

BOARD OF COUNTY COMMISSIONERS

JANUARY 28, 2020

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: Vice Chair Constance, Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo. Also in attendance were: County Attorney Knowlton, Deputy County Administrator Flores, Finance Director Gervais, and Minutes Clerk Light. The following members were absent: Chair Truex.

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-5 Approve a letter of recommendation for Commissioner Christopher Constance to seek the Florida Association of Counties representative seat on the Board of Directors for the National Association of Counties (NACo) as South Region Representative.

Requested by: Commission Office

Change #1: R-3 Added attachment – Melbourne Concept

Requested by: Commission Office

Change #2: R-2 Added attachments – Workshop Agenda and Agenda

Requested by: Utilities

Change #3: D-1 Added attachment – Budget Adjustment

Requested by: Administration

Deletion #1: Awards Commissioner’s Award for Customer Service

Requested by: Commission Office

Deletion #2: UB-1 KL West Port, LLC (KLWP) is requesting approval of an Amended Developer’s Agreement for the West Port (fka Murdock Village) development. The property is 434.68 acres, more or less, and is located east of the Crestwood Waterway, west of the Flamingo Waterway, south of Franklin Avenue, and north of SR-776, in Commission District IV.

Requested by: Community Development

Deletion #3: UB-10 Approve an Ordinance adopting Petition Number Z-19-10-31. This is a rezoning to amend the Charlotte County Zoning Atlas from Planned Development (PD) to PD to allow for up to 234 Recreational Vehicles, for property located at 8979 Burnt Store Road, in the Punta Gorda area; Containing 49.91 acres more or less; Commission District II; applicant: 8979 Burnt Store, LLC

Requested by: Community Development

Vice Chair Constance spoke to NACo South Regional Representative. Commissioner Tiseo inquired to NACo South Regional Representative.

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

MOTION CARRIED 4:0.

Proclamations - Commissioner Christopher Constance

Employee Recognition

Employee of the Month - December 2019
Kathryn Davis
Budget & Administrative Services

Tommy Scott, Community Services Director highlighted Ms. Davis's career and presented Award.

Award Presentations

~~(Deletion #1) Commissioner's Award for Customer Service - Commissioner Doherty~~

~~First Quarter Commissioners' Award FY 2019-2020
Jie Shao - Community Development~~

CITIZEN INPUT - AGENDA ITEMS ONLY

Kay Tvaroch spoke to Ordinance prohibiting the use of vapor-generating electronic products in certain areas.

Olivia Chapin discussed Ordinance prohibiting the use of vapor-generating electronic products in certain areas.

Jazzlyn Richardson mentioned Ordinance prohibiting the use of vapor-generating electronic products in certain areas.

Thaddeus Capeles noted Ordinance prohibiting the use of vapor-generating electronic products in certain areas.

Michael Zarzano commented on January 31, 2020 Water Authority Agenda.

COMMITTEE VACANCIES

1. MSBU-MSTU Advisory Board Vacancies

The following **MSBU/TU Advisory Boards** are seeking volunteers who must be both a property owner within and reside within the Unit. Submit applications to Public Works Department, 7000 Florida Street, Punta Gorda, Florida 33950; call 941.575.3600 or e-mail MSBU-TU@CharlotteCountyFL.gov.

• **Boca Grande Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2021.

- **Englewood East Non-Urban 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, 2022.
- **Greater Port Charlotte Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2020 and October 31, 2021.
- **Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- **Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Harbour Heights Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Harbour Heights Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Manchester Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.
- **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, 2022.
- **Pirate Harbor Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Placida Area Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2021.
- **Rotonda Heights Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Rotonda Sands North Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2021.
- **West Charlotte Stormwater Unit** is seeking one member to fill a vacant unexpired term through October 31, 2020.

2. Barrier Island Fire Service (MSBU) Advisory Board Vacancy

Barrier Island Fire Service Municipal Service Benefit Unit (MSBU) Advisory Board is seeking a volunteer to fill a vacant unexpired term through October 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, Florida 33982; call 941-833-5610 or email Todd.Dunn@CharlotteCountyFL.gov

Vice Chair **Constance** read into the record the Committee Vacancies.

REPORTS RECEIVED AND FILED

1. Clerk of Court's County Investment Report

CONSENT AGENDA

COMMISSIONER DOHERTY MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF D-1, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

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:

January 9, 2020 BCC Pre-Agenda
January 14, 2020 BCC Regular Meeting

Budgeted Action: No action needed.

Board of County Commissioners

C. Commission Office

D. County Administration

1. New Positions Request

(Change #3) Added attachment – Budget Adjustment

Recommended Action: a) Request approval of an additional 6 full-time positions; and b) Approve budget adjustment BA20-007 for \$475,887 for the positions and equipment; and c) Authorize the addition of 5 vehicles; one dump truck; two trailers; and one all-terrain vehicle to the County Fleet.

Budgeted Action: Approve budget adjustment BA20-007 in the amount of \$475,887 for these positions and the associated equipment. Funding for this expenditure comes from various funds in various cost centers.

