

BOARD OF COUNTY COMMISSIONERS

JULY 26, 2022

A Regular and Land Use Meeting was held at the Murdock Administration Complex in Commission Chambers; Room 119, Port Charlotte, Florida.

The following members were present: Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo. Also in attendance were: County Administrator Flores, County Attorney Knowlton, Minutes Clerk Johnston, and Minutes Clerk Welsh. The following members were absent: None.

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

The Invocation was given by Pastor John Boutchia, Calvary Baptist Church, followed by the Pledge of Allegiance.

**Changes to the Agenda**

**Addition #1:** R-4 Veterans Boulevard Corridor Planning Study Update Review and comment on proposed draft Veterans Blvd Corridor Planning Study recommendations; presented by Florida Department of Transportation (FDOT).

Requested by: Administration

**Addition #2:** R-5 Florida Department of Health (FDOH) Port Charlotte Beach Park Update Update on Port Charlotte Beach Park by the Florida Department of Health (FDOH).

Requested by: Administration

**Addition #3:** R-6 Initiation and Prosecution of Injunctions to Enforce Stop Work Orders Approve Resolution Authorizing the Initiation and Prosecution of Injunctions to Enforce Stop Work Orders.

Requested by: County Attorney

**Change #1:** R-3 Added attachment – Draft Letter of Support.

Requested by: Administration

**Change #2:** UB-4 Updated from Quasi-Judicial to Legislative.

Requested by: Community Development

**Change #3:** D-1 Added attachment – Revised, Letter of Support – HELPER Act of 2021.

Requested by: Administration

**Change #4:** T-1 Added attachment – Revised, Presentation.

Requested by: Facilities Construction and Maintenance

**Change #5:** B-1 Updated Wording and added attachments (4).

Approve the following Minutes:

July 7, 2022 BCC Pre-Agenda

July 7, 2022 BCC Utilities Department Quarterly Update Meeting

July 12, 2022 BCC Regular and Land Use

July 14, 2022 BCC Joint Meeting with City of North Port

July 19, 2022 BCC Workshop

July 19, 2022 BCC Tentative Budget Workshop.

Requested by: Minutes Division

**Change #6:** R-1 Added attachment – August 3, Agenda.

Requested by: Utilities

**Change #7:** R-2 Added attachment – Updated, August 18 Agenda.

Requested by: Community Services

**Change #8:** D-2 Updated wording and added attachment – ARPA Funding Plan ~~a) Approve draft ARPA funding plan.; and b) Approve Resolution XXX; and c) Approve Resolution XXX.~~

Requested by: Administration

**Change #9:** RRF Added attachment – Updated COVID Report.

Requested by: Administration

**Change #10:** R-5 Added attachment – Presentation.

Requested by: Administration

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Ken Doherty

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

MOTION CARRIED 5:0.

Florida Water Professionals Month

Thomas Hill, Plant Operator B, Johnny Chamberlain, Utilities Superintendent, and Jeremy Frost, Utilities Superintendent accepted the Proclamation.

#### **Purple Heart Day**

**Commissioner Deutsch** accepted the Proclamation.

#### **Employee Recognition**

##### Employee of the Month - June 2022

Anthony Leggett  
Facilities Construction & Maintenance

Travis Perdue, Facilities Construction and Maintenance Director highlighted Mr. Leggett's dedication, commitment, teamwork, and presented Award.

#### **Award Presentations**

##### Check Presentation for the Veterans Memorial at the William R. Gaines Jr. Veterans Memorial Park

Commissioner Stephen R. Deutsch to accept donation from LSI Companies; Randy Thibaut, Justin Thibaut, Christi Pritchett.

**Chair Truex** discussed public and private partnership, LSI Companies, and memorial. **Commissioner Deutsch** commented on LSI Companies, contribution, community involvement, and accepted Award.

LSI Companies Founder Randy Thibaut, Sales Associate Christi Pritchett, and Listing Coordinator Marcella Sousa presented Award.

#### **PUBLIC INPUT - AGENDA ITEMS ONLY**

John Everson spoke against Bayshore Parking Lot and Connector Presentation.

Lynn Saboe spoke in support of Florida Department of Health (FDOH) Port Charlotte Beach Park Update and Engineering Services Resiliency and Modernization Program.

Richard Russell spoke against Bayshore Parking Lot and Connector Presentation.

Gary Butler spoke in support of Appointment - Tourist Development Council.

Tim Ritchie mentioned Water Authority Agenda - August 3, 2022.

#### **COMMITTEE VACANCIES**

The committee vacancy list below is for informational purposes only. It is not part of the County Commission agenda upon which action is to be taken, and therefore not a topic on which public input is allowed at the beginning of this meeting.

The **Construction Industry Licensing Board** is seeking a volunteer to represent the consumer advocate category. Volunteer must be a resident of Charlotte County for at least two years and have no financial interest, direct or indirect in the building trades. Length of term is four years. To obtain an application, contact Diane Whidden at 941-743-1298 or [Diane.Whidden@CharlotteCountyFL.gov](mailto:Diane.Whidden@CharlotteCountyFL.gov).

The **Construction Industry Licensing Board** is seeking a volunteer to represent the general contractor category. Volunteer must be an active licensed general contractor and be a resident of Charlotte County for at least two years. Length of term is four years. To obtain an application, please contact Diane Whidden at 941-743-1298 or [Diane.Whidden@CharlotteCountyFL.gov](mailto:Diane.Whidden@CharlotteCountyFL.gov).

