to the Charlotte County Zoning Atlas from Residential single-family-3.5 (RSF-3.5) to Commercial General (CG); for properties located at 20341 Midway Boulevard, 20321 Albury Drive and 20329 Albury Drive, in Port Charlotte, containing 35,596 square feet (0.81± acres); Commission District V; Petition No. Z-17-07-24; Applicant: Circle K Stores, Inc.; providing an effective date. Quasi-Judicial **ORD 2017-051**

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

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2017-051 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL SINGLE-FAMILY-3.5 (RSF-3.5) TO COMMERCIAL GENERAL (CG), FOR PROPERTIES LOCATED AT 20341 MIDWAY BOULEVARD, 20321 ALBURY DRIVE AND 20329 ALBURY DRIVE, IN THE PORT CHARLOTTE AREA, CONTAINING 0.81 ACRES MORE OR LESS, COMMISSION DISTRICT V, CHARLOTTE COUNTY, FLORIDA; PETITION Z-17-07-24; APPLICANT, CIRCLE K STORES, INC.; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

7. A rezoning from Planned Development (PD) to PD for the Tern Bay DRI PD - Z-17-07-22

Community Development

Approve an Ordinance adopting Petition Z-17-07-22, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD. This is a major modification of an existing PD for the Tern Bay Development of Regional Impact (DRI) 1) to revise the PD concept plan (PD-90-6), which was adopted via Resolution No. 91-262, to be consistent with Map H adopted via Resolution No. 2017-144; 2) to add development standards to be consistent with requirements set forth in Resolution Number 2017-144 and the County's Land Development Regulations; for property located northwest of Burnt Store Road, in portions of Sections 13, 17, 18, 19, and 20, Township 42 South, Range 23 East, containing 1,778± acres, in the Burnt Store area, Charlotte County; Commission District II; Petition No. Z-17-07-22; Applicant: Tern Bay CDD Acquisitions, LLC. Quasi-Judicial **ORD 2017-052**

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

Jie Shao, Principal Planner requested she be accepted as a planning expert, gave a brief overview of Petition Z-17-07-22 amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD, Z-17-07-22 Aerial View, Z-17-07-22 Framework, Z-17-07-22 Existing FLU Designations, and Z-17-07-22 Existing Zoning Designations.

Attorney Robert Berntsson, representing the Applicant discussed Tern Bay DRI modifications.

Public Hearing – None

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2017-052 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 125.66, FLORIDA STATUTES, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD), WHICH IS A MAJOR MODIFICATION TO THE EXISTING PLANNED DEVELOPMENT (PD) FOR THE TERN BAY DEVELOPMENT OF REGIONAL IMPACT (DRI): (1) TO REVISE THE PD CONCEPT PLAN (PD-90-6) WHICH WAS ADOPTED VIA RESOLUTION NUMBER 91-262, TO BE CONSISTENT WITH MAP H ADOPTED VIA RESOLUTION 2017-144, AND (2) TO ADD DEVELOPMENT STANDARDS TO BE CONSISTENT WITH REQUIREMENTS SET FORTH IN RESOLUTION 2017-144 AND THE COUNTY'S LAND DEVELOPMENT REGULATIONS, FOR PROPERTY LOCATED NORTHWEST OF BURNT STORE ROAD, IN PORTIONS OF SECTIONS 13, 17, 18, 19, AND 20, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CONTAINING A TOTAL OF 1,778 ACRES MORE OR LESS, IN THE BURNT STORE AREA, COMMISSION DISTRICT II, CHARLOTTE COUNTY, FLORIDA; PETITION Z-17-07-22; APPLICANT, TERN BAY CDD ACQUISITIONS, LLC; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

8. Local Amendment to the Sandhill DRI Development Order (DO) - LADO-17-08-27

Community Development

Approve a Resolution adopting Petition LADO-17-08-27, pursuant to Section 380.06(19)(e)2, Florida Statutes, an amendment to the Sandhill Development of Regional Impact (DRI) Development Order by adding some specific sign requirements to allow one additional pole sign between 40 feet and 80 feet in height to be located on Lot 1 of King's Highway Wal-Mart within Parcel 5-18 of Tract 5 of the Sandhill DRI, and reflecting the extension of the expiration date of this Development Order per Governor's Executive Orders; for property located south of the DeSoto County Line, north of Rampart Boulevard, east of Loveland Boulevard and west of the Deep Creek area; Section 7, Township 40 South, and Range 23 East, in the Port Charlotte area, currently containing a total of 713.12± acres; Commission District I; Petition No. LADO-17-08-27; Applicant: Carisch Brothers LP/Badgerland Burger Company, LLC/dba Culver's of Port Charlotte; providing an effective date. This application does not require the filing of a Notice of Proposed Change. Quasi-Judicial **RES 2017-255**

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

Ms. Shao gave a brief overview of the Local Amendment to the Sandhill DRI Development Order (DO) - LADO-17-08-27, LADO-17-08-27 – Location Map, Proposed Amendments, LADO-17-08-27 – Site Image, Project Photos and Descriptions, and responded to Board inquiries.

