

**BOARD OF COUNTY COMMISSIONERS**

**OCTOBER 8, 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 (Departed at 10:13 am), Commissioner Deutsch, Commissioner Tiseo, and Commissioner Truex. Also in attendance were: County Administrator Sandrock, County Attorney Knowlton, Finance Director Gervais, and Minutes Clerk Light. The following members were absent: None

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

The Invocation was given by Pastor Bill Frank, First Baptist Church of Punta Gorda, followed by the Pledge of Allegiance.

**Changes to the Agenda**

**Addition #1:** R-2 Approve and authorize the Chairman to sign a letter of support for the Charlotte Harbor Flatwoods Florida Forever Project.

Requested by: Community Services

**Change #1:** T-1 Added attachment - Presentation.

Requested by: Administration

**Change #2:** C-1 Added attachment - Matias, Stas.

Requested by: Commission Office

**Change #3:** R-1 Added attachment - Revised Ballot. Applicant Eldred has withdrawn.

Requested by: Commission Office

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Ken Doherty**

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

**MOTION CARRIED 5:0.**

**Artist of the Month - October**

Jesse Goodwin accepted the Proclamation.

#### **National 4-H Week**

Kristie Popa accepted the Proclamation.

#### **Mobility Week 2019**

Richard Kolar accepted the Proclamation.

#### **Employee Recognition**

Employee of the Month

Ashley Turner - August 2019

Community Services

Tommy Scott, Community Services Director highlighted Ms. Turners growth, accomplishments, and presented Award.

Employee Recognition

**5 Years:** Marilyn Miller, County Attorney's Office; Carl Smith, Public Works; **20 Years:** Timothy Burke, Public Safety; Dennis Locker, Public Safety; Daniel Sacksteder, Public Safety.

#### **Award Presentations**

1. Achievement of Excellence in Procurement Award 2019

Procurement Award 2019 - Achievement of Excellence

County Administrator Sandrock gave a brief overview of Purchasing Department achievements and presented Award.

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

Dave Kalin discussed Charlotte Ranchettes Committee Vacancy, Ordinance 2015-045 Section 4-1-20, meetings, Municipal Service Benefit Unit (MSBU) Board, and procedural rules.

Bill Faris, Charlotte Ranchettes MSBU Advisory Board Chairman spoke to meeting process, Sunshine Law, and Ordinance.

Diane Shaw mentioned Rotonda West Street and Drainage MSBU Advisory Board.

## 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.

- **Alligator Creek Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Boca Grande Street & Drainage Unit** is seeking three members to fill vacant unexpired terms through October 31, 2020 and October 31, 2022.
- **Buena Vista Area Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Burnt Store Village Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Charlotte Ranchettes Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Deep Creek Non-Urban Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Don Pedro and Knight Islands Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Edgewater North Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Englewood East Non-Urban Street & Drainage Unit** is seeking three members to fill vacant unexpired terms through October 31, 2021 and October 31, 2022.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Greater Port Charlotte Street & Drainage Unit** is seeking three members to fill vacant unexpired terms through October 31, 2021 and October 31, 2022.
- **Grove City Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Gulf Cove Street & Drainage Unit** is seeking three members to fill vacant unexpired terms through October 31, 2020 and October 31, 2022.

- **Gulf Cove Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Harbour Heights Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Harbour Heights Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Manasota Key Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2020 and October 31, 2022.
- **Manchester Waterway Unit** is seeking three members to fill vacant unexpired terms through October 31, 2021 and October 31, 2022.
- **Mid Charlotte Stormwater Utility Unit** is seeking one member to fill vacant unexpired term through October 31, 2022.
- **Northwest Port Charlotte Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Northwest Port Charlotte Waterway Unit** is seeking three members to fill vacant unexpired terms through October 31, 2020 and October 31, 2020.
- **Pirate Harbor Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Pirate Harbor Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Placida Area Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Rotonda Heights Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.
- **Rotonda Sands North Street & Drainage Unit** is four members to fill vacant unexpired terms through October 31, 2021 and October 31, 2022.
- **Rotonda West Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2021 and October 31, 2022.
- **South Burnt Store Street & Drainage Unit** is seeking three members to fill vacant unexpired terms through October 31, 2021 and October 31, 2022.