Vice Chair Constance inquired to sea turtle monitoring. **Commissioner Tiseo** discussed budget, Cityworks Program, requests, job specificity, new hires, General Fund Annualized Impact, sea turtle monitoring, Municipal Service Benefit Unit (MSBU), beach renourishment program, full time equipment operator, and Habitat Conservation Plan (HCP).

Gordon Burger, Budget and Administrative Services Director mentioned Capital Improvements Program (CIP), LA Consulting, Cityworks, Jones Edmunds and Associates Inc., budget, cost, positions, and Asset Management System.

Mr. Scott noted sea turtle monitoring, staff capacity, full time equipment operator, and HCP.

Tina Powell, Parks and Natural Resources Manager responded to sea turtle monitoring.

COMMISSIONER TISEO MOVED TO APPROVE AN ADDITIONAL SIX FULL-TIME POSITIONS; AND APPROVE BUDGET ADJUSTMENT BA20-007 FOR \$475,887 FOR THE POSITIONS AND EQUIPMENT; AND AUTHORIZE THE ADDITION OF FIVE VEHICLES; ONE DUMP TRUCK; TWO TRAILERS; AND ONE ALL-TERRAIN VEHICLE TO THE COUNTY FLEET, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:0.

E. County Attorney

1. Ordinance Prohibiting the use of Vapor-Generating Electronic Products in certain areas

Recommended Action: Set a public hearing to be held on February 11, 2020, at 10:00 a.m., or as soon thereafter as can be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider an Ordinance Amending Chapter 2-3 of the Code of Laws of Charlotte County, Florida, to Prohibit Vaping in Certain Areas.

Budgeted Action: No action needed.

2. Amend Tourist Development Council Ordinance - Appointment Requirements

Recommended Action: Set a public hearing for Tuesday, February 11, 2020 at 10:00 a.m. or as soon thereafter as can be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider adoption of an ordinance amending the requirements for appointment to the Charlotte County Tourist Development Council ("TDC") to conform to Section 125.0104(4)(e) of the Florida Statutes, and to include provisions for attendance, removal and forfeiture, by amending General Ordinances and Special Acts Chapter 1-7, Article IV, Section 1-7-48(a) of the Code of Laws and Ordinances of Charlotte County, Florida.

Budgeted Action: No action needed.

F. Budget and Administrative Services

Fiscal Services

Information Technology

Purchasing

1. 18-236, Amendment #2, Design/Build - Justice Center Forensic Evaluation & Repairs (Facilities)

Recommended Action: a) Approve Amendment #2 to Contract 18-236 Design/Build - Justice Center Forensic Evaluation & Repairs with Wharton-Smith, Inc. of Tampa, Florida for the Guaranteed Maximum Price (GMP) of \$2,575,293 for the design/build contraction services for the roof replacement; and b) Authorize the Chairman to sign Amendment #2 for the roof replacement at the Charlotte County Justice Center.

Budgeted Action: No action needed. Budgeted in the Facilities Capital Maintenance Plan, as approved in the FY20 budget process. Funding is supplied from Capital Projects, ad valorem.

2. 19-524, Rescind Award, Construction Manager (CM) at Risk, Charlotte County Transit Facility (Facilities)

Recommended Action: Rescind Award for Request for Proposal #19-524, Construction Manager (CM) at Risk, Charlotte County Transit Facility with: 1st - Wharton-Smith of Punta Gorda, Florida; 2nd - Willis A. Smith Construction, Inc. of Venice, Florida; and 3rd - Florida Premier Contractor, LLC of Punta Gorda, Florida

Budgeted Action: No action needed.

Real Estate Services

Risk Management

Transit

G. Community Development

H. Community Services

1. Land and Water Conservation Fund Grant Application for Lake Betty Park

Recommended Action: Approve application in the amount of \$400,000 from the Land Water Conservation Fund for Phase I development of Lake Betty Park.

Budgeted Action: No action needed. A budget amendment will be submitted for the grant if the project is approved. A new Capital Improvement Project will be created if awarded. Required county match of \$400,000 will be transferred from the Community Services Capital Maintenance Plan to the newly adopted capital improvement project for Lake Betty Park.

I. Economic Development

J. Facilities Construction and Maintenance

K. Human Resources

L. Human Services

M. Public Safety

1. Hazard Mitigation Grant Program Contract

Recommended Action: a) Approve Hazard Mitigation Grant Program contract from Florida Division of Emergency Management for \$1,592,355; and b) Approve Resolution, Capital Improvement Project "Utility Lift Station Generators/Hazard Mitigation Grant", and budget adjustment BA20-011 in the amount of \$1,592,355. **GRT 2020-001 / RES 2020-006**

Budgeted Action: Approve Resolution and budget adjustment BA20-011, in the amount of \$1,592,355. Grant funds of \$1,194,266 represent 75% of the project total, and the grant requires a 25% County match of \$398,089. Grant funding for the expenditure will come from Florida Division of Emergency Management. The required match will be provided by funds in the FY20 Charlotte County Utilities-Utility Operations budget. Contingency funds in the amount of \$79,618 will be made available, with written approval, in the form of a budget amendment.

N. Public Works

1. Submerged Lands Easement - Charlotte County /Sarasota County Regional Beach Project

Recommended Action: a) Approve the Easement; and b) Authorize the Chairman to execute the Easement. **AGR 2020-002**

Budgeted Action: No action needed. There is no financial impact.

