

BOARD OF COUNTY COMMISSIONERS

MAY 28, 2019

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 (Departed at 1:38 pm), Commissioner Tiseo (Absent 1:00 pm–1:36 pm), and Commissioner Truex. Also in attendance were: County Attorney Knowlton (Departed and Replaced by Assistant County Attorney David at 3:55 pm), Deputy County Administrator Flores, Finance Director Gervais, 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 Reverend Doctor R. Brian Stolarczyk, Lutheran Church of the Cross, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: R-2 Approve the Hold Harmless Agreement between Charlotte County and WBF Florida Properties III, LLC D/B/A Fuccillo Kia. The County Fleet Division is seeking to temporarily place vehicles on the Fuccillo Kia dealership property. A Hold Harmless Agreement will allow the County to store vehicles on the property at no cost to the County, while keeping Fuccillo Kia free from any damage responsibilities. Requested by: Real Estate Services

Addition #2: R-3 Letter to Charlotte County Airport Authority in support of lease with Charlotte County Public Schools for their Airframe & Powerplant program. Requested by: Commission Office

Change #1: U-4 Added attachment - PowerPoint Revised. Slide 2 corrected to reflect DRC-1900016. Requested by: Community Development

Change #2: R-1 Added attachment – Agenda. Requested by: Utilities

Change #3: F-5 Added attachment - Revised Agreement, Exhibit B Updated. Requested by: Purchasing

Change #4: S-1 Added attachment - Revised Buckley's Pass Final Assessment Resolution Appendix D has been updated. Requested by: County Attorney

Change #5: T-1 Added attachment - Revised Presentation. Requested by: Public Safety

Change #6: Proclamations Added Proclamation - David Milligan Day. Requested by: Administration

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Stephen R. Deutsch

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

MOTION CARRIED 5:0.

Code Enforcement Appreciation

Claire Jubb, Ben Bailey, Shaun Cullinan, Erin Mullen-Travis, Shawn Horton, and Staff accepted the Proclamation.

National Garden Week

Sue Killian along with members of the Lemon Bay, Port Charlotte, and Punta Gorda Garden Club accepted the Proclamation.

Summer Camp Month

Mike Massoglia accepted the Proclamation.

(Change #6) Proclamations Added Proclamation - David Milligan Day

David Milligan accepted the Proclamation.

Employee Recognition

Employee of the Month - April 2019 Jill Boyd, Community Services

Kelly Shoemaker, Deputy County Administrator highlighted Ms. Boyd's career, exceeding expectations and presented Award.

Award Presentations – No Items

Chair Doherty highlighted the presence of Marty Mielke, Florida Chief Financial Officer, Office of External Affairs, Southwest Regional Manager.

CITIZEN INPUT - AGENDA ITEMS ONLY

Bill Faris, Charlotte Ranchettes Advisory Board Chair spoke to Authorize Mailing Public Hearing Notices, Set Public Hearing for June 25, 2019 and Approve Proposed Increase for Charlotte County Fire Rescue Department.

David Kalin commented on Authorize Mailing Public Hearing Notices, Set Public Hearing for June 25, 2019 and Approve Proposed Increase for Charlotte County Fire Rescue Department.

Mark Sawaryn mentioned Authorize Mailing Public Hearing Notices, Set Public Hearing for June 25, 2019 and Approve Proposed Increase for Charlotte County Fire Rescue Department.

Kay Richards-Chan opined Authorize Mailing Public Hearing Notices, Set Public Hearing for June 25, 2019 and Approve Proposed Increase for Charlotte County Fire Rescue Department.

John Svedberg referenced Authorize Mailing Public Hearing Notices, Set Public Hearing for June 25, 2019 and Approve Proposed Increase for Charlotte County Fire Rescue Department.

Terry Nichols discussed Authorize Mailing Public Hearing Notices, Set Public Hearing for June 25, 2019 and Approve Proposed Increase for Charlotte County Fire Rescue Department.

Jeff Schluter spoke to Authorize Mailing Public Hearing Notices, Set Public Hearing for June 25, 2019 and Approve Proposed Increase for Charlotte County Fire Rescue Department.

Danna Knowles mentioned Authorize Mailing Public Hearing Notices, Set Public Hearing for June 25, 2019 and Approve Proposed Increase for Charlotte County Fire Rescue Department.

COMMITTEE VACANCIES

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

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, FL 33950; call 941.575.3600 or e-mail MSBU-TU@CharlotteCountyFL.gov.