- **South Gulf Cove Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.

- **South Gulf Cove Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022.

- **West Charlotte Stormwater Unit** is seeking three members to fill vacant unexpired terms through October 31, 2020 and October 31, 2022.

**Barrier Island Fire Service Municipal Service Benefit Unit (MSBU) Advisory Board** is seeking two members to fill vacant unexpired term through Oct. 31, 2022. Applicants must be residents of Charlotte County and reside within the Unit. Submit applications to Public Safety Department, 26571 Airport Road, Punta Gorda, FL. 33982; call 941-833-5600 or email MSBU- TU@CharlotteCountyFL.gov.

**AHAC - Affordable Housing Advisory Committee** is seeking four (4) Charlotte County residents to serve as: 1) a citizen who is a for-profit provider of affordable housing, 2) a citizen who is actively serves on the local planning agency, 3) a citizen who is a representative of employers in the county, and 4) a citizen-at-large. Please submit an application to Colleen.Turner@charlottecountyfl.gov or Doreen.Stoquert@charlottecountyfl.gov or contact the Human Services Housing Division at 941- 833-6500.

**Murdock Village Community Redevelopment Agency Advisory Committee** is seeking three members to serve; one member-at-large, one licensed General Contractor and one Real Estate broker. Terms are for 3 years and applicants must be residents of Charlotte County. Meetings are held quarterly at 4:00pm in Murdock. To obtain an application, call 743-1309 or email Joann.Dillon@CharlotteCountyFL.gov.

#### REPORTS RECEIVED AND FILED

The County Attorney requests the Board of County Commissioners to please take notice of the attached Memorandum submitted in accordance with Resolution No. 2012-001.

#### CONSENT AGENDA

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA, 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:

September 9, 2019 BCC Proposed County Budget Public Hearing  
September 10, 2019 BCC Regular and Land Use Meeting  
September 17, 2019 BCC Workshop  
September 19, 2019 BCC Pre-Agenda  
September 23, 2019 BCC Public Hearing on Proposed County Budget

BUDGETED ACTION: No action needed.

## **Board of County Commissioners**

### **C. Commission Office**

#### 1. Appointment - Murdock Village CRA

**(Change #2)** Added attachment – Matias, Stas.

RECOMMENDED ACTION: Approve the appointment of Mr. Stas Matias to the Murdock Village Community Redevelopment Agency Advisory Committee as the real estate broker representative. Term is effective immediately and will expire in October 2022. BUDGETED ACTION: No action needed.

### **D. County Administration**

#### **Administration - No Items**

#### **Public Information Office - No Items**

### **E. County Attorney**

#### 1. Marine Advisory Committee Bylaws Revision

RECOMMENDED ACTION: Approve Resolution providing for revised bylaws for the Marine Advisory Committee (MAC) to reflect a name change of one of its members to U.S. Coast Guard Auxiliary Flotilla 99-Cape Haze. BUDGETED ACTION: No action needed. **RES 2019-129**

### **F. Budget and Administrative Services**

#### **Fiscal Services - No Items**

Information Technology - No Items

Purchasing

1. 19-561, Award, Sand, Rock, and Rip Rap-Annual (Public Works)

RECOMMENDED ACTION: a) Approve the split "per item" Award of Bid #19-561, Sand, Rock, and Rip Rap Annual, to three (3) firms: Stan Weeks & Associates, Inc. of Punta Gorda, Florida, Sitework Supplier Inc., of Nokomis, Florida, and Nickale Corporation, of Naples, Florida, at the unit prices attached, with an initial contract term from date of award through and including September 30, 2020; and b) Authorize the County Administrator, or his designee, to approve renewal options for up to two (2) additional one-year terms at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: No action needed. Funding from Transportation Trust to be approved in the FY20 budget process.

2. 17-395, Change Order #4, Landscape Maintenance - County Facilities (Facilities)

RECOMMENDED ACTION: Approve Change Order #4 to Contract #17-395 Landscape Maintenance - County Facilities with Prime-Scape Services of Clearwater, Florida in the amount of \$16,930. BUDGETED ACTION: No action needed. Funding from the General Fund to be approved in the FY20 budget process.