O. Tourism Development

P. Utilities

Q. Other Agencies

REGULAR AGENDA

R. Regular Agenda

1. Event Funding Application - 2020 Welcome Home Vietnam Veterans

Tourism Development

a) Review and approve the Event Funding and In-kind Services application in the total amount of \$16,885 (\$15,000 in cash and \$1,885 in transportation in-kind services) for the 2020 Welcome Home Vietnam Veterans event; and b) Authorize the Chairman to sign the Event Funding Agreement. **AGR 2020-003**

Wendie Vestfall, Tourism Development Director gave a brief overview of 2020 Welcome Home Vietnam Veterans Event Funding Application.

Vice Chair Constance spoke to event rating timeline. **Commissioner Deutsch** commented on Indochina, French Foreign Legion, Rhode Island Vietnam Era Veterans Association, and event date.

COMMISSIONER DEUTSCH MOVED TO APPROVE EVENT FUNDING AND IN-KIND SERVICES APPLICATION IN THE TOTAL AMOUNT OF \$16,885 (\$15,000 IN CASH AND \$1,885 IN TRANSPORTATION IN-KIND SERVICES) FOR THE 2020 WELCOME HOME VIETNAM VETERANS EVENT, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:0.

2. Water Authority Agenda - January 31, 2020

Utilities

(Change #2) Added attachments – Workshop Agenda and Agenda

Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the upcoming January 31, 2020 meeting.

Craig Rudy, Utilities Director gave a brief overview of January 31, 2020 Water Authority Agenda and responded to Board inquiries.

Vice Chair Constance discussed update on FPL 'Solar Together' Program, Water Authority, Metropolitan Planning Organization (MPO) Joint Meeting, Kings Highway, Water Supply Conditions - Staff Presentation, Peace River Regional Reservoir No. 3 Project (PR3) Consultant Selection, public comments, Mosaic, sampling, General Development, phosphate levels, 1991-1997 data, tours, bond, and read into record Mosaic letter concerning update of Bartow seepage and remediation steps. **Commissioner Deutsch** mentioned Mosaic tour and strip mining. **Commissioner Doherty** noted Property Insurance Renewal for Authority Facilities, Update on FPL 'Solar Together' Program, Water Supply Conditions - Staff Presentation, Peace River Regional Reservoir No. 3 Project (PR3) Consultant Selection, public comments, information, Peace River Manasota Regional Water Supply Authority (PRMRWSA), facts, and permitting. **Commissioner Tiseo** spoke to public comments, Mosaic, Polk County, Desoto County, gypstacks, tour, proposal, impacts, geotechnical reports, water quality, Peace River, Charlotte Harbor, and fiscal responsibility.

3. Melbourne Street Property

Commission Office

(Change #1) Added attachment – Melbourne Concept

Discussion and direction on the Melbourne Street property.

Vice Chair Constance commented on park, temporary facilities, boat launch, budget, cost, Live Oak Point Park, US 41, access, reimbursement, impacts, Sunseeker, zoning, Bayshore area, Parks and Recreation Advisory Board letter, Park and Recreation Master Plan, Sales Tax, General Fund, sale contingencies, and funding. **Commissioner Deutsch** discussed Charlotte Harbor Community Redevelopment Agency (CRA), access, US 41, boardwalk, Live Oak

Point Park, Bayshore Park, Lister Street property, former YMCA property, Letter of Interest (LOI), Sunseeker, cost, uses, Workshop, and property value. **Commissioner Doherty** mentioned Parks and Recreation Advisory Board letter, Live Oak Point Park, access, Parks and Recreation Master Plan, CIP, Charlotte Harbor CRA, Sunseeker, amenities, funding, Workshop, and process. **Commissioner Tiseo** noted Parks and Recreation Advisory Board letter, conceptual plan, Sunseeker, growth, public trust and lands, Parks and Recreation Master Plan, taxpayers, water, Live Oak Point Park, Sales Tax, LOI, access, property value, Charlotte Harbor CRA, vested rights, Planned Development (PD), public use, Bayshore Park, boardwalk, traffic impact, and conditions.

Mr. Scott responded to Parks and Recreation Master Plan, components, cost, park design, future park needs, and growth.

County Attorney Knowlton replied to Sunseeker, reimbursement, Sales Tax, and conditions.

COMMISSIONER DOHERTY MOVED TO AUTHORIZE ADMINISTRATION TO TAKE THIS ITEM TO WORKSHOP AT THE EARLIEST POSSIBLE DATE, THINGS TO BE DISCUSSED AT WORKSHOP IS THE MELBOURNE ACCESS, WHICH WAS TOP PRIORITY FOR PURCHASING THIS PIECE OF PROPERTY IN THE FIRST PLACE, TO LOOK AT THE NEED TO POSSIBLY UPDATE THE PARKS AND RECREATION MASTER PLAN RELATIVE TO CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AGENCY AND THE NEW THINGS THAT HAVE HAPPENED OUT THERE FOR THE LAST FIVE YEARS, LOOK AT THE POSSIBILITY OF A TEMPORARY PARK UNTIL WE CAN WORK THROUGH THE LONG RANGE HIGHEST AND BEST USE QUESTION, AND POSSIBLE FUNDING, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 4:0.