- **Boca Grande Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- **Don Pedro and Knight Islands Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2021.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2019.
- **Greater Port Charlotte Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2019 and October 31, 2021.
- **Grove City Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- **Harbour Heights Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2019.

- **Manasota Key Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2019.
- **Mid-Charlotte Stormwater Utility Unit** is seeking two members to fill vacant unexpired terms through October 31, 2019 and October 31, 2020.
- **Northwest Port Charlotte Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2019 and October 31, 2020.
- **Pirate Harbor Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- **Rotonda Sands North Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2021.

REPORTS RECEIVED AND FILED – No Items

CONSENT AGENDA

Commissioner Constance inquired about the cancelation of June 13, 2019 Focus Area Workshop.

Deputy County Administrator Flores explained the cancelation of June 13, 2019 Focus Area Workshop.

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF C-2 AND F-1, SECONDED BY COMMISSIONER TRUEX

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

RECOMMENDED ACTION: Approve the following Minutes:

May 9, 2019 Pre-Agenda

May 14, 2019 Focus Area Workshop - Infrastructure

BUDGETED ACTION: No action needed.

Board of County Commissioners

C. Commission Office

1. Appointment - Manasota Key Street & Drainage MSTU Advisory Board

RECOMMENDED ACTION: Approve the appointment of Raymond Orozco to fill the unexpired term of B.J. Galberaith as well as an additional new three year term on the Manasota Key Street & Drainage MSTU Advisory Board. This appointment will be effective immediately and will expire on October 31, 2022. BUDGETED ACTION: No action needed.

2. Southwest Florida Planning Council Support Letters

RECOMMENDED ACTION: Authorize the Chairman to sign the Southwest Florida Planning Council support letters. BUDGETED ACTION: No action needed.

Chair Doherty discussed grant request, Southwest Florida Regional Planning Council's (Council) Relevancy Committee, and regional benefits. **Commissioner Constance** spoke to grant request and regional benefits. **Commissioner Deutsch** opined Council's purpose. **Commissioner Tiseo** commented on grant request support letters and regional benefits. **Commissioner Truex** questioned grant request support letters and Council's charge.

COMMISSIONER CONSTANCE MOVED TO POSTPONE AUTHORIZING THE CHAIRMAN TO SIGN THE SOUTHWEST FLORIDA PLANNING COUNCIL SUPPORT LETTERS FOR FOUR WEEKS OR LESS, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

D. County Administration

Administration

1. Cancellation of June 13, 2019 Focus Area Workshop

RECOMMENDED ACTION: Approve the cancellation of the June 13, 2019 Focus Area Workshop. BUDGETED ACTION: No action needed.

Public Information Office - No Items

E. County Attorney

1. Code Compliance Special Magistrate Gray Robinson, P.A.

RECOMMENDED ACTION: Approve the contract between Charlotte County and Gray Robinson, P.A. to provide Code Enforcement Special Magistrate services at an hourly rate of \$160. BUDGETED ACTION: No action needed. **AGR 2019-039**

F. Budget and Administrative Services

Fiscal Services

1. Authorize Mailing Public Hearing Notices, Set Public Hearing for June 25, 2019 and Approve Proposed Increase for Charlotte County Fire Rescue Department

RECOMMENDED ACTION: a) Approve and authorize the mailing of the required first-class notification of proposed Municipal Services Benefit Unit (MSBU) assessment rates for FY 19/20 for those units with a proposed rate increase above the previously established maximum or a change in purpose or properties assessed for the first time; and b) Set a public hearing for June 25, 2019 at 10:00 a.m., or as soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider a resolution adopting the final assessment for first time assessed properties and an amended assessment roll in the Manasota Key Beach Renourishment Municipal Service Benefit Unit (MSBU) for FY19/20; and c) Approve a proposed four percent (4%) across the board rate increase for Charlotte County Fire Rescue Department. BUDGETED ACTION: No action needed. Mailing costs are budgeted in the General Fund - BCC Control, and will be charged back to the appropriate MSBU.

Chair Doherty spoke to Charlotte Ranchettes MSBU assessment rate increase. **Commissioner Constance** inquired about Florida Department of Transportation (FDOT) standards and Charlotte Ranchettes road maintenance. **Commissioner Deutsch** discussed Charlotte Ranchettes history, community communication, drainage issues, citizen plan proposal, and road maintenance. **Commissioner Truex** asked about Charlotte Ranchettes surveying.