**Tourist Development Council** is seeking one volunteer who is involved in the tourism industry (ie: restaurant, attraction, etc.) or represents tourism accommodations as an owner or operator of a motel, hotel, recreational vehicle park or other tourist accommodation located in the county and subject to tourist development tax. Volunteers shall be an elector of Charlotte County or reside in a county adjacent to Charlotte County and own a business within Charlotte County, and have demonstrated an interest in tourist development. Length of term is four years. For an application, please contact Nina Stamoulis at 941-743-1553 or via email at [Janina.Stamoulis@CharlotteCountyFL.gov](mailto:Janina.Stamoulis@CharlotteCountyFL.gov).

The **Murdock Village Community Redevelopment Agency Advisory Committee** is searching for three volunteers to serve as members at large and to fill the unexpired term of Ray Brunner, Dawn McClure and William Shafer. The terms begin immediately and expires October 31, 2022. The term is three years. For more information, please contact [Claudia.Mayo@CharlotteCountyFL.gov](mailto:Claudia.Mayo@CharlotteCountyFL.gov).

The **Beaches and Shores Advisory Committee** is seeking a volunteer to fill the unexpired term of the District 1 Representative. The applicant must be a resident of Charlotte County and reside within the boundaries of District 1. The term will be effective immediately upon approval and expire on November 30, 2024. To obtain an application, send an email to [Assistant@CharlotteCountyFL.gov](mailto:Assistant@CharlotteCountyFL.gov). This position will remain open until filled.

The **Parks and Recreation Advisory Committee** is seeking a volunteer to fill the unexpired term of the District 1 Representative. The applicant must be a resident of Charlotte County and reside within the boundaries of District 1. The term will be effective immediately upon approval and expire on November 30, 2024. To obtain an application, send an email to [Assistant@CharlotteCountyFL.gov](mailto:Assistant@CharlotteCountyFL.gov). This position will remain open until filled.

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](mailto:MSBU-TU@CharlotteCountyFL.gov).

- **Boca Grande Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2024.
- **Buena Vista Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2025.
- **Greater Port Charlotte Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2023.

- **Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2025.
- **Harbour Heights Street & Drainage Unit** is seeking one member to fill vacant unexpired terms through October 31, 2023.
- **Mid-Charlotte Stormwater Unit** is seeking one member to fill a vacant unexpired term through October 31, 2024.
- **Northwest Port Charlotte Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2025.
- **Placida Area Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2025.
- **Rotonda Heights Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2024.
- **Rotonda Lakes Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2025.
- **Rotonda Sands Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2025.
- **South Charlotte Stormwater Unit** is seeking one member to fill a vacant unexpired term through October 31, 2025.
- **South Gulf Cove Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2024.
- **Suncoast Waterway Unit** is seeking five members to fill vacant unexpired terms through October 31, 2023, October 31, 2024, and October 31, 2025.
- **West Charlotte Stormwater** is seeking two members to fill vacant unexpired terms through October 31, 2023 and October 31, 2025.

#### REPORTS RECEIVED AND FILED

##### COVID-19 Response Update

(Change #9) Added attachment – Updated COVID Report.

##### Monthly Housing Division Report - June 2022

#### CONSENT AGENDA

**Chair Truex** noted American Rescue Act Plan (ARPA) Funding. **Commissioner Doherty** commented on ARPA Funding. **Commissioner Constance** discussed Appointment - Tourist Development Council.

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-7 AND F-8, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO AMEND THE MOTION TO INCLUDE TWO EMPLOYEES, COUNTY ATTORNEY, AND METROPOLITAN PLANNING ORGANIZATION EXECUTIVE DIRECTOR FOR D-2 AMERICAN RESCUE PLAN FUNDING, SECONDED BY CHAIR 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

**(Change #5)** Updated Wording and added attachments (4).

Approve the following Minutes:

July 7, 2022 BCC Pre-Agenda

July 7, 2022 BCC Utilities Department Quarterly Update Meeting

July 12, 2022 BCC Regular and Land Use

July 14, 2022 BCC Joint Meeting with City of North Port

July 19, 2022 BCC Workshop

July 19, 2022 BCC Tentative Budget Workshop.

**Recommended Action:** Approve the following Minutes:

July 7, 2022 BCC Pre-Agenda

July 7, 2022 BCC Utilities Department Quarterly Update Meeting

**Budgeted Action:** No action needed.

Board of County Commissioners

**C. Commission Office**

1. Appointment - Construction Industry Licensing Board

**Recommended Action:** Approve the appointment of Charles Rand to the Construction Industry Licensing Board representing the consumer advocate category. Length of term is four years, until July 26, 2026.

**Budgeted Action:** No action needed.

2. Appointment - Environmentally Sensitive Lands Oversight Committee

**Recommended Action:** Approve the appointment Ann Hawk to the Environmentally Sensitive Lands Oversight Committee as a community representative. This appointment is to fill the unexpired term of Benton Hester. The appointment begins immediately and expires December 2023.

**Budgeted Action:** No action needed.

3. Appointment - Tourist Development Council

**Recommended Action:** Approve the appointment of Gary P. Butler as a Tourism Industry Member, to the Tourist Development Council to fill the unexpired term of Janet Watermeier. Term is effective immediately and will expire December 9, 2025.

**Budgeted Action:** No action needed.

**D. County Administration**

1. Letter in support of HELPER Act 2021

(Change #3) Added attachment – Revised, Letter of Support – HELPER Act of 2021.

**Recommended Action:** Approve HELPER Act 2021 draft letter of support.

**Budgeted Action:** No action needed.

2. American Rescue Act Plan (ARPA) Funding

(Change #8) Updated wording and added attachment – ARPA Funding Plan a) Approve draft ARPA funding plan.; and b) Approve Resolution XXX; and c) Approve Resolution XXX.