Taken Out Of Order

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing

1. First Quarter Budget Adjustments

Budget & Admin Services

Conduct a public hearing approving the Resolution to adopt budget adjustments that amend the FY19/20 budget. These adjustments which impact various funds are needed to align the FY19/20 budget with required changes and actual activity. **RES 2020-007**

Mr. Burger gave a brief overview of First Quarter Budget Adjustments.

Public Hearing

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

MOTION CARRIED 4:0.

COMMISSIONER TISEO MOVED TO APPROVE RESOLUTION 2020-007 APPROVING BUDGET ADJUSTMENTS AND AMENDMENTS TO THE FISCAL YEAR 2019-2020 CHARLOTTE COUNTY ADOPTED BUDGET, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:0.

PRESENTATION AGENDA

T. 10:00 A.M. Presentations

1. Sales Tax Update

County Administration

Update on Sales Tax project.

Jared Bickham, Capital Projects Manager gave a brief overview of Objectives, 2014 Program Cash Flow, Completed this year, Piper Road Extension, Punta Gorda Charlotte Library, Centennial Park Recreation Center, Ann & Chuck Dever Recreation Center, Mac V. Horton Annex, Recreation Center Renovations, Active Projects, Multi-use Trails and Bike Lanes, Olean Boulevard, Family Services Center, Tier 2 projects, and responded to Board inquiries.

Jeff Keyser, Projects Manager gave a brief of overview of Work Completed, Current and Proposed Work, Communications, and responded to Board inquiries.

Vice Chair Constance spoke to Completed this year, Work Completed, Current and Proposed Work, and Tier 2. **Commissioner Doherty** commented on Tier 2 projects, 2014 Program Cash Flow, Olean corridor, and water lines. **Commissioner Tiseo** discussed 2014 Program Cash Flow, Current and Proposed Work, Tier 2 projects, and Centennial Park Recreation Center.

R. Regular Agenda (Continued)

4. Land Use Notification

Commission Office

Discussion and direction on Land Use notifications increasing to 1,000 feet.

Vice Chair Constance mentioned notification increase, cost, and staff time. **Commissioner Doherty** noted cost. **Commissioner Tiseo** spoke to notification increase, impacts, Bold Goals, Building and Zoning Appeals (BZA), and cost.

Claire Jubb, Community Development Director responded to mailings, cost, and staff time.

COMMISSIONER DOHERTY MOVED TO DEFER THE ITEM UNTIL JUST BEFORE 2:00 PM, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 4:0.

Ms. Jubb commented on notification, lots, cost, and mailings.

Vice Chair Constance discussed notification increase cost and fees.

COMMISSIONER DOHERTY MOVED TO APPROVE LAND USE NOTIFICATIONS INCREASING TO ONE THOUSAND FEET, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 4:0.

(Addition #1) 5. NACo South Region Representative

Commission Office

Approve a letter of recommendation for Commissioner Christopher Constance to seek the Florida Association of Counties representative seat on the Board of Directors for the National Association of Counties (NACo) as South Region Representative.

Vice Chair Constance gave a brief overview of letter of recommendation.

COMMISSIONER TISEO MOVED TO APPROVE LETTER OF RECOMMENDATION FOR COMMISSIONER CHRISTOPHER CONSTANCE TO SEEK THE FLORIDA ASSOCIATION OF COUNTIES REPRESENTATIVE SEAT ON THE BOARD OF DIRECTORS FOR THE NATIONAL ASSOCIATION OF COUNTIES (NACO) AS SOUTH REGION REPRESENTATIVE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

RECESS: 11:14 am – 1:00 pm

1 P.M. CITIZEN INPUT - ANY SUBJECT

Tim Ritchie, March Against Mosaic discussed Mosaic, phosphate mining, Peace River, Desoto County, clay settling areas (CSA), and Bartow South gypstack.

Michael Zarzano mentioned Mosaic, State Road (SR) 776, tree burning, Sunseeker, and developers.

Nadia Mahshie spoke to signage, Business 41, Section 35 Block 1, buffer notification, overgrown vegetation, Crowne Royal Plaza, marque obstruction, and Public Works.

Cynthia Compton noted water problem, Mosaic, development, SR 776, Sun newspaper, and wildlife.