3. 19-582, Award, Water and Wastewater Chemicals-Annual (Utilities)

RECOMMENDED ACTION: a) Approve award of Bid #19-582 Water and Wastewater Chemicals - Annual, to various vendors per the unit prices on the attached tabulation for the term from October 1, 2019 up to and including September 30, 2020; and b) Authorize County Administrator, or his designee, to approve two (2) additional one-year renewals at the same prices, terms, and conditions by mutual consent. This is an annual contract for water and wastewater chemicals. BUDGETED ACTION: No action needed.

4. 17-206, Amendment #4, Construction Manager at Risk-Capital Maintenance Repair, Guaranteed Maximum Price (Facilities)

RECOMMENDED ACTION: a) Approve Amendment #4 to Contract 17-206 Construction Manager at Risk Capital Maintenance Repair - Annual with Florida Premier Contractors, LLC for the Guaranteed Maximum Price (GMP) in the amount of \$4,274,395 for the FY20 projects list; and b) Authorize the Chairman to sign Amendment #4 to the Contract for the GMP for the Construction Manager at Risk Capital Maintenance Repair - Annual. BUDGETED ACTION: No action needed. Budgeted in the FY20 Capital Maintenance Plan approved in the FY20 budget process. Funding comes from various sources and is based on the building occupant.

5. 19-605, Award, Collection of Hazardous Waste -Annual (Public Works -Solid Waste)

RECOMMENDED ACTION: a) Approve award of Request for Bid #19-605, Collection of Hazardous Waste - Annual to Clean Earth of Alabama, Inc., of Glencoe Alabama at the unit prices listed for the term October 1, 2019 up to and including September 30, 2020, with option to renew for two (2) additional one-year terms; and b) Authorize

the County Administrator, or his designee, to approve annual renewals at the same prices, terms, and conditions. This is an annual contract for the Collection of Hazardous Waste. BUDGETED ACTION: No action needed.

6. 19-557, Ranking, Placida Boat Ramp West - Construction Manager at Risk (Facilities)

RECOMMENDED ACTION: a) Approve ranking for Request for Proposal 19-557, Placida Boat Ramp West - Construction Manager (CM) at Risk: 1st Florida Premier Contracting of Punta Gorda, Florida; 2nd Fowler Construction and Development of Fort Myers, Florida; and 3rd Wharton-Smith, Inc. of Punta Gorda, Florida; and b) Approve start of negotiations; and c) Authorize Chairman to sign the contract after completion of negotiations. This is for the services of a professional CM at Risk to be part of a design and construction team, which includes various design and engineering consultants, stakeholders and the County. BUDGETED ACTION: No action needed. Budgeted in CIP project, "Placida West Boat Ramp," as approved in the FY20 budget process. Funding is supplied from the 2014 Sales Tax Extension.

7. 16-334, Approve Change Order 18, County Right of Way Landscape Maintenance - Annual Contract (Public Works)

RECOMMENDED ACTION: Approve Change Order #18 to Contract #16-334, County Right of Way Landscape Maintenance - Annual Contract as awarded to Walkers Service Inc. for additional landscape maintenance at two (2) locations in the amount of \$34,125. BUDGETED ACTION: No action needed. Budgeted in Road & Bridge Infrastructure as approved in the FY19 budget process. Funding is supplied from gas taxes.

8. 19-596, Agreement, Animal Licensing Services (Public Safety)

RECOMMENDED ACTION: Approve File #19-596, Animal Licensing Services, with PetData, Inc. of Dallas, Texas, as a sole source agreement per the fees in the agreement. BUDGETED ACTION: No action needed. Budgeted in the Animal Control FY2019 budget process. **AGR 2019-093**

9. Property Deletions for the Month of October, 2019 (Purchasing)

RECOMMENDED ACTION: Approve the deletion of additional property inventory items listed on the attached for the month of October, 2019. BUDGETED ACTION: No action needed.