**Recommended Action:** a) Approve draft ARPA funding plan; and b) Approve Resolution XXX; and c) Approve Resolution XXX.

**Budgeted Action:** No action needed.

**E. County Attorney**

**F. Budget and Administrative Services Fiscal Services**

1. Drug Abuse Trust Fund FY22

**Recommended Action:** a) Approve Resolution designating Charlotte Behavioral Health Care as a recipient of the Charlotte County Drug Abuse Trust Fund Grant; and b) Approve the transfer of \$44,595 from the Drug Abuse Trust Fund to Charlotte Behavioral Health Care; and c) Approve Resolution designating the Charlotte County Sheriff's Office as a recipient of the Charlotte County Drug Abuse Trust Fund Grant; and d) Approve the transfer of \$20,000 from the fund to the Sheriff on behalf of Drug Free Charlotte. RES 2022-085 / RES 2022-086

**Budgeted Action:** No action needed. Budgeted in the Drug Abuse Trust Fund, as approved in the FY2022 budget process. Funding for this expenditure comes from the Drug Abuse Trust Fund. Per Section 938.23, Florida Statutes, revenue is collected from assessments that are imposed on persons found guilty of a misdemeanor in which the unlawful use of drugs or alcohol is involved and can be allocated to local substance abuse programs.

## 2. Law Enforcement Trust Fund Fiscal Year 2022

**Recommended Action:** Approve the transfer of \$28,000 from the County Law Enforcement Trust Fund to the Sheriff's Law Enforcement Trust Fund Checking Account.

**Budgeted Action:** No action needed. Budgeted in the Law Enforcement Trust Fund budget as approved in the FY2022 budget process. Funding for the expenditure comes from the Law Enforcement Trust Fund.

## 3. Criminal Justice Education Fiscal Year 2022

**Recommended Action:** Approve the transfer of \$22,000 for the Sheriff for Criminal Justice Education.

**Budgeted Action:** No action needed. Budgeted in the Criminal Justice Education Fund. Budget as approved in the FY2022 budget process. Funding for the expenditure comes from Court Related Fines and Fees.

## Information Technology

### Purchasing

## 4. 22-376, Award, Warehouse Pipe Storage Rack Replacement (Utilities)

**Recommended Action:** Approve award of Bid #22-376, Warehouse Pipe Storage Rack Replacement to the lowest responsive, responsible bidder, Boromei Construction Inc., of Okeechobee, Florida for a total project amount of \$205,917. This is for the removal and replacement of the existing pipe storage rack system located at the East Port Environmental Campus including the necessary repairs to existing concrete slab to accommodate the new rack system.

**Budgeted Action:** No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Utilities budget as approved in the FY2022 budget process. Funding for the expenditure comes from Utility rates.

## 5. 22-479, Award, Cleaning Services, Charlotte County Facilities - Annual Contract (Facilities)

**Recommended Action:** a) Approve award of Request for Bid #22-479 Cleaning Services, Charlotte County Facilities-Annual Contract, to Alba Cleaning, LLC of Bradenton, Florida at the unit prices listed on the attached tabulation, for the term October 1, 2022 up to and including September 30, 2023 with option to



renew for two additional one-year terms at the same prices, terms & conditions; and b) Authorize County Administrator to approve annual renewals. This is for cleaning services for Charlotte County Buildings.

**Budgeted Action:** No action needed. Services provided and charged out to various departments. Funding for his expenditure comes from various departments as services are utilized.

6. 22-355, Approve Ranking, Engineering Services Resiliency and Modernization Program (Utilities)

**Recommended Action:** a) Approve ranking of firm for Request for Proposal 22-355 Engineering Services Resiliency and Modernization Program: 1st - HDR Engineering; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for a qualified firm to provide professional engineering services for the completion of a Resiliency and Modernization Program.

**Budgeted Action:** No budget action needed. Budgeted in fund 4031 Utilities under Contracted Services. Expenses to be reimbursed by State of Florida Department of Economic Opportunity CDBG grant.

7. 22-362, Rescind Award, Sale of County Owned Properties (Real Estate)

**Recommended Action:** Request to rescind award of properties to three bidders who have decided not to move forward with the purchase of ten properties on Request for Bids #22-362, Sale of County Owned Properties.

**Budgeted Action:** No action needed.

Chair Truex mentioned attachments and transparency. Commissioner Constance noted online documents, properties, award rescind, briefing note, time sensitivity, and transparency. Commissioner Tiseo spoke to attachments and briefing note.

Cheri Alexander, Acting Senior Division Purchasing Manager responded to tabulation and bids received.

Stephan Kipa, Real Estate Services Manager remarked on briefing note, online documents, properties, and time sensitivity.

**COMMISSIONER CONSTANCE MOVED TO POSTPONE ITEM UNTIL SEPTEMBER, SECONDED BY COMMISSIONER TISEO**

**MOTION CARRIED 5:0.**

8. 22-486, Award Piggyback, Shade Structures-McGuire Park and Ann and Chuck Dever Regional Park (Community Services)

**Recommended Action:** Approve award of a Piggyback, File #22-486, Shade Structures- McGuire Park and Ann and Chuck Dever Regional Park, to Top Line Recreation of Deltona, Florida (piggyback off the St. Johns County School District Contract# 2022-16) for the total amount of \$195,230.90. This is for the purchase and installation of shade structures at the McGuire Park and Ann and Chuck Dever Regional Park.

**Budgeted Action:** No action needed. Budgeted in the Community Services Capital Maintenance Plan approved in the FY22 budget process. Funding is supplied from Capital Projects ad valorem.