John Elias, Public Works Director commented on Charlotte Ranchettes citizen plan proposal, drainage, signage, road work, brush, pipe, easements, community communication, surveying, and FDOT standards.

County Attorney Knowlton affirmed extracting Charlotte Ranchettes MSBU assessment proposed rate increase.

COMMISSIONER DEUTSCH MOVED TO APPROVE AUTHORIZING MAILING PUBLIC HEARING NOTICES, SET PUBLIC HEARING FOR JUNE 25, 2019 AND APPROVE PROPOSED INCREASE FOR CHARLOTTE COUNTY FIRE RESCUE DEPARTMENT, EXCLUDING THE CHARLOTTE RANCHETTES, AND AN AMENDED ASSESSMENT ROLL FOR THE MANASOTA KEY BEACH RENOURISHMENT MUNICIPAL SERVICE BENEFIT UNIT, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

Information Technology - No Items

Purchasing

2. 19-270, Coral Creek Deck Repairs (Public Works)

RECOMMENDED ACTION: Approve Award of Bid #19-270, Coral Creek Deck Repairs, to Matcon Construction Services, Inc. of Tampa, Florida in the amount of \$231,995.40. This is for a Contractor to furnish all labor, equipment, facilities, supplies, materials, and transportation, to complete the Coral Creek Deck Repairs. BUDGETED ACTION: No action needed. Budgeted in the Bridge Capital Maintenance Plan,

as approved in the FY19 budget process. Funding is supplied from Road & Bridge Infrastructure, maintenance gas taxes.

3. 19-366, Insecticides & Herbicides-Supply & Deliver (Public Works)

RECOMMENDED ACTION: a) Approve multi-Award by line item of Bid #19-366, Insecticides & Herbicides - Supply and Deliver to the following vendors as indicated on the attached bid tabulation and recommendation sheet: Adapco, Inc. of Sanford, Florida; Clark Mosquito Control Products, Inc. of Kissimmee, Florida; Helena Chemical Co. of Immokalee, Florida; Nutrien Ag Solution, Inc. of Mulberry, Florida; and Siteone Landscape Supply of Port Charlotte, Florida, for the period of June 1, 2019 through and including May 31, 2020; and b) Authorize the County Administrator to approve renewal options for up to two (2) one- year terms, at the same prices, terms and conditions, by mutual consent. This is an annual contract to purchase insecticides and herbicides, to be utilized on an "as required" basis by Public Works-Mosquito and Aquatic Weed Control Division. BUDGETED ACTION: No action needed. Budgeted in the Public Works-Mosquito and Aquatic Weed Control Divisions FY2019 budget process.

4. 19-425, Award, Purchase of Boom Mower (Public Works)

RECOMMENDED ACTION: Approve Award of #19-425, Boom Mower, as "Piggyback" purchase off of the Florida Sheriff Association Contract #FSA 18VEH 16.0 Specification #27, and award to Dobbs Equipment, LLC of Fort Myers, Florida for the total cost of \$215,593.40. BUDGETED ACTION: No action needed. Budgeted in the Heavy Equipment Replacement Plan, as approved in the FY19 budget process. Funding is supplied from maintenance gas taxes.

5. 16-295, Amendment #4, Manasota Key Beach Renourishment 10 Year Management Plan (Public Works)

(Change #3) Added attachment - Revised Agreement, Exhibit B Updated

RECOMMENDED ACTION: a) Approve Amendment #4 to Contract #16-295 Manasota Key Beach Renourishment 10 Year Management Plan with Coastal Engineering Consultants, Inc. of Naples, Florida for assistance to administer the construction of the initial restoration of the Manasota Key Beach Fill (MKBF) for an amount of \$885,828; and b) Authorize the Chairman to sign Amendment #4. BUDGETED ACTION: No action needed. Funded in approved CIP project C during the FY19 budget process. Funding is supplied from the Manasota Key Beach Nourishment MSBU.

6. 12-050, Stump Pass 10-Year Mgmt Plan, Amendment #7 (Public Works)

RECOMMENDED ACTION: a) Approve Amendment #7 to Contract #12-050 Stump Pass Ten-Year Management Plan with Coastal Engineering Consultants, Inc. (CEC) of Naples, Florida in the amount of \$382,626; and b) Authorize the Chairman to sign the Amendment. This is for monitoring services for the 2019-2020 South Beach Fill (SBF) Re-nourishment. BUDGETED ACTION: No action needed. Budgeted in the Don Pedro/Knight/Palm Island MSBU CIP "Beach Fill Renourishment" (\$293,529) as approved in the FY19 budget process and Stump Pass MSBU CIP "Annual Monitoring" (\$89,099) as approved in the FY19 budget process. Funding will come from Don Pedro/Knight/Palm Island Beach and Stump Pass Beach Renourishment MSBU's assessments.