AA. County Administrator Comments - None

BB. County Attorney Comments - None

CC. Economic Development Director Comments - None

DD. County Commissioner Comments

Vice Chair Constance spoke to Multi-use Corridors of Regional Economic Significance (M-CORES), Tallahassee, legislation, vacation rentals, sovereign immunity levels, MPO Meeting, River Road, Florida Department of Transportation (FDOT), Automated Connected Electric and Shared (ACES) Vehicles, County Road (CR) 74, Charlotte County Airport, evacuation route, SR 31, Sunseeker, SR 29, I-75 interchanges, 75 Southwest Connect, feasibility

study, Kings Highway, Raintree Boulevard, Yorkshire Street, Lake Suzy development, Burnt Store Road, funding, Piper Road, US 17, SR 776, Flamingo Boulevard, West Port property, entrance, Private Equity Group (PEG), infrastructure, Developer's Agreement, MSBU, Community Development District (CDD), and road maintenance. **Commissioner Deutsch** commented on MPO Joint Meeting, I-75, Purple Heart highway, River Road, funding, acquisition, deceleration lane, SR 776, Murdock Village, design, US 41, and Developer's Agreement. **Commissioner Doherty** discussed Coronavirus, Florida Health Department, Task Force Meeting, M-CORES, Tallahassee, sovereign immunity levels, SR 31, interchange, CR 74, studies, funding, Piper Road, US 17, Kings Highway, limited access right of way, Edgewater Drive, CDD, work scope, driveway, FDOT, security, Public Infrastructure Improvements (PII), pods, Developer's Agreement, intersection improvement, and roads. **Commissioner Tiseo** mentioned M-CORES, West Port, vegetation, permits, future policy, regulations, property overgrowth, Raintree Boulevard, Yorkshire Street, I-75 connection, FDOT, funding, improvements, US 17, West Port Property, methodology, PEG, Developer's Agreement, access points, roads, infrastructure, extensions, landscaping, maintenance, CDD, MSBU, density, and sovereign immunity.

John Elias, Public Works Director responded to intersection improvements and FDOT requirement.

Joanne Vernon, County Engineer spoke to access point, proposal, scope comparative, and Agreement.

Assistant County Attorney Thomas David replied to PII roads, CDD, and MSBU.

Deputy County Administrator Flores discussed West Port details, comparisons, and Developer's Agreement.

RECESS: 1:57 pm – 2:02 pm

2 P.M. LAND USE AGENDA

CITIZEN INPUT - LAND USE CONSENT AGENDA ITEMS ONLY – None

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

MOTION CARRIED 4:0.

UA. Consent Agenda

1. FP-17-01-01, Villa Milano Phase 4, 5 & 6, Maronda Homes, Inc.

Community Development

Maronda Homes, Inc. of Florida is requesting approval of an Amended Developer's Agreement for Villa Milano Phase 4, 5 & 6 Subdivision. They have provided surety in the amount of \$137,460.00, to cover the remaining infrastructure on this phase of the plat. The property is 14.17 acres, more or less, and is located east of Applegate Drive, west of Gramercy Street, south of Mille Fiore Boulevard, and north of Tivoli Avenue, in Section 15, Township 40S, Range 21E, in Commission District IV. **A. AGR 2017-104**

Quasi-Judicial

2. FP-19-02-01, Babcock National, Lennar Homes, LLC

Community Development

Lennar Homes, LLC has requested Final Plat approval for a subdivision to be named, Babcock National, consisting of 116 single-family lots, as well as several large tracts projected for future use as a golf course. They are also requesting approval of Developer's Agreement and surety to bond the plat infrastructure. The site is 459.79 acres, more or less, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Sections 19, 20, 21, 29, and 30, Township 42S, Range 26E, in Commission District I. **AGR 2020-004**

Quasi-Judicial

3. FP-19-08-12, Babcock Cypress Lodge, Babcock Property Holdings, LLC

Community Development

Babcock Property Holdings, LLC has requested Final Plat approval for a subdivision to be named, Babcock Ranch Community Cypress Lodge, consisting of six tracts. The site is 264.08 acres, more or less, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Sections 29, 30, 31 and 32, Township 42, Range 26, in Commission District I.

Quasi-Judicial

4. FP-19-08-13, Babcock Bluebird, Babcock Property Holdings, LLC

Community Development

Babcock Property Holdings, LLC has requested Final Plat approval for a road to be named, Babcock Ranch Community Bluebird Trail, consisting of eight tracts. The site is 170.69 acres, more or less, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Sections 28 and 29, Township 42S, Range 26E, in Commission District I.

Quasi-Judicial

5. FP-19-08-14, Babcock Cypress Parkway, Babcock Property Holdings, LLC

Community Development

Babcock Property Holdings, LLC has requested Final Plat approval for a road to be named, Babcock Ranch Community Cypress Parkway, consisting of twenty tracts. The site is 248.23 acres, more or less, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Sections 31 and 32, Township 42S, Range 26E, in Commission District I.

Quasi-Judicial

UB. Public Hearing

Minutes Clerk Light administered oath for testimony.

(Deletion #2) ~~1. Amendment to the West Port Developer's Agreement~~

~~Community Development~~

~~KL West Port, LLC (KLWP) is requesting approval of an Amended Developer's Agreement for the West Port (fka Murdock Village) development. The property is 434.68 acres, more or less, and is located east of the Crestwood Waterway, west of the Flamingo Waterway, south of Franklin Avenue, and north of SR-776, in Commission District IV.~~

Legislative

2. PP-19-11-15, West Port Phase 1, Forestar (USA) Real Estate Group, Inc.

Community Development

Forestar (USA) Real Estate Group, Inc. has requested Preliminary Plat approval for a subdivision to be named, The Shores and The Cove at West Port Phase 1, consisting of forty-eight (48) residential lots. The site is 115.34 acres, more or less, and is located south of U.S. Highway 41, north of El Jobean Road, east of the Crestwood Waterway, and west of the Flamingo Waterway, in Sections 10 and 11, Township 40S, Range 21E, in Commission District IV.