**Commissioner Constance** commented on shade structures and picture examples.

Tommy Scott, Community Services Director replied to shade structures and picture examples.

**COMMISSIONER CONSTANCE MOVED TO APPROVE AWARD OF PIGGYBACK, FILE #22-486, SHADE STRUCTURES- MCGUIRE PARK AND ANN AND CHUCK DEVER REGIONAL PARK, TO TOP LINE RECREATION OF DELTONA, FLORIDA (PIGGYBACK OFF THE ST. JOHNS COUNTY SCHOOL DISTRICT CONTRACT# 2022-16) FOR THE TOTAL AMOUNT OF \$195,230.90. THIS IS FOR THE PURCHASE AND INSTALLATION OF SHADE STRUCTURES AT THE MCGUIRE PARK AND ANN AND CHUCK DEVER REGIONAL PARK, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

9. 22-335, Award, Rotonda and Walenda Booster Station Upgrades (Utilities)

**Recommended Action:** Approve award of Request for Letters of Interest (RLI) File #22-335, Work Order #8 (Contract 21-056), Rotonda and Walenda Booster Station Upgrades, to HDR of Tampa, Florida, in the amount of \$199,901.85. This is for the services of an engineering consulting firm to perform various tasks related to the Rotonda and Walenda Booster Station Upgrades.

**Budgeted Action:** No action needed. Budgeted in the Utility Capital Maintenance Plan, as approved in the FY22 budget process. Funding comes from the Utility Renewal and Replacement Fund.

Real Estate Services

10. Declare Parcels Surplus

**Recommended Action:** Approve Resolution that declares the real property listed on Exhibit "A" to be surplus to County needs and authorizes County staff to dispose of the real property in accordance with the provisions of Chapter 125, Florida Statutes. **RES 2022-087**

**Budgeted Action:** No action needed.

Risk Management

Transit

**G. Community Development**

1. Watershed Planning Initiative - Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) Grant

**Recommended Action:** a) Ratify the authorization to apply for the Watershed Planning Initiative - Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) Grant with the Florida Division of Emergency Management (FDEM) in the amount of \$150,000. FDEM provides pass-through

funding for FEMA approved and awarded project grants to eligible sub-applicants; and b) Approve Master Research Agreement between Florida Atlantic University and their staff and Charlotte County to perform the analyses necessary to develop the Watershed Master Plan; and c) Adopt Resolution authorizing County Administrator, or designee, to execute grant agreements, and other documents relating to this grant. **AGR 2022-083 / RES 2022-088**

**Budgeted Action:** No action needed. A budget amendment will be brought to the Board for approval, if awarded. There is a required County match of 25% in the amount of \$50,000. Grant funding will be provided by Florida Division of Emergency Management. Matching funds in the amount of \$50,000 will be provided from Building & Construction Services operating budget.

#### **H. Community Services**

##### 1. Florida Recreation Development Assistance Program Resolution

**Recommended Action:** Approve Resolution authorizing the County Administrator, or designee, to execute the Florida Recreation Development Assistance Program grant application and related documents. **RES 2022-089**

**Budgeted Action:** No action needed. This Resolution is sought to allow the Administrator to approve future short notice grant applications associated with the FL Recreation Development Assistance Program.

#### **I. Economic Development**

#### **J. Facilities Construction and Maintenance**

#### **K. Human Resources**

#### **L. Human Services**

##### 1. Amended 2020-2023 Local Housing Assistance Plan (LHAP)

**Recommended Action:** a) Adopt the Resolution to approve the amended 2020-2023 Local Housing Assistance Plan (LHAP); and b) Authorize the Chairman to execute the Certification of the amended LHAP. **RES 2022-090**

**Budgeted Action:** No action needed.

#### **M. Public Safety**

##### 1. Contract Amendment between Charlotte County and the Florida Department of Agriculture and Consumer Services Division of Forestry

**Recommended Action:** Approve contract amendment between Charlotte County and the Florida Department of Agriculture and Consumer Services Division of Forestry. **A.AGR 1988-065A**

**Budgeted Action:** No action needed. Budgeted in the General Fund - Fire Control/Div Forestry budget as approved in the FY2022 budget process. Funding for this expenditure comes from the General Fund.

## **N. Public Works**

### 1. FDOT Traffic Signal Maintenance and Compensation Agreement, Contract ARX81

**Recommended Action:** a) Approve the Amendment to the Traffic Signal Maintenance and Compensation Agreement; and b) Approve Resolution authorizing the County Administrator, Lighting Superintendent, and any other designee of the County Administrator to execute and enter into any subsequent amendments and any other documents specifically related to said agreement in the form of Exhibit A. **A.AGR 2015-030 / RES 2022-091**

**Budgeted Action:** No action needed.

### 2. Amendment to Rotonda West Memorandum of Understanding

**Recommended Action:** Approve the amendment to the Rotonda West Memorandum of Understanding (MOU) requested by Rotonda Golf Partners, LLC and Rotonda Golf Partners II, LLC. **A.AGR 2020-039**

**Budgeted Action:** No action needed.

## **O. Tourism Development**

## **P. Utilities**

### 1. LPI Wetland Mitigation Bank, Ltd. Agreement to purchase mitigation credits for Burnt Store WRF Expansion Project

**Recommended Action:** Approve agreement between Charlotte County and LPI Wetland Mitigation Bank, Ltd. to purchase wetland mitigation credits for Burnt Store Water Reclamation Facility Expansion Project. **AGR 2022-084**

**Budgeted Action:** No action needed. Budgeted in Capital Improvement Project "Burnt Store Water Reclamation Facility Expansion" as adopted in the FY22 budget process. Funding will be supplied from the Wastewater Connection Fee fund.