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 Agreement

RECOMMENDED ACTION: 1) Approve Agreement with the University of Florida to develop a cohesive educational display at Cedar Point Environmental Center to improve and enhance the educational opportunities offered by Charlotte County and the Charlotte Harbor Environmental Center; and 2) Authorize the Chairman to sign the agreement; and 3) Approve Resolution authorizing budget adjustment (BA19-030) in the amount of \$15,000. BUDGETED ACTION: Approve budget adjustment BA19-030 in the amount of \$15,000. County match of \$40,000 will be paid from Community Services Land Management Operating Fund. **AGR 2019-040 / RES 2019-065**

Recreation - No Items

Libraries and Historical - No Items

Community Services - No Items

I. Economic Development - No Items

J. Facilities Construction and Maintenance - No Items

K. Human Resources - No Items

L. Human Services - No Items

M. Public Safety - No Items

N. Public Works

1. Interlocal Agreement with the Punta Gorda to Add Additional City Properties to the Alligator Creek Waterway MSBU

RECOMMENDED ACTION: Approve Interlocal Agreement with the City of Punta Gorda to add the city's parcels within the Buckley's Pass MSBU to the county's Alligator Creek Waterway MSBU. BUDGETED ACTION: No action needed. Budget will be approved through the regular budget process. **AGR 2019-041**

2. Alligator Creek Waterway Initial Assessment Resolution & Set a Public Hearing for July 23, 2019 for the Final Assessment Resolution

RECOMMENDED ACTION: a) Approve the Initial Assessment Resolution for the Alligator Creek Waterway Assessment MSBU; and b) Set a public hearing for July 23, 2019, at 10:00 a.m., or as soon thereafter as may be heard, in Room 119 at 18500 Murdock circle, Port Charlotte, Florida, to consider adoption of Final Assessment Resolution for the Alligator Creek Waterway MSBU. BUDGETED ACTION: No action needed. Budget will be approved through the regular budget process. **RES 2019-066**

3. Landscape Installation and Maintenance Agreement with Sunseeker Florida, Inc.

RECOMMENDED ACTION: Approve Landscape Installation and Maintenance Agreement with Sunseeker Florida, Inc. which will allow Sunseeker to make certain improvements to property abutting US 41, and is intended to beautify the area. BUDGETED ACTION: No action needed. **AGR 2019-042**

O. Tourism Development - No Items

P. Utilities

1. East Port Reclaimed Pond Aeration System

RECOMMENDED ACTION: Approve Resolution and budget adjustment BA #19-028 in the amount of \$275,000 to add CIP project "East Port Water Reclamation Facility Reclaimed Pond Aeration System" to the FY19 Capital Improvement Program. BUDGETED ACTION: Approve Resolution and budget adjustment BA #19-028 in the amount of \$275,000 to add CIP project "East Port Water Reclamation Facility Reclaimed Pond Aeration System" to the FY19 Capital Improvement Program. Funding is supplied from the Utility Operations & Maintenance Fund. **RES 2019-067**

Q. Other Agencies - No Items

RECESS: 9:56 am - 10:05 am

Taken Out Of Order

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing

1. Buckley's Pass Final Assessment Hearing

(Change #4) Added attachment - Revised Buckley's Pass Final Assessment Resolution Appendix D has been updated

County Attorney

Conduct a Public Hearing to consider creation of the Buckley's Pass Dredging Municipal Service Benefit Unit (MSBU) and approve the adoption of the final assessment resolution. **RES 2019-068**

Marilyn Miller, Assistant County Attorney gave a brief overview of Buckley's Pass Dredging Municipal Service Benefit Unit (MSBU) final assessment.

Public Hearing – None

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2019-068 BUCKLEY'S PASS DREDGING MUNICIPAL SERVICE BENEFIT UNIT FINAL ASSESSMENT, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

PRESENTATION AGENDA

T. 10:00 A.M.

1. 2019 Atlantic Hurricane Season

(Change #5) Added attachment - Revised Presentation

Emergency Management briefing on the upcoming 2019 Atlantic Hurricane Season and review of preparedness activities.