Quasi-Judicial

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

Steven Ellis, Planner asked to be accepted as an expert, provided credentials, gave a brief overview of PP-19-11-15, 2017 Aerial Location Map (Full Range), 2017 Aerial Location Map (Mid-Range), 2017 Aerial Location Map, FLUM Designations, Zoning Designations, 500' Buffer Map, 2019 Google Earth Image, Proposed Changes, and responded to Board inquiries.

Jacquelyn Larocque, Applicant Representative accepted Mr. Ellis as an expert, conditions, and spoke to plats.

Vice Chair Constance mentioned plats. **Commissioner Doherty** noted plats, public infrastructure, and improvements.

Public Hearing

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

MOTION CARRIED 3:0.

COMMISSIONER DOHERTY MOVED TO APPROVE PRELIMINARY PLAT APPROVAL FOR A SUBDIVISION TO BE NAMED, THE SHORES AND THE COVE AT WEST PORT PHASE 1, CONSISTING OF FORTY-EIGHT (48) RESIDENTIAL LOTS. THE SITE IS 115.34 ACRES, MORE OR LESS, AND IS LOCATED SOUTH OF U.S. HIGHWAY 41, NORTH OF EL JOBEAN ROAD, EAST OF THE CRESTWOOD WATERWAY, AND WEST OF THE FLAMINGO WATERWAY, IN SECTIONS 10 AND 11, TOWNSHIP 40S, RANGE 21E, IN COMMISSION DISTRICT IV, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 3:0., COMMISSIONER TISEO ABSTAINED (FORM 8B FILED)

3. Ordinance adopting PA-19-10-34 and approving a small-scale plan amendment for ZNR Properties, LLC, by Daniel Farries.

Community Development

Adopt an Ordinance approving PA-19-10-34, a small-scale plan amendment to change Charlotte County Future Land Use Map Series Map #1: 2030 Future Land Use, from Rural Estate Residential (RER) to Commercial (COM) for property containing approximately 7.59 acres, located at 4560 Duncan Road, in the Punta Gorda area in Commission District I. **ORD 2020-002**

Legislative

Ken Quillen, Senior Planner asked to be accepted as an expert, provided credentials, gave a brief overview of Proposed Changes, 500' Buffer Map, Location Map, Area Image, 2019 Google Earth Image, Site Image, Framework, FLUM Designations, Proposed FLUM Designations, Zoning Designations, Proposed Zoning Designations, and responded to Board inquiries.

Minutes Clerk Light administered oath for testimony.

Jason Green, Applicant Representative accepted Mr. Quillen as an expert, asked to be accepted as an expert, spoke to medians, uses, road, agriculture, zoning, inactive land use, transportation corridor, requested approval, and responded to Board inquiries.

Vice Chair Constance commented on Duncan Road, Residential Estate-1 (RE-1), Argo Road, road ownership, easement, maintenance, and access. **Commissioner Tiseo** discussed inactive land use, RER, and commercial designation.

Shaun Cullinan, Planning and Zoning Official responded to inactive land use, future land use, RE-1, zoning, Duncan Road, road ownership, easements, and maintenance.

Public Hearings for Petition Number PA-19-10-34, and Petition Number Z-19-10-35 for ZNR Properties, LLC

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

MOTION CARRIED 4:0.

COMMISSIONER TISEO MOVED TO APPROVE ORDINANCE 2020-002 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 FUTURE LAND USE MAP SERIES MAP #1: 2030 FUTURE LAND USE, FROM RURAL ESTATE RESIDENTIAL (RER) TO COMMERCIAL (COM) FOR 7.59 ACRES MORE OR LESS; FOR PROPERTY LOCATED AT 4560 DUNCAN ROAD, IN THE PUNTA GORDA AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT I, PETITION PA-19-10-34; APPLICANT, ZNR PROPERTIES, LLC, C/O DANIEL FARRIES, 107 LINDEN LANE, SPRINGFIELD, IL 62712; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:0.

4. Ordinance adopting Z-19-10-35 and approving a zoning map amendment for ZNR Properties, LLC, by Daniel Farries.

Community Development

Adopt an Ordinance approving Z-19-10-35, a zoning map amendment to change Charlotte County Zoning Atlas from Residential Estate-1 (RE-1) to Commercial General (CG) for property containing approximately 7.59 acres, located at 4560 Duncan Road, in the Punta Gorda area in Commission District I. **ORD 2020-003**

Quasi-Judicial

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

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2020-003 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL ESTATE-1 (RE-1) TO COMMERCIAL GENERAL (CG) FOR PROPERTY LOCATED AT 4560 DUNCAN ROAD, IN THE PUNTA GORDA AREA, CONTAINING 7.59 ACRES MORE OR LESS, COMMISSION DISTRICT I, CHARLOTTE COUNTY, FLORIDA; PETITION Z-19-10-35; APPLICANT, ZNR PROPERTIES, LLC, C/O DANIEL FARRIES, 107 LINDEN LANE, SPRINGFIELD, IL 62712; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