### 2. Second Amended Consent Order between Charlotte County and Florida Department of Environmental Protection

**Recommended Action:** Approve and authorize Chairman to execute the Second Amended Consent Order between Charlotte County and State of Florida Department of Environmental Protection (FDEP) approving an extension of project completion dates. **A.AGR 2020-117**

**Budgeted Action:** No action needed.

### 3. Delegation of Authority Resolution for Standard Utility Agreements

**Recommended Action:** Approve Resolution authorizing County Administrator, or designee, to execute standard utility agreements and loans to residents to finance costs associated with mandatory connections to potable water and wastewater services. **RES 2022-092**

**Budgeted Action:** No action needed. No financial impact.

**Q. Other Agencies**

**REGULAR AGENDA**

**R. Regular Agenda**

**Taken Out Of Order**

**(Addition #2)** 5. Florida Department of Health (FDOH) Port Charlotte Beach Park Update

**County Administration**

**(Change #10)** Added attachment – Presentation.

Update on Port Charlotte Beach Park by the Florida Department of Health (FDOH).

Joseph Pepe, FDOH Administrator highlighted COVID-19, positivity and self-report rates, testing, hospitalizations, vulnerable population, boosters, reinfection, monkeypox, vaccines, therapeutics, transmission, gave a brief overview of What Is Naegleria Fowleri, Life Cycle of Naegleria Fowleri, Illness, Who and When, How Can I Reduce the Risk, and Risk Communication.

**Commissioner Constance** discussed COVID-19, positivity rates, testing, and hospitalizations. **Commissioner Deutsch** mentioned COVID-19, vaccination, reinfection, and transmission. **Commissioner Tiseo** noted monkeypox, preparedness, COVID-19 boosters, water quality, Naegleria Fowleri, correlation, treatment, naturally occurring, testing, public awareness, Caleb Ziegelbauer, and GoFundMe page.

2. West Coast Inland Navigational District (WCIND) Agenda, August 18, 2022

**Community Services**

**(Change #7)** Added attachment – Updated, August 18 Agenda.

Discussion and direction on the WCIND agenda for the upcoming meeting on August 18, 2022.

Justin McBride, West Coast Inland Navigational District (WCIND) Executive Director highlighted WCIND Agenda, August 18, 2022.

3. Metropolitan Planning Organization (MPO) Safe Streets and Roads for All Grants

**County Administration**

**(Change #1)** Added attachment – Draft Letter of Support.

a) Discussion and direction on Safe Streets and Roads for All (SS4A) Grants; and b) Approve draft letter of support.

D'Juan Harris, Charlotte County/Punta Gorda MPO Director gave a brief overview of Safe Streets and Roads for All (SS4A) Overview: Eligibility, Funding, "Comprehensive Safety Action Plan" Defined, and Next Steps.

**Commissioner Constance** spoke to projects, components, Harborview Road, Bermont Road, Burnt Store Road, and SS4A Overview: Eligibility. **Commissioner Doherty** commented on SS4A Overview: Eligibility and National Association of Counties (NACo). **Commissioner Tiseo** discussed Next Steps, programs, grant, and Funding.

**COMMISSIONER DOHERTY MOVED TO APPROVE METROPOLITAN PLANNING ORGANIZATION SAFE STREETS AND ROADS FOR ALL AND LETTER OF SUPPORT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**(Addition #1) 4. Veterans Blvd Corridor Planning Study Update**

**County Administration**

Review and comment on proposed draft Veterans Blvd Corridor Planning Study recommendations; presented by Florida Department of Transportation (FDOT).

Vitor Suguri, FDOT District One Community Planner introduced Babuji Ambikapathy, VHB, Inc. Consultant Project Manager, gave a brief overview of Veterans Boulevard Study Corridor, Agenda, Study Purpose and Objectives, Study Methodology, Programmed Improvement Projects, Capital Improvement Program 2020 - Road Paving Schedule, Planned Roadway Improvements, and Planned Multimodal Improvements.

Mr. Ambikapathy gave a brief overview of Traditional/Innovative Capacity Improvements, General Safety/Multimodal/Americans with Disabilities Act (ADA) Improvements, Improvements – Veterans Boulevard at: Murdock Circle/Paulson Drive, Cochran Boulevard, Atwater Street, Yorkshire Street, Harbor Boulevard, Orlando Boulevard, Torrington Street, Norman Street, Loveland Boulevard, Peachland Boulevard, Kings Highway, Kings Highway at Peachland Boulevard, Pedestrian/Bicycle Facility Recommendations, Transit Service Enhancements, Lighting Recommendations, Intelligent Transportation System (ITS) Recommendations, Intersection Improvements – Priority Rankings, and Next Steps.

**Chair Truex** mentioned Yorkshire Street, Loveland Boulevard, Orlando Boulevard, and Intersection Improvements - Priority Rankings. **Commissioner Constance** noted Programmed Improvement Projects, Traditional/Innovative Capacity Improvements, Loveland Boulevard, Orlando Boulevard, and cost. **Commissioner Doherty** spoke to cost. **Commissioner Tiseo** commented on cost, Yorkshire Street, FDOT, State Road (SR) 776 Corridor Study, Traditional/Innovative Capacity Improvements, turn lanes, Southwest Florida Water Management District (SWFWMD), and radar feedback signs.