Patrick Fuller, Emergency Management Coordinator gave a brief overview of the 2019 Hurricane Season, Early Predictions, Public Shelters, Elevation Zones, Potential Shelter Locations (North), Potential Shelter Locations (South), Training and Resources, Emergency Operations Center Enhancements, Public Outreach, and responded to Board inquiries.

Deputy County Administrator Flores referenced Port Charlotte Middle School rebuild.

County Attorney Knowlton spoke to debris removal contractors' contract provisions.

Commissioner Constance inquired about special needs shelter. **Commissioner Deutsch** asked about debris removal contractors and public shelters. **Commissioner Tiseo** spoke to public shelters, elevation zones, and Port Charlotte Middle School rebuild.

Taken Out Of Order

REGULAR AGENDA

R. Regular Agenda

1. Water Authority Agenda - May 29, 2019

(Change #2) Added attachment - Agenda

Utilities

Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the upcoming May 29, 2019 Meeting.

Craig Rudy gave a brief overview of Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the May 29, 2019 Meeting and responded to Board inquiries.

Deputy County Administrator Flores referenced Manatee County.

Chair Doherty spoke to Change Order Number 1 for Marine Contracting Group Inc. for Phase 2 River Intake Dredge Project, Adopt 5-Year Capital Improvement Plan (CIP) and 20-Year Capital Needs Assessment (CNA), Definition & Funding for System-Wide Benefit Projects, Tentative Budget for Fiscal Year 2020 System-Wide CIP Funding, and Tentative Budget for Fiscal Year 2020 Proposed Water Rate. **Commissioner Constance** mentioned Change Order Number 1 for Marine Contracting Group Inc. for Phase 2 River Intake Dredge Project, Adopt 5-Year CIP and 20-Year CNA, Tentative Budget for Fiscal Year 2020 System-Wide CIP Funding, and Tentative Budget for Fiscal Year 2020 Proposed Water Rate.

(Addition #1) R-2 Approve the Hold Harmless Agreement between Charlotte County and WBF Florida Properties III, LLC D/B/A Fuccillo Kia. The County Fleet Division is seeking to temporarily place vehicles on the Fuccillo Kia dealership property. A Hold Harmless Agreement will allow the County to store vehicles on the property at no cost to the County, while keeping Fuccillo Kia free from any damage responsibilities.
AGR 2019-043

Real Estate Services

Robert Smith, Real Estate Services Manager gave a brief overview of the Hold Harmless Agreement between Charlotte County and WBF Florida Properties III, LLC D/B/A Fuccillo Kia and responded to Board inquiries.

Commissioner Constance questioned temporary storage timeframe.

COMMISSIONER CONSTANCE MOVED TO APPROVE AGREEMENT 2019-043 INDEMNIFICATION AND HOLD HARMLESS AGREEMENT BETWEEN CHARLOTTE COUNTY AND WBF FLORIDA PROPERTIES III, LLC D/B/A FUCCILLO KIA OF PORT CHARLOTTE, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

(Addition #2) R-3 Letter to Charlotte County Airport Authority in support of lease with Charlotte County Public Schools for their Airframe & Powerplant program.

Commission Office

Chair Doherty discussed Charlotte County Airport Authority, Memorandum of Understanding (MOU), and Western Michigan University (WMU) settlement. **Commissioner Constance** spoke to MOU and classroom contribution. **Commissioner Deutsch** commented on letter of support, Charlotte County Airport Authority, and WMU Settlement. **Commissioner Tiseo** mentioned funding, MOU, classroom contribution, and WMU Settlement. **Commissioner Truex** noted Letter of Intent.

Deputy County Administrator Flores referenced Charlotte County Airport Authority upcoming meetings.

Emily Lewis, Assistant County Administrator discussed funding and MOU.

Thomas David, Assistant County Attorney spoke to classroom contribution, lease termination, and WMU settlement.

COMMISSIONER TRUEX MOVED TO APPROVE THE LETTER TO CHARLOTTE COUNTY AIRPORT AUTHORITY IN SUPPORT OF LEASE WITH CHARLOTTE COUNTY PUBLIC SCHOOLS FOR THEIR AIRFRAME & POWERPLANT PROGRAM WITH A MODIFICATION DIRECTING STAFF TO CREATE A MEMORANDUM OF UNDERSTANDING TO BE BROUGHT BACK TO THE BOARD BEFORE THE JUNE 20, 2019 AIRPORT AUTHORITY MEETING, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

RECESS: 10:52 am - 1:00 pm

1 P.M. CITIZEN INPUT - ANY SUBJECT

Theresa Rucker recommended a vacant lot overgrowth maintenance code.