5. Ordinance Adopting PA-19-09-29, Brian E. Jones, BFJ & BFJ Trust

Community Development

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use from Charlotte Harbor Industrial (CHI) to Charlotte Harbor Commercial (CHC) for property located at 23212 Harborview Road, in the Charlotte Harbor area, containing 9.90± acres; Commission District I; Petition No. PA-19-09-29; applicant: Brian E. Jones & BFJ & BFJ Trust; providing an effective date. **ORD 2020-004**

Legislative

Matt Trepal, Principal Planner asked to be accepted as an expert, provided credentials, gave a brief overview of Proposed Changes, Location Map, 500' Buffer Map, Area Image, Site Image, 2019 Google Earth Image, Framework, FLUM Designations, Proposed FLUM Designations, Zoning Designations, and Proposed Zoning Designations.

Minutes Clerk Light administered oath for testimony.

James Herston, Applicant Representative mentioned Charlotte Harbor CRA and recognized Mr. Trepal as a planning expert.

Public Hearings for Petition Number PA-19-09-29 and Petition Number Z-19-09-30 for Brian E. Jones, BFJ & BFJ Trust

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

MOTION CARRIED 4:0.

COMMISSIONER TISEO MOVED TO APPROVE ORDINANCE 2020-004 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, ADOPTING A SMALL SCALE PLAN AMENDMENT TO THE CHARLOTTE COUNTY FUTURE LAND USE MAP SERIES MAP #1: 2030 FUTURE LAND USE, FROM CHARLOTTE HARBOR INDUSTRIAL (CHI) TO CHARLOTTE HARBOR COMMERCIAL (CHC) FOR 9.90 ACRES MORE OR LESS; FOR PROPERTY LOCATED AT 23212 HARBORVIEW ROAD, IN THE CHARLOTTE HARBOR AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT I; PETITION PA-19-09-29; APPLICANT, BRIAN E. JONES & BFJ & BFJ TRUST; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:0.

6. Ordinance Adopting Z-19-09-30, Brian E. Jones, BFJ & BFJ Trust

Community Development

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Industrial General (IG) to Commercial General (CG) for property located at 23212 Harborview Road in the Charlotte Harbor area, containing 9.90± acres; Commission District I; Petition No. Z-19-09-30; applicant: Brian E. Jones & BFJ & BFJ Trust; providing an effective date. **ORD 2020-005**

Quasi-Judicial

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

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2020-005 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM INDUSTRIAL GENERAL (IG) TO COMMERCIAL GENERAL (CG) FOR PROPERTY LOCATED AT 23212 HARBORVIEW ROAD, IN THE CHARLOTTE HARBOR AREA, CONTAINING 9.90 ACRES MORE OR LESS, COMMISSION DISTRICT I, CHARLOTTE COUNTY, FLORIDA; PETITION Z-19-09-30; APPLICANT, BRIAN E JONES & BFJ & BFJ TRUST; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

7. Ordinance Adopting PA-19-08-12, P. Drew and Nancy Lisby

Community Development

Pursuant to Section 163.3187(1), Florida Statutes, adopt a Small-Scale Plan Amendment to change Charlotte County Future Land Use Map Series Map # 1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM) (1.24± acres) and Preservation (PR) (0.17± acres); for property located at 4920 and 5000 Deltona Drive, in the Punta Gorda area, containing 1.41± acres, Commission District II; Petition No. PA-19-08-12; applicant: Drew and Nancy Lisby; providing an effective date. **ORD 2020-006**

Legislative

Elizabeth Nocheck, Senior Planner asked to be accepted as an expert, provided credentials, and gave a brief overview of Proposed Changes, Location Map, 500' Buffer Map, 2019 Google Earth Image, Area Image, Site Image, Framework, FLUM Designations, Proposed FLUM Designations, Zoning Designations, and PD Concept plan.

Attorney Rob Berntsson, Applicant Representative accepted Ms. Nocheck as an expert, provided credentials, asked to be accepted as an expert, noted zoning, PD, regulations, joined in Staff report, and requested approval.

Vice Chair Constance spoke to uses, property rights, and 500' Buffer Map.

Public Hearings for Petition Number PA-19-08-12 and Petition Number Z-19-08-13 for Drew and Nancy Lisby

COMMISSIONER DOHERTY MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEUTSCH
MOTION CARRIED 4:0.

COMMISSIONER TISEO MOVED TO APPROVE ORDINANCE 2020-006 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 FUTURE LAND USE MAP SERIES MAP #1: 2030 FUTURE LAND USE, FROM LOW DENSITY RESIDENTIAL (LDR) TO COMMERCIAL (COM) (1.24± ACRES) AND PRESERVATION (PR) (0.17± ACRES); FOR PROPERTY LOCATED AT 4920 AND 5000 DELTONA DRIVE, IN THE PUNTA GORDA AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT II: PETITION PA-19-08-12; APPLICANTS, DREW AND NANCY LISBY; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:0.