**COMMISSIONER TISEO MOVED TO APPROVE RECOMMENDATIONS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION CORRIDOR STUDY, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 5:0.**

**(Addition #3) 6. Initiation and Prosecution of Injunctions to Enforce Stop Work Orders**

**County Attorney**

Approve Resolution Authorizing the Initiation and Prosecution of Injunctions to Enforce Stop Work Orders.  
**RES 2022-093**

County Attorney Knowlton highlighted Initiation and Prosecution of Injunctions to Enforce Stop Work Orders.

**Chair Truex** discussed drainage, blockages, and Resolution. **Commissioner Tiseo** mentioned Resolution and language.

**COMMISSIONER TISEO MOVED TO APPROVE RESOLUTION 2022-093 AUTHORIZING THE INITIATION AND PROSECUTION OF INJUNCTIONS TO ENFORCE STOP WORK ORDERS WITH LANGUAGE EDIT TO INCLUDE VIOLATION OF ALL WORK ORDERS, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0**

1. Water Authority Agenda - August 3, 2022

**Utilities**

**(Change #6)** Added attachment – August 3, Agenda.

Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the upcoming August 3, 2022 Meeting.

Ken Stecher, Utilities Engineer III highlighted Water Authority Agenda – August 3, 2022.

**Chair Truex** noted Resolution 2022-07 Authorizing the Issuance of an Amended and Restated Line of Credit with PNC Bank for System Wide Benefit Project Funding. **Commissioner Constance** spoke to Resolution 2022-07 Authorizing the Issuance of an Amended and Restated Line of Credit with PNC Bank for System Wide Benefit Project Funding, Initial Funding Program for Phase 2B and 3C Regional Interconnect, Master Water Supply Contract Revisions (Clean-Up), Aquifer Storage and Recovery (ASR), cost, Budget for Fiscal Year (FY) 2023, and First Amendment to Interlocal Agreement for Regional Interconnect Loop System Phase 3C Interconnect between the Peace River Manasota Regional Water Supply Authority (PRMRWSA) and Sarasota County. **Commissioner Doherty** commented on ASR, cost, South Florida Water Management District (SFWMD), Environmental Protection Agency (EPA), Clean Water Act, and First Amendment to Interlocal Agreement for Regional Interconnect Loop System Phase 3C Interconnect between the PRMRWSA and Sarasota County.

**PUBLIC HEARING AGENDA**

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

1. Third Quarter Budget Adjustments

**Budget & Admin Services**

Conduct a public hearing approving Resolution to adopt budget adjustments that amend the FY21/22 budget. These adjustments which impact various funds are needed to align the FY21/22 budget with required changes and actual activity. RES 2022-094

Rick Arthur, Fiscal Services Manager highlighted Third Quarter Budget Adjustments.

**Public Input**

**COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2022-094 APPROVING BUDGET ADJUSTMENTS AND AMENDMENTS TO THE FISCAL YEAR 2021-2022 CHARLOTTE COUNTY ADOPTED BUDGET, SECONDED BY COMMISSIONER TISEO**

**MOTION CARRIED 5:0.**

2. Charlotte County Sanitation Unit MSBU First Time Assessed Public Hearing

**County Attorney**

Conduct a public hearing to consider a resolution adopting the final assessment first time assessed properties and amended assessment rolls for seven (7) properties with a total of eleven (11) units in the Charlotte County Sanitation Unit Municipal Service Benefit Unit (MSBU) for FY22/23. RES 2022-095

Mr. Arthur highlighted Charlotte County Sanitation Unit Municipal Service Benefit Unit (MSBU) First Time Assessed Public Hearing.

**Public Input**

Peter Madson discussed Outback Ranch, Bermont Road, assessment, units, communication, and drone.

**COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**Chair Truex** mentioned drone, legal authority, residents, parcel ID, and dwelling units. **Commissioner Constance** noted Geographic Information System (GIS), parcel, dwelling units, assessment, time sensitivity, and Equivalent Residential Unit (ERU). **Commissioner Deutsch** spoke to Property Appraisers Office (PAO). **Commissioner Doherty** commented on notices and changes. **Commissioner Tiseo** discussed ERU, dwellings, assessment, parcel ID, PAO, drone, and usage regulations.

John Elias, Public Works Director interjected on PAO, process, ERU, and MSBU determination. County Attorney Knowlton responded to drones, usage regulations, PAO, assessment, and time sensitivity.



County Administrator Flores remarked on drones and usage regulations.

COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2022-095 ADOPTING THE FINAL ASSESSMENT FOR FIRST TIME ASSESSED PROPERTIES AND AN AMENDED ASSESSMENT ROLL FOR THE CHARLOTTE COUNTY SANITATION UNIT, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

3. Revisions to Chapter 2-4, Article V - Parking at County Beaches and Boat Ramp Ordinance

**Community Services**

Conduct a public hearing to approve an Ordinance of the Board of County Commissioners of Charlotte County, Florida amending Chapter 2-4, Article V of the Code of Laws and Ordinances of Charlotte County, Florida governing parking at County beaches and boat ramp parking; providing for definitions; providing for permitted parking; providing for enforcement and penalties; providing for codification; providing for severability; and providing for an effective date. ORD 2022-034

Mr. Scott highlighted Revisions to Chapter 2-4, Article V – Parking at County Beaches and Boat Ramp Ordinance.

**Public Input**

Lynn Saboe spoke in support of Revisions to Chapter 2-4, Article V – Parking at County Beaches and Boat Ramp Ordinance, mentioned parking, and design.