Donald Phillips suggested a vacant lot overgrowth maintenance code.

Tami Cash opined Babcock Event Center.

AA. County Administrator:

Deputy County Administrator Flores highlighted David Milligan's retirement.

BB. County Attorney: None

CC. Commissioner Comments:

Chair Doherty discussed Harbor Boulevard tree landscape, legislative advocacy, Military Heritage Museum, 2019 Legislative Session, and Florida Leadership Institute Meeting. **Commissioner Constance** spoke to Memorial Day Events, Harbor Boulevard tree landscape, legislative advocacy, and Florida Leadership Institute Meeting. **Commissioner Deutsch** mentioned Memorial Day Events and William R. Gaines Jr Veterans Memorial Park flag pole. **Commissioner Truex** commented on legislative advocacy, Immigration Reform Task Force, David Milligan's retirement, and vacant property overgrowth maintenance.

Travis Mortimer, Assistant County Administrator noted Harbor Boulevard tree landscape.

RECESS: 1:38 pm - 2:00 pm

LAND USE PUBLIC HEARING AGENDA

County Attorney Knowlton explained Quasi-Judicial procedures.

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

Minutes Clerk Cash administered oath for testimony.

1. FP-18-07-06, Babcock 1A replat

Community Development

Approve Final Plat and Developer's Agreement for Banroc Corporation, for Babcock Ranch Community Phase 1A Townhomes Subdivision, under Petition #FP-18-07-06. **AGR 2019-044**

Quasi-Judicial

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

Steven Ellis, Planner II asked to be accepted as a planning expert, gave a brief overview of FP-18-07-06, 2017 Aerial Location Map, Future Land Use Designations, Zoning Designations, Babcock Development, Proposed Changes, and responded to Board inquiries.

Roland Bandinel, Banroc Corporation President, Applicant accepted Mr. Ellis as a planning expert and mentioned project plan.

Commissioner Constance inquired about proposed changes and project plan.

Public Hearing – None

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

MOTION CARRIED 4:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE FINAL PLAT AND DEVELOPER'S AGREEMENT 2019-044 FOR BANROC CORPORATION, FOR BABCOCK RANCH COMMUNITY PHASE 1A TOWNHOMES SUBDIVISION, UNDER PETITION #FP-18-07-06, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 4:0.

2. PP-19-02-01, Babcock National

Community Development

Approve Preliminary Plat for Lennar Homes, LLC, for Babcock National Subdivision, under Petition #PP-19-02-01.

Quasi-Judicial

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

Mr. Ellis gave a brief overview of PP-19-02-01, 2017 Aerial Location Map, 500ft Buffer Map, Future Land Use Designations, Zoning Designations, Babcock Developments, and Proposed Changes.

Todd Rebol, Banks Engineering, Applicant Representative accepted Mr. Ellis as a planning expert, spoke to project plan, tract build out, density, reuse water, and three conditions.

Commissioner Constance inquired about reuse water. **Commissioner Tiseo** asked about tract build out and density.

Public Hearing - None

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

MOTION CARRIED 4:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE PRELIMINARY PLAT FOR LENNAR HOMES, LLC, FOR BABCOCK NATIONAL SUBDIVISION, UNDER PETITION #PP-19-02-01, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 4:0.

3. PP-07-02-04, Burnt Store 80 Acres

Community Development

Approve a three-year extension of the Preliminary Plat approval for PG Holdings, LLC, for Burnt Store 80 Acres Subdivision, under Petition #PP-07-02-04.

Quasi-Judicial

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

Mr. Ellis gave a brief overview of P-07-02-04, 2017 Aerial Location Map, Future Land Use Designations, Zoning Designations, and Approved Preliminary Plat.

Todd Rebol, Banks Engineering, Applicant Representative accepted Mr. Ellis as a planning expert, discussed permitting, utility capacity reserve, and traffic impact statement.

Chair Doherty questioned permitting. **Commissioner Tiseo** inquired about utility capacity reserve and traffic impact statement.

Public Hearing – None

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

MOTION CARRIED 4:0.

COMMISSIONER TISEO MOVED TO APPROVE A THREE-YEAR EXTENSION OF THE PRELIMINARY PLAT APPROVAL FOR PG HOLDINGS, LLC, FOR BURNT STORE 80 ACRES SUBDIVISION, UNDER PETITION #PP-07-02-04, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 4:0.