Real Estate Services - No Items

Risk Management - No Items

Transit

10. Senior Friendship Centers, Inc Contract

RECOMMENDED ACTION: Approve Contract with Senior Friendship Centers, Inc. to provide Congregate Dining Transportation Services. BUDGETED ACTION: No action needed. Associated revenue and expenses are included in the FY20 Transit Operating Budget. **AGR 2019-094**



## G. Community Development

### 1. Set a Public Hearing for Establishment of West Port CDD

RECOMMENDED ACTION: Set a public hearing for October 22, 2019 at 2:00 p.m. or soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider the adoption of an Ordinance to establish the West Port Community Development District (CDD) pursuant to Chapter 190, Florida Statutes. BUDGETED ACTION: No action needed.

## H. Community Services

### Parks and Natural Resources

#### 1. Agreement between Charlotte County and United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services

RECOMMENDED ACTION: Approve the Cooperative Service Agreement between Charlotte County and United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services black spiny-tailed Iguanas. BUDGETED ACTION: No action needed. Funding is from the Boca Grande Streets and Drainage MSBU approved in the FY20 budget process in the amount of \$100,000. **AGR 2019-095**

#### 2. Cooperative Service Agreement between Charlotte County and United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services Feral Swine

RECOMMENDED ACTION: Approve the Cooperative Service Agreement between Charlotte County and United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services. BUDGETED ACTION: No action needed. Funding from the General Fund to be approved in the FY20 Budget Process. **AGR 2019-096**

#### 3. Florida Shared-Use Nonmotorized Trail Network Agreement

RECOMMENDED ACTION: a) Approve an agreement with the Florida Department of Transportation for a feasibility study related to the SUN Trail in Charlotte County; and b) Approve Resolution authorizing the Chair to sign the agreement; and c) Approve Resolution and budget adjustment BA20-002 in the amount of \$110,000, and adopt a new CIP project for the SUN Trail feasibility study funded from an FDOT grant. BUDGETED ACTION: Approve Resolution and budget adjustment BA20-002 in the amount of \$110,000, and adopt a new CIP project "SUN Trail Cape Haze/ Murdock." Funding is supplied from Road Improvements capital gas tax, to be reimbursed from Florida Department of Transportation. The grant is 100% funded and there is no local match required from the County. **AGR 2019-097 / RES 2019-130 / RES 2019-131**

### 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

1. EMS County Grant

RECOMMENDED ACTION: a) Approve and authorize the Chairman to sign an application and release of funds for an Emergency Medical Services County Grant from the Florida Department of Health for EMS training and equipment in the amount of \$18,619.00; and b) Approve 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 2019-025 / RES 2019-132**

2. Resolution Amending Fees for Animal Licenses and Tags

RECOMMENDED ACTION: Adopt Resolution amending Resolution 2014-161, providing for revised fees for the issuance of animal license certificates and tags and duplicate or replacement tags. BUDGETED ACTION: No action needed. Funding from General Fund - Animal Control Budget as proposed in the FY20 budget process. **RES 2019-133**

N. Public Works - No Items

O. Tourism Development - No Items

P. Utilities

1. Reclaimed Water Expansion Phase 3- First Amendment

RECOMMENDED ACTION: Approve First Amendment to agreement between the Southwest Florida Water Management District and Charlotte County for Reclaimed Water Expansion Phase 3 Project. BUDGETED ACTION: No action needed. **A.AGR 2015-027**

Q. Other Agencies - No Items

REGULAR AGENDA

## R. Regular Agenda

### 1. Appoint by Ballot - Rotonda West Street & Drainage MSBU Advisory Board

#### Committee Vacancies

(Change #3) Added attachment - Revised Ballot. Applicant Eldred has withdrawn.

Choose by ballot to fill the unexpired term of Bernard Schmelz on the Rotonda West Street & Drainage MSBU Advisory Board. This appointment will be effective immediately and will expire on October 31, 2021.

County Administrator Sandrock announced first ballot vote as non-majority, second ballot vote as non-majority, and third ballot majority vote for Thomas Sikes.

Chair Doherty commented on openings. Commissioner Truex spoke to candidates.