Mr. Cullinan commented on sign standards, sign height and Balloon Deployment Study.

Attorney Geri Waksler, representing the Applicant spoke to Sandhill DRI amendment, sign regulations, interchange signage, Balloon Deployment Study, and proposed signage.

Chair Doherty mentioned sign height. **Commissioner Constance** discussed sign sizes, sign height, sign type, and sign placement. **Commissioner Deutsch** noted visual signage.

Public Hearing – None

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

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE RESOLUTION 2017-255 WITH CONDITIONS OF TWO (2) SIGNS AND A STATIC MESSAGE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

9. Large Scale Plan Amendment to amend Future Land Use (FLU) Appendix II: Future Land Use Map (FLUM) Series - PA-17-06-19-LS

Community Development

Transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment; this request is to amend Future Land Use (FLU) Appendix II: Future Land Use Map (FLUM) Series, by revising FLUM Series Map #14: Coastal High Hazard Areas and Evacuation Routes; Petition No. PA-17-06-19-LS; Applicant: Charlotte County Board of County Commissioners. Legislative

Ms. Shao gave a brief overview of Large Scale Plan Amendment to amend Future Land Use (FLU) Appendix II: Future Land Use Map (FLUM) Series - PA-17-06-19-LS, Future Land Use Map Series Map #14: Coastal High Hazard Areas and Evacuation Routes, Future Land use Map Series Map #14: Coastal High Hazard Areas and Evacuation Routes – Proposed, and responded to Board inquiries.

Chair Doherty mentioned map updates. **Commissioner Constance** discussed map updates and flood zone map colors.

Public Hearing

Percy Angelo, Friends of Cape Haze, Inc. spoke to new Coastal High Hazard map, density, overlay maps, and flood zone map colors.

Attorney Robert Berntsson commented on Geographic Information System (GIS) zone maps and elevation data.

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

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE TRANSMITTAL OF A LARGE SCALE PLAN AMENDMENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) AND OTHER STATE REVIEW AGENCIES FOR REVIEW AND COMMENT TO AMEND FUTURE LAND USE (FLU) APPENDIX II: FUTURE LAND USE MAP (FLUM) SERIES, BY REVISING FLUM SERIES MAP #14: COASTAL HIGH HAZARD AREAS AND EVACUATION ROUTES, PETITION NO. PA-17-06-19-LS AND CHANGING MAP COLOR TO MATCH FLOOD ZONE MAP COLORS, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

10. Text Amendment to revise Section 3-9-2, Rules of Construction; Definitions - Z-17-09-29

Community Development

Approve an Ordinance providing that the Code of Laws and Ordinances of Charlotte County, Florida, be amended by revising Section 3-9-2, Rules of Construction; Definitions, 1) to revise the definition of "Building, Height of", 2) to delete the definition of "Hotel, Motel, Motor hotel, Motor Lodge, or Tourist Court", and 3) to add new definition of "Hotel, motel, inn"; providing for conflict with other Ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners; providing for conflict with other Ordinances; providing for severability; and providing for an effective date. Petition Number: Z-17-09-29. Legislative **ORD 2017-053**

Ms. Shao gave a brief overview of the Text Amendment to revise Section 3-9-2, Rules of Construction; Definitions - Z-17-09-29, Proposed Changes, and responded to Board inquiries.

Claire Jubb, Community Development Director discussed extended stay restrictions, transient Statute definition, kitchen facilities, Tourist Development Tax, zoning regulations, Transfer of Density Units (TDU) code provisions, and monitoring process.

Chair Doherty inquired about zoning districts. Commissioner Constance commented on kitchen facilities, density units, and zoning districts. Commissioner Tiseo mentioned density units and monitoring process. Commissioner Truex spoke to building height definition, density units, extended stay facilities, and zoning districts.

Public Hearing

Percy Angelo, Friends of Cape Haze, Inc. commented on density units.

Attorney Robert Berntsson noted updated definitions.


COMMISSIONER TRUEX MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE ORDINANCE 2017-053 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9, ZONING, ARTICLE 1, IN GENERAL, SECTION 3-9-2, RULES OF CONSTRUCTION; DEFINITIONS, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY: (1) REVISING THE DEFINITION OF "BUILDING, HEIGHT OF", (2) DELETING THE DEFINITION OF "HOTEL, MOTEL, MOTOR HOTEL, MOTOR LODGE, OR TOURIST COURT", AND (3) ADDING NEW DEFINITION OF "HOTEL, MOTEL, INN", PETITION Z-17-09-29; APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

ADJOURNED: 4:02 pm



Kenneth W. Doherty, Chair
A circular official seal of the Board of County Commissioners of Charlotte County, Florida, is stamped over the signature. The seal contains the text "COMMISSIONERS", "SEAL", "BOARD", and "CHARLOTTE CO. FLA." around a central star.
DATE ADOPTED: 1-18-18

ATTEST:

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

By: Michelle DiBerardino
Deputy Clerk