4. DRC-19-00016, Firestone

(Change #1) Added attachment - PowerPoint Revised. Slide 2 corrected to reflect DRC-1900016

Community Development

Sloan Engineering Group is requesting Final Detail Site Plan approval for a 6,600-sq. ft. auto parts store. The project site is 1.88+/- acres and is located at 24020 Beatrix Blvd., Punta Gorda, Florida in Section 06, Township 40, Range 23. **RES 2019-069**

Quasi-Judicial

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

Maryann Franks, Zoning Coordinator asked to be accepted as an expert, gave a brief overview of DRC-1900016, Area Image, Zoning Designations, FLUM Designations, Site Plan, Landscape Plan, Elevations, and responded to Board inquiries.

Michael Flora, Sloan Engineering Group accepted Ms. Franks as an expert, discussed Utilities Master Plan, Stormwater Master Plan, color renderings, environmentally sensitively materials, outside storage, and buffering requirements.

Chair Doherty commented on traffic light and environmentally sensitively materials. **Commissioner Constance** spoke to traffic light, color scheme, environmentally sensitively materials, and outside storage. **Commissioner Tiseo** asked about architectural review, traffic light, color scheme, and outside storage.

Public Hearing – None

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

MOTION CARRIED 4:0.

COMMISSIONER TISEO MOVED TO APPROVE RESOLUTION 2019-069 GRANTING SLOAN ENGINEERING GROUP FINAL DETAIL SITE PLAN APPROVAL FOR DRC-19-00016, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 4:0.

5. Ordinance for Z-19-02-02, Kuykendall

Community Development

Approve an Ordinance adopting Z-19-02-02 amending the Charlotte County Zoning Atlas from Commercial Tourist (CT) to Commercial General (CG) for a 33,895 square foot property located at 3000 Acline Road, Punta Gorda, in Commission District II; applicant is Kuykendall Roofing; and providing an effective date.

Quasi-Judicial

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

Ken Quillan, Senior Planner asked to be accepted as an expert planner, gave a brief overview of Z-19-02-02, Proposed Changes, 500ft Buffer Map, Location Map, Area Image, Site Image, Framework, FLUM Designations, Zoning Designations, and responded to Board inquiries.

Shaun Cullinan, Planning and Zoning Official spoke to rezoning, outdoor storage, US 41 Overlay District, and Applicant's continuance request.

Thomas David, Assistant County Attorney commented on Applicant's continuance request.

County Attorney Knowlton referenced Applicant's continuance request.

Attorney Geri Waksler, Applicant Representative accepted Mr. Quillan as an expert planner, discussed rezoning, site development, US 41 and Acline Road intersection, property valuations, commercial uses, trip generation analysis, outdoor storage, and requested continuance.

Chair Doherty spoke to Applicant continuance request, City of Punta Gorda, and rezoning. **Commissioner Constance** mentioned material storage, rezoning, City of Punta Gorda, US 41 Overlay District, Applicant's continuance request, Planning and Zoning Board Meeting, and Board rules. **Commissioner Tiseo** commented on property valuation, traffic study, rezoning, outdoor storage, US 41 Overlay District, Applicant's continuance request, and Planning and Zoning Board Meeting. **Commissioner Truex** discussed rezoning.

Public Hearing

Michael Rodeheaver, Seminole Lakes Property Owners Association, Inc. (POA) Treasurer spoke to residents and zoning change.

Ray Lockhart mentioned Acline Road and rezoning.

Joseph Ring commented on outside storage, school bus route, noise, landscaping, and rezoning.

Bill Murphy, Seminole Lakes POA Past President discussed existing property and rezoning.

Raymond Neerycz noted material storage and rezoning.

Adolph Migliano spoke to rezoning.

Charles Varga mentioned rezoning.

Marvin Aronow commented on code compliance.

Duane Gooch discussed rezoning.

Ken Rowley noted rezoning.

David Habershaw spoke to rezoning.

Victor Coucia mentioned rezoning.

Lisa Johnson commented on rezoning, property values, and read letter from Seminole Lakes' resident.

Bob Toth, Seminole Lakes POA President discussed residents, Planning and Zoning Board Hearing, rezoning, and code compliance.

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

MOTION CARRIED 4:0.