**COMMISSIONER CONSTANCE MOVED TO APPOINT BY BALLOT THOMAS SIKES TO THE ROTONDA WEST STREET AND DRAINAGE MUNICIPAL SERVICE BENEFIT UNIT ADVISORY BOARD, SECONDED BY COMMISSIONER TRUEX**

**MOTION CARRIED 5:0.**

### (Addition #1) 2. Letter of Support for the Charlotte Harbor Flatwoods Florida Forever Program

#### Community Services

Approve and authorize the Chairman to sign a letter of support for the Charlotte Harbor Flatwoods Florida Forever Project.

Tina Powell, Parks and Natural Resources Manager gave a brief overview of letter of support for the Charlotte Harbor Flatwoods Florida Forever Project.

**COMMISSIONER TRUEX MOVED TO APPROVE LETTER OF SUPPORT FOR THE CHARLOTTE HARBOR FLATWOODS FLORIDA FOREVER PROGRAM, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

#### PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing - No Items

#### PRESENTATION AGENDA

T. 10:00 A.M.

### 1. Sales Tax Update

**(Change #1)** Added attachment - Presentation.

Update on Sales Tax project.

Travis Mortimer, Assistant County Administrator gave an overview of Objectives, 2014 Program Cash Flow, Complete this year, Piper Road Extension, Punta Gorda Charlotte Library, North Charlotte Rec Center, Ann & Chuck Dever Rec Center, West County Annex, Rec Centers Renovations, Active Projects, Multi-use Trails and Bike Lanes, Olean Boulevard, Family Services Center, Tier 2 Projects, and responded to Board inquiries.

Emily Lewis, Assistant County Administrator gave a brief overview of 2020 Sales Tax Focus Group, Call for Proposals, and Next Steps and Timeline.

**Chair Doherty** noted Project Manager. **Commissioner Constance** mentioned 2014 Program Cash Flow, Project Managers, Active Projects, Toledo Blade Boulevard, Multi-use Trails and Bike Lanes, Olean Boulevard, and Tier 2 projects. **Commissioner Tiseo** commented on Tier 2 projects, Toledo Blade Boulevard, and landscape. **Commissioner Truex** discussed Toledo Blade Boulevard.

**RECESS: 10:13 am – 1:00 pm**

**1 P.M. CITIZEN INPUT - ANY SUBJECT**

Monique Brooks spoke to Suzanne Drive, MSBU, and road maintenance.

Melissa Aniskewicz, Charlotte Cluck founder mentioned chickens, pets, Residential Single Family Zone Code 3-9-33 Section (c) (6), Animal Control Ordinance Section 1-4-25, and domestic animals.

Vickie Edwards noted support for Charlotte Cluck and discussed chickens.

Vernon Bates expressed support for Charlotte Cluck and commented on chickens, pets, and Ordinance.

Kent Hutchings opined support for Charlotte Cluck and spoke to chickens, pets, and Ordinance.

Tim Ritchie, March Against Mosaic founder mentioned Bartow South gypstack, Peace River, discharge, wells, Mulberry Civic Center, and radiation testing.

**AA. County Administrator: None**

**BB. County Attorney:**

County Attorney Knowlton mentioned Dave Gammon's contract.

**CC. Economic Development Comments: None**

**DD. Commissioner Comments:**

**Chair Doherty** commented on Charlotte County School Board, Charlotte County Airport Authority, Tallahassee, Suncoast Humane Society, Workshop, Sarasota, Peace River Manasota Regional Water Supply Authority (PRMRWSA), Delegation Meeting, water quality monitoring, and Water Authority. **Commissioner Constance** discussed Annual Evaluations and Dave Gammon. **Commissioner Deutsch** mentioned Economic Development Director evaluation, Charlotte Ranchettes, procedures, meetings, notification, MSBU, domestic pets, radiation, chickens, Workshop, cleanliness, disease, noise, and public safety. **Commissioner Tiseo** noted citizens, meetings, work program, Delegation Meeting, chickens, Ordinances, animal safety, Sarasota Code, sunset provision, private property rights, Workshop, Mosaic, sinkhole, water quality, test wells, Peace River, Charlotte Harbor Environmental Center (CHEC), Blue Water Policy, hydrology, and gypstack. **Commissioner Truex** spoke to action, timeline, Annual Evaluations, Legislative Delegation, Suncoast Humane Society, Skimmer Ordinance, reporting requirements, chickens, animal and public safety, and Ordinance.