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

COMMISSIONER TISEO MOVED TO APPROVE ORDINANCE 2022-034 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-4, ARTICLE V OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, GOVERNING PARKING AT COUNTY BEACHES AND BOAT RAMP PARKS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITTED PARKING; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

**PRESENTATION AGENDA**

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

1. Bayshore Parking Lot and Connector Presentation

(Change #4) Added attachment – Revised, Presentation.

Progress plan update for the design of the Bayshore Parking Lot and Connector

Mr. Perdue gave a brief overview of Proposed Improvement Plan.

Chair Truex noted ADA, parking, grass systems, drainage, handicap spaces, access, Sunseeker, and signs. Commissioner Constance spoke to parking, spots, ADA, design, walkways, stormwater, grade, and utilization. Commissioner Deutsch commented on Bayshore Park, improvements, amenities, property acquisition, parking, Sunseeker, benefits, public access, waterfront, handicap spaces, elevation, and ADA. Commissioner Doherty discussed grading plan, wheel stops, flow lines, and drainage. Commissioner Tiseo mentioned overlay, tree preservation, spacing, design, traffic, flow, parking, Sunseeker, boardwalk, public access, stabilized turf, impervious, landscaping, handicap spaces, signs, garage, funding, Tax Incremental Funding (TIF), tax collections, General Fund, and roadway improvements.

County Attorney Knowlton replied to Sunseeker and employee parking.

Shaun Cullinan, Planning and Zoning Official responded to Sunseeker, parking, garage, code, commercial name change (CNC), and analysis.

**RECESS: 11:47 am – 1:00 pm**

#### **1 P.M. PUBLIC INPUT - ANY SUBJECT**

Lynn Saboe noted Charlotte Harbor Beach Park, funding, Sales Tax, designs, pool, usage, investments, roofs, markers, and cost.

David Thompson spoke to Charlotte Harbor, wildlife, Sunseeker, waterfront activity, revenue, DeSoto County, Mosaic, phosphate mining, gypsum stacks, and water quality.

Tim Ritchie commented on DeSoto County, Mosaic, Workshop, phosphate mining, newspaper ad, Polk County, discharge, Peace River, Manatee County, Myakka River, Coastal and Heartland National Estuary Partnership (CHNEP), National Pollutant Discharge Elimination System (NPDES) permit, Senator Ben Albritton, and total daily loads.

Rob Kruzel discussed Tringali Hockey Rink, surface, breakdown, cracks, and pits.

Richard Russell mentioned Sunseeker, parking, fee, Bayshore Live Oak Park, traffic, Port Charlotte Beach Complex, impacts, surrounding neighborhoods, Harbor Boulevard, and code.

**Taken Out Of Order**

#### **AA. County Administrator Comments**

County Administrator Flores noted Tringali Hockey Rink.

#### **BB. County Attorney Comments**

County Attorney Knowlton spoke to Richard Lake parcels, closings, Charlotte Sanitation MSBU Assessment, pictures, PAO, ERU, code, permits, and assessment.

Chair Truex commented on photos, assessment, and power meters.

**CC. Economic Development Director Comments - None**

**DD. County Commissioner Comments**

Chair Truex discussed beach smoking ban, Ordinance, City of North Port Joint Meeting, concerns, committee vacancies and meetings, Construction Industry Licensing Board (CILB), applications, NACo, conference, and canvassing board. **Commissioner Constance** mentioned website addition and upcoming elections. **Commissioner Deutsch** noted Commission Districts and website. **Commissioner Doherty** spoke to committees, volunteers, vacancies, and involvement. **Commissioner Tiseo** commented on beach smoking, ban, Port Charlotte Beach Complex, pool, Master Parks and Recreation Plan, needs, water quality, phosphate mining, steps taken, Blue Water Policy, DeSoto County, Florida Association of Counties (FAC) meeting, Commissioner Schaefer, position, My Neighborhood, website, canvassing board, and assignments.

County Attorney Knowlton replied to beach smoking ban and Ordinance.

County Administrator Flores interjected on website and My Neighborhood.

Brian Gleason, Communications Manager remarked on website, My Neighborhood, Commissioners, and District.

**RECESS: 1:39 pm – 2:00 pm**

## **2 P.M. LAND USE AGENDA**

**PUBLIC INPUT - LAND USE CONSENT AGENDA ITEMS ONLY - None**

### **Consent Agenda**

**COMMISSIONER DOHERTY MOVED TO APPROVE THE LAND USE CONSENT AGENDA WITH THE EXCEPTION OF UA-3 AND UA-4, SECONDED BY COMMISSIONER CONSTANCE**

**MOTION CARRIED 4:0., COMMISSIONER DEUTSCH ABSENT**

Minutes Clerk Johnston administered oath for testimony.

UA 1. FP-20-12-18, Biscayne Landings, Second Amendment to Development Agreement and Bond Reduction

### **Community Development**

Lennar Homes, LLC is requesting a surety reduction and a Second Amendment to the Development Agreement for the Final Plat of Biscayne Landings II. An Irrevocable Letter of Credit was issued by Fidelity Guaranty & Acceptance Corp (FGAC-20304) in the amount of \$5,903,550.46. The new surety will be for \$254,808.68 to complete the work. The Plat consists of 143 lots and the site is 114.80± acres, and is

located north of El Jobean Rd., east of Biscayne Dr., south of Tamiami Trail and west of Centennial Blvd. Located in Commission District IV. **A.AGR 2020-134**

**Quasi-Judicial**

UA 2. FP-20-12-19, Cove at West Port Phase IA-I Bond Reduction and Amendment to Developer's Agreement