COMMISSIONER TRUEX MOVED TO CONTINUE ITEM UNTIL STAFF CAN BRING IT BACK TO THE BOARD, SECONDED BY COMMISSIONER DOHERTY

MOTION FAILED 2:2., COMMISSIONER CONSTANCE AND COMMISSIONER TISEO OPPOSED

ATTORNEY GERI WAKSLER, APPLICANT REPRESENTATIVE WITHDREW APPLICATION Z-19-02-02

RECESS: 3:46 pm – 3:52 pm

6. Neslund Rural Community Mixed Use, Petition Number PA-18-02-05-LS

Community Development

Approve an ordinance adopting a large-scale plan amendment. This request is to amend 1) Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Rural Community Mixed Use (RCMU), increasing density from 120 units to 1,384 units, and 2) FLU Appendix VIII: Rural Community Mixed Use Master Plans by adding Neslund Rural Community Mixed Use Master Development Plan; for property located north of the Lee County Line, south of Zemel Road, east of Tamiami Trail (US 41) and west of I-75, in the South County area, containing 1,203.84± acres; Petition No. PA-18-02-05-LS; Applicant: Richard Neslund, Neslund Family Ltd. Partnership II. **ORD 2019-012**

Legislative

Jie Shao, Principal Planner gave a brief overview of PA-18-02-05-LS (Adoption Hearing), Proposed Changes, Location map, Site Image, Buffer Map, Framework, Proposed FLUM Designations, Conceptual Development Plan, Detailed Review, Eight Requirements, Constraints & Opportunity Map, Transportation Network Plan, Neslund RCMU, Seven Special Provisions, and responded to Board inquiries.

Attorney Rob Berntsson, Applicant Representative spoke to Agencies Comments, future land use designation, density units, excavation permit process, conservation land, Orange Blossom Boulevard Community, process of plan stages, urban service area, infrastructure, and proposed commercial plans.

Chair Doherty confirmed process of plan stages and proposed commercial plans. Commissioner Constance spoke to excavation permit process, conservation land, Orange Blossom Boulevard, and water transmission. Commissioner Tiseo asked about density units, urban sprawl, and infrastructure.

Public Hearing

Carl Bolling opined Orange Blossom Boulevard, utility services, traffic studies, proposed commercial plans, and conservation land.

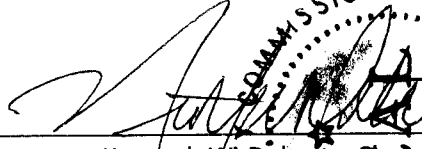
COMMISSIONER CONSTANCE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER TISEO

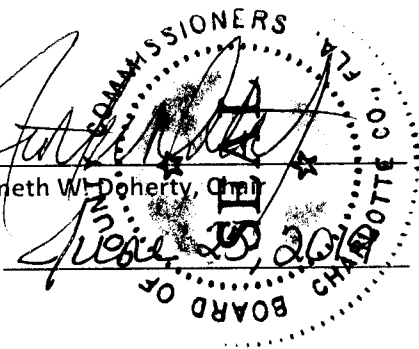
MOTION CARRIED 4:0.

COMMISSIONER TISEO MOVED TO APPROVE ORDINANCE 2019-012 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, AMENDING THE COUNTY'S COMPREHENSIVE PLAN BY AMENDING: (1) CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM AGRICULTURE (AG) TO RURAL COMMUNITY MIXED USE (RCMU), INCREASING DENSITY FROM 120 UNITS TO 1,384 UNITS; AND (2) FLU APPENDIX VIII: RURAL COMMUNITY MIXED USE MASTER PLANS BY ADDING THE NESLUND RURAL COMMUNITY MIXED USE MASTER DEVELOPMENT PLAN; FOR PROPERTY LOCATED NORTH OF THE LEE COUNTY LINE, SOUTH OF ZEMEL ROAD, EAST OF TAMIAMMI TRAIL (US 41) AND WEST OF I-75, IN THE SOUTH COUNTY AREA, CONTAINING 1,203.84 ACRES MORE OR LESS; CHARLOTTE COUNTY, FLORIDA, COMMISSIONER DISTRICT II; PETITION PA-18-02-05-LS; APPLICANT, RICHARD NESLUND, NESLUND FAMILY LTD. PARTNERSHIP II; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL OF ADOPTED ORDINANCE, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 3:1., COMMISSIONER CONSTANCE OPPOSED

ADJOURNED: 4:16 pm



Kenneth W. Doherty, Chair
DATE ADOPTED: June 19, 2019


ATTEST:

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

By: Michelle DiBerardino
Deputy Clerk