County Attorney Knowlton responded to Dave Gammon contract, Ordinance, Roberts Rules, meetings, MSBU, budget, and staff deferment.

**(Consensus: To bring back a Skimmer Ordinance for consideration for reporting requirement to the Department of Agriculture and Consumer Services)**

**(Consensus: To bring back Suncoast Humane Society Center along with other items that may come)**

RECESS: 1:32 pm – 2:00 pm

#### LAND USE PUBLIC HEARING AGENDA

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

Minutes Clerk Light administered oath for testimony.

#### 1. PP-06-04-03, Kensington Lakes

#### **Community Development**

Approve 7th extension to the Preliminary Plat approval for Lennar Homes, LLC, for Kensington Lakes Subdivision, under Petition #PP-06-04-03.

#### **Quasi-Judicial**

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

Steven Ellis, Planner II requested to be accepted as an expert, gave a brief overview on PP-06-04-03, 2017 Aerial Location Map (Full Range), 2017 Aerial Location Map (Mid-Range), 2017 Aerial Location Map, 2019 Google Earth Image, FLUM Designations, Zoning Designations, Proposed Changes, and responded to Board inquiries.

Rob Berntsson, Big W Law Firm accepted Mr. Ellis as an expert and requested extension of Plat.

Commissioner Deutsch commented on extension limitations and property ownership.

#### Public Hearing

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

MOTION CARRIED 4:0.

COMMISSIONER TISEO MOVED TO APPROVE SEVENTH EXTENSION TO THE PRELIMINARY PLAT APPROVAL FOR LENNAR HOMES, LLC, FOR KENSINGTON LAKES SUBDIVISION, UNDER PETITION #PP-06-04-03, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

#### 2. FP-19-03-03, 41 King Charlotte

#### Community Development

Approve Preliminary and Final Plat for Cornerpoint Partners, LLC, for 41 King Charlotte Subdivision, under Petition #FP-19-03-03.

#### Quasi-Judicial

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

Shaun Cullinan, Planning and Zoning Official requested to be accepted as an expert, stated credentials, gave a brief overview on FP-19-03-03, 2017 Aerial Location Map (Full Range), 2017 Aerial Location Map (Mid-Range), 2017 Aerial Location Map, 500ft. Buffer Map, 2019 Google Earth Image, FLUM Designations, Zoning Designations, Proposed Changes, and responded to Board inquiries.

Commissioner Deutsch discussed curb cuts and strip on Kings Highway. Commissioner Tiseo mentioned lots, curb cuts, and requirements.

Rob Berntsson, Big W Law Firm accepted Mr. Cullinan as an expert, noted GIS map, plat, strip on Kings Highway, and requested approval.

#### Public Hearing

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

MOTION CARRIED 4:0.

COMMISSIONER TISEO MOVED TO APPROVE PRELIMINARY AND FINAL PLAT FOR CORNERPOINT PARTNERS, LLC, FOR 41 KING CHARLOTTE SUBDIVISION, UNDER PETITION #FP-19-03-03, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

3. Approve Resolution Amending the Tern Bay DRI DO, NOPC-19-05-08

### Community Development

Approve Resolution pursuant to Section 380.06(7)(a), Florida Statutes, amending the Development Order (DO) for the Tern Bay Development of Regional Impact (DRI) to 1) rename the Tern Bay DRI to the Heritage Landing DRI; 2) increase the residential dwelling units from 1,315 to 1,810 units; 3) reduce the golf courses from three nine hole golf courses to two nine hole golf courses; 4) revise the recreational uses to include up to 10 tennis or pickleball courts; 5) add a cell tower as a permitted use; 6) revise Map H; 7) revise the language relate-d to the Coastal Conservation Area; 8) extend the buildout date to December 29, 2036; 9) update requirements to make the development order more reflective of current conditions and law; and 10) update Exhibits D, E, and F to remove the outdated information; 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. NOPC-19-05-08; applicant: Lennar Homes, LLC; providing an effective date.