**Community Development**

Forestar (USA) Real Estate Group Inc. has requested a Bond Reduction and a Second Amendment to the Developer's Agreement reducing the amount of the approved surety for Cove at West Port Phase IA-I, which was granted final plat approval by the Board of County Commissioners on October 26, 2021. The site is 117.15± acres and is located north of El Jobean Rd., south of Tamiami Trail, east of Cornelius Blvd., and west of Toledo Blade Blvd., within the Murdock Village Planned Development. Located in Commission District IV. **A.AGR 2020-135**

**Quasi-Judicial**

UA 3. TDU-22-04, OB4, LLC and Leah Rae Light

**Community Development**

Approve a Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for a transfer of 600 density units onto a Receiving Zone located at 12300 and 13000 Burnt Store Road, in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area, and in Commission District II, containing 308.65± acres, in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. TDU-22-04; Applicants: OB4, LLC and Leah Rae Light, as Successor Trustee of the WS Trust, Wade Trust and Shannon Trust Pursuant to Trust Agreement Dated January 5, 1972; providing an effective date. Located in Commission District II. **RES 2022-096**

**Quasi-Judicial**

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

Mr. Cullinan gave a brief overview of Request, Location Map, Area Image, Framework, Future Land Use Map (FLUM) Designations, Zoning Designations, and Coastal High Hazard Area (CHHA).

**Chair Truex** noted density, units, transfer, and Burnt Store Road. **Commissioner Constance** inquired to transfer and vested. **Commissioner Deutsch** spoke to property ownership, Declaration of Independence, General Development Corporation (GDC), Burnt Store Road, rights, water needs, landfill, roads, and traffic. **Commissioner Tiseo** commented on Burnt Store corridor, density, transfer, zoning, wetlands, Staff Report and memo, units, approvals, and transparency.

Attorney Geri Waksler, Applicant Representative discussed zoning, Burnt Store Road, Planned Development (PD) expiration, extension, units, site plan, modifications, transfer, density, Transfer of Density Units (TDU) Ordinance, Burnt Store Plan, and requested approval.

## Public Input

Tim Ritchie mentioned units, Burnt Store Road, lands, plotting, traffic, development, drinking water, Sunseeker, City of Punta Gorda, Charlotte County Airport Authority (CCAA), and impacts.

Richard Russell noted rights, property, ownership, tax rolls, platted lots, zoning, and development.

**COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2022-096 APPROVING A PETITION FOR A TRANSFER OF 600 DENSITY UNITS TO A RECEIVING ZONE LOCATED AT 12300 AND 13000 BURNT STORE ROAD, IN THE PUNTA GORDA AREA, WITHIN THE BOUNDARY OF THE BURNT STORE AREA PLAN AREA, AND IN COMMISSION DISTRICT II, CONTAINING 308.65± ACRES, IN ACCORDANCE WITH PART III LAND DEVELOPMENT AND GROWTH MANAGEMENT, CHAPTER 3-9, ZONING, ARTICLE V ENVIRONMENTAL REQUIREMENTS AND OTHER REQUIREMENTS, SECTION 3-9-150, TRANSFER OF DENSITY UNITS (TDU), OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; PETITION NO. TDU-22-04; APPLICANTS; OB4, LLC AND LEAH RAE LIGHT, AS SUCCESSOR TRUSTEE OF THE WS TRUST, WADE TRUST AND SHANNON TRUST PURSUANT TO TRUST AGREEMENT DATED JANUARY 5, 1972; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER TISEO**

**MOTION CARRIED 5:0.**

UA 4. TDU-22-05, D. R. Horton, Inc.

## Community Development

Approve a Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for a transfer of 98 density units onto a Receiving Zone located at 12300 and 13000 Burnt Store Road, in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area, and in Commission District II, containing 308.65± acres, in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. TDU-22-05; Applicants: OB4, LLC and Leah Rae Light, as Successor Trustee of the WS Trust, Wade Trust and Shannon Trust Pursuant to Trust Agreement Dated January 5, 1972; providing an effective date. Located in Commission District II. **RES 2022-097**

## Quasi-Judicial

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

Mr. Cullinan gave a brief overview of Request, Location Map, Area Image, Framework, FLUM Designations, Zoning Designations, and CHHA.

**Chair Truex** spoke to density, units, transfer, and Burnt Store Road. **Commissioner Constance** inquired to transfer and vested. **Commissioner Deutsch** commented on property ownership, Declaration of

Independence, GDC, Burnt Store Road, rights, water needs, landfill, roads, and traffic. **Commissioner Tiseo** discussed Burnt Store corridor, density, transfer, zoning, wetlands, Staff Report and memo, units, approvals, and transparency.

#### **Public Input**

**COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2022-097 APPROVING A PETITION FOR A TRANSFER OF 98 DENSITY UNITS TO A RECEIVING ZONE LOCATED AT 12300 AND 13000 BURNT STORE ROAD, IN THE PUNTA GORDA AREA, WITHIN THE BOUNDARY OF THE BURNT STORE AREA PLAN AREA, AND IN COMMISSION DISTRICT II; CONTAINING 308.65 ACRES MORE OR LESS; IN ACCORDANCE WITH PART III, LAND DEVELOPMENT AND GROWTH MANAGEMENT, CHAPTER 3-9, ZONING, ARTICLE V, ENVIRONMENTAL REQUIREMENTS AND OTHER REQUIREMENTS, SECTION 3-9-150, TRANSFER OF DENSITY UNITS (TDU), OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; PETITION TDU-22-05; APPLICANTS, OB4, LLC AND LEAH RAE LIGHT, AS SUCCESSOR TRUSTEE OF THE WS TRUST, WADE TRUST AND SHANNON TRUST PURSUANT TO TRUST AGREEMENT