8. Ordinance Adopting Z-19-08-13, P. Drew and Nancy Lisby

Community Development

Pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Manufactured Home Conventional (MHC) and Commercial General (CG) to Planned Development (PD); for property located at 4920 and 5000 Deltona Drive, in the Punta Gorda area, containing 1.41± acres; Commission District II; Petition No. Z-19-08-13; applicant: Drew and Nancy Lisby; providing an effective date. **ORD 2020-007**
Quasi-Judicial

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

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2020-007 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM MANUFACTURED HOME CONVENTIONAL (MHC) AND COMMERCIAL GENERAL (CG) TO PLANNED DEVELOPMENT (PD) FOR PROPERTY LOCATED AT 4920 AND 5000 DELTONA DRIVE, IN THE PUNTA GORDA AREA, CONTAINING 1.41 ACRES MORE OR LESS, COMMISSION DISTRICT II, CHARLOTTE COUNTY, FLORIDA; PETITION Z-19-08-13; APPLICANTS, DREW AND NANCY LISBY; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0.

9. Ordinance Adopting Z-18-07-35, Lost Lagoon Development, LLLP

Community Development

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family 10 (RMF-10), Residential Single-family 3.5 (RSF-3.5), Office Medical Institutional (OMI), and Commercial General (CG) to Planned Development (PD), for property bound by Seymour Avenue to the north, Collingswood Boulevard to the east, El Jobean Road (SR 776) to the south, and the Como Waterway to the west, in the Port Charlotte area, containing 153.46± acres; Commission District IV; Petition No. Z-18-07-35; Applicant: Lost Lagoon Development, LLLP; providing an effective date. **ORD 2020-008**

Quasi-Judicial

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

Mr. Trepal asked to be accepted as an expert, provided credentials, gave a brief overview of Proposed Changes, Location Map, 500' Buffer Map, Area Image, Site Image, 2019 Google Earth Image, Framework, FLUM Designations, Zoning Designations, Proposed Zoning Designations, and responded to Board inquiries.

Vice Chair Constance commented on Agreement, Lost Lagoon, land ownership, Murdock Village CRA, zoning changes, application, 2019 Google Earth Image, intersection needs, access, traffic impacts, and SR 776. **Commissioner Deutsch** discussed reverter clause. **Commissioner Tiseo** mentioned zoning, closing, designation, transfer, conditions, and application.

Assistant County Attorney David noted Agreement, contracts, zoning, Murdock Village CRA, application, transfer, and replatting.

Mr. Cullinan spoke to Murdock Village CRA, owner affidavit, application, PEG, plat, and design.

Kyle Grimes, Applicant Representative commented on PD, uses, and introduced Lyndell Mims, Mims Construction President.

Ms. Mims gave a brief overview of Project Update, Project Highlights, Project Consultants, Arredondo Pointe, Project Timeline, Toledo Blade Improvements, and Community Impact.

Public Hearing

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

MOTION CARRIED 3:0.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2020-008 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL MULTI-FAMILY 10 (RMF-10), RESIDENTIAL SINGLE-FAMILY 3.5 (RSF-3.5), OFFICE MEDICAL INSTITUTIONAL (OMI), AND COMMERCIAL GENERAL (CG) TO PLANNED DEVELOPMENT (PD), FOR PROPERTY BOUND BY SEYMOUR AVENUE TO THE NORTH, COLLINGSWOOD BOULEVARD TO THE EAST, EL JOBEAN ROAD (SR 776) TO THE SOUTH AND THE COMO WATERWAY TO THE WEST, IN THE PORT CHARLOTTE AREA, CONTAINING 153.46 ACRES MORE OR LESS AND INCLUDING RIGHTS OF WAY FOR TOLEDO BLADE BOULEVARD AND THE COMO WATERWAY; FOR A TOTAL OF 173.31 ACRES MORE OR LESS; COMMISSION DISTRICT IV, CHARLOTTE COUNTY, FLORIDA; PETITION Z-18-07-35; APPLICANT, LOST LAGOON DEVELOPMENT, LLLP; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 3:0., COMMISSIONER TISEO ABSTAINED (FORM 8B FILED)

(Deletion #3) ~~10. Ordinance Adopting Z-19-10-31, 8979 Burnt Store, LLC~~

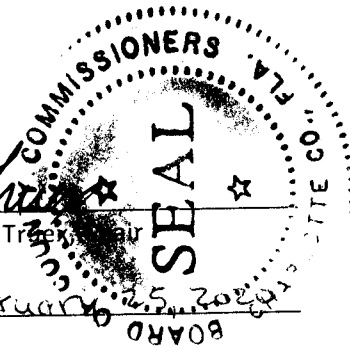
Community Development

Approve an ordinance adopting Petition No. Z-19-10-31. This is a rezoning to amend the Charlotte County Zoning Atlas from Planned Development (PD) to PD to allow for up to 234 Recreational Vehicles, for property located at 8979 Burnt Store Road, in the Punta Gorda area; Containing 49.91 acres more or less; Commission District II; applicant: 8979 Burnt Store, LLC.

Quasi-Judicial

ADJOURNED: 3:16 pm

William G. Tiseo
 William G. Tiseo, Chair



DATE ADOPTED: February 25, 2020

ATTEST:

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

By: *Michelle DiBenedetto*
Deputy Clerk