**RES 2019-134**

### Quasi-Judicial

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

Jie Shao, Principal Planner gave a brief overview on Proposed Changes to the Development of Regional Impact (DRI) Development Order (DO), Proposed Changes to the DRI Planned Development (PD), 500' Buffer Map, Location Map, 2017 Aerial Image, Google Earth Image, Framework, FLUM Designations, Zoning Designations, Proposed Map H Revisions, Proposed PD Concept Plan, and responded to Board inquiries.

Ravi Kamarajugadd, Projects Manager spoke to single family, multi family, DRI, trips, traffic impact study, impact fees, original Agreement, proposed widening, and traffic signals.

**Commissioner Tiseo** commented on traffic impact, residential and density units, DRI system, improvements, methodology, impact fees, Agreement, Burnt Store Road widening right of way acquisition, developer responsibility, Transfer Density Units (TDU), and high hazard area.

Rob Berntsson, Big W Law Firm accepted Ms. Shao as an expert, joined in Staff report, discussed Burnt Store Road, traffic impacts, transportation study, environmental studies, Map H, PD Concept Map, DRI, density, impact fees, TDU, and requested approval.

**Public Hearings for Tern Bay DRI DO, NOPC-19-05-08 and Major Modification of an Existing PD, Z-19-05-09-TDU**

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

MOTION CARRIED 4:0.

COMMISSIONER TRUEX MOVED TO APPROVE RESOLUTION 2019-134 AMENDING RESOLUTION 2017-144, THE TERN BAY DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER (DO) TO (1) RENAME THE TERN BAY DRI TO THE HERITAGE LANDING DRI; (2) INCREASE THE RESIDENTIAL DWELLING UNITS FROM 1,315 TO 1,810 UNITS; (3) REDUCE THE GOLF COURSES FROM THREE NINE HOLE GOLF COURSES TO TWO NINE HOLE GOLF COURSES (4) REVISE THE RECREATIONAL USES TO INCLUDE UP TO TEN TENNIS OR PICKLEBALL COURTS; (5) ADD A CELL TOWER AS A PERMITTED USE; (6) REVISE MAP H; (7) REVISE THE LANGUAGE RELATED TO THE COASTAL CONSERVATION AREA; (8) EXTEND THE BUILDOUT DATE TO DECEMBER 29, 2036; (9) UPDATE REQUIREMENTS TO MAKE THE DEVELOPMENT ORDER MORE REFLECTIVE OF CURRENT CONDITIONS AND LAW; AND (10) UPDATE EXHIBITS D, E, AND F TO REMOVE THE OUTDATED INFORMATION FOR PROPERTY LOCATED NORTHWEST F BURNT STORE ROAD, IN PORTIONS OF SECTION 13, 17, 18, 19, AND 20, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CONTAINING 1,778 ACRES MORE OR LESS, IN THE BURNT STORE AREA; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT II; PETITION NO. NOPC-19-05-08; APPLICANT, LENNAR HOMES, LLC; AND PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 4:0.

4. Adopt Ordinance to Approve Major Modification of an Existing PD, Z-19-05-09-TDU

#### Community Development

Approve an Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas. The rezoning is from Planned Development (PD) to PD. This is a major modification of an existing PD for the Heritage Landing (formerly known as Tern Bay) Development of Regional Impact (DRI) 1) to revise the PD concept plan to be consistent with Map H adopted via Petition NOPC-19-05-08; 2) to revise the development rights by increasing residential dwelling units from 1,315 to 1,810 units; and 3) to add development standards to be consistent with requirements set forth in the DRI Development Order 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 913.97± acres, in the Burnt Store area, Charlotte County; Commission District II; Petition No. Z-19-05-09-TDU; Applicant: Lennar Homes, LLC; providing an effective date.

**ORD 2019-022**

Quasi-Judicial

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

COMMISSIONER TRUEX MOVED TO APPROVE ORDINANCE 2019-022 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD); A MAJOR MODIFICATION OF AN EXISTING PD FOR THE HERITAGE LANDING (FORMERLY KNOWN AS TERN BAY) DEVELOPMENT OF REGIONAL IMPACT (DRI) TO (1) REVISE THE PD CONCEPT PLAN TO BE CONSISTENT WITH MAP H ADOPTED VIA PETITION



NOPC-19-05-08; (2) REVISE THE DEVELOPMENT RIGHTS BY INCREASING RESIDENTIAL DWELLING UNITS FROM 1,315 TO 1,810 UNITS; AND (3) ADD DEVELOPMENT STANDARDS TO BE CONSISTENT WITH REQUIREMENTS SET FORTH IN THE DRI DEVELOPMENT ORDER AND THE COUNTY'S LAND DEVELOPMENT REGULATIONS; FOR PROPERTY LOCATED NORTHWEST OF BURNT STORE ROAD IN PORTIONS OF SECTIONS 13, 17, 18, 29, AND 20, TOWNSHIP 42 SOUTH, RANGE 23 EAST, IN THE BURNT STORE AREA; CONTAINING 913.97 ACRES MORE OR LESS; COMMISSION DISTRICT II, CHARLOTTE COUNTY, FLORIDA; PETITION Z-19-05-09-TDU; APPLICANT, LENNAR HOMES, LLC; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

5. Large Scale Plan Amendment, PA-19-07-11-LS, Tern Bay DRI

**Community Development**

Approve transmittal of Petition No. PA-19-07-11-LS to the Department of Economic Opportunity (DEO) and other State Review agencies for review and comment, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated September 12, 2019 and any evidence presented at the public hearing.

**Legislative**

Ms. Shao gave a brief overview on Proposed Changes and FLU Appendix VI: Developments of Regional Impact.

Rob Berntsson, Big W Law Firm accepted Ms. Shao as an expert and requested approval.

**Public Hearing**

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

MOTION CARRIED 4:0.

COMMISSIONER TISEO MOVED TO APPROVE TRANSMITTAL OF PETITION NO. PA-19-07-11-LS TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) AND OTHER STATE REVIEW AGENCIES FOR REVIEW AND COMMENT, BASED ON THE FINDINGS AND ANALYSIS IN THE COMPREHENSIVE PLANNING DIVISION STAFF MEMORANDUM DATED SEPTEMBER 12, 2019 AND ANY EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 4:0.

6. Large Scale Plan Amendment, PA-19-08-26-LS, Tern Bay DRI

**Community Development**

Approve transmittal of Petition No. PA-19-08-26-LS to the Department of Economic Opportunity (DEO) and other State Review agencies for review and comment, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated September 12, 2019 and any evidence presented at the public hearing.

Legislative

Ms. Shao gave a brief overview on Proposed Changes, FLUM Map #25: Developments of Regional Impact, and FLUM Map #25: Developments of Regional Impact (Proposed).

Rob Berntsson, Big W Law Firm joined in application and requested approval.

Public Hearing

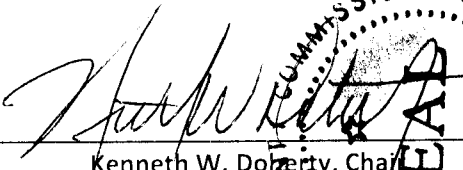
COMMISSIONER TRUEX MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

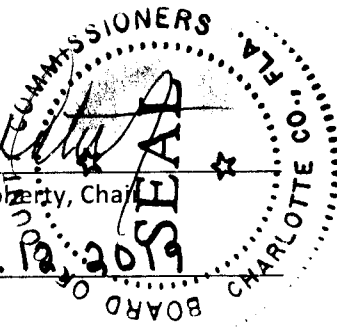
COMMISSIONER TISEO MOVED TO APPROVE TRANSMITTAL OF PETITION NO. PA-19-08-26-LS TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) AND OTHER STATE REVIEW AGENCIES FOR REVIEW AND COMMENT, BASED ON THE FINDINGS AND ANALYSIS IN THE COMPREHENSIVE PLANNING DIVISION STAFF MEMORANDUM DATED SEPTEMBER 12, 2019 AND ANY EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

ADJOURNED: 2:45 pm

  
 \_\_\_\_\_  
 Kenneth W. Doherty, Chair

DATE ADOPTED: Nov. 12, 2019



ATTEST:

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

By: Michelle DiBernardino  
Deputy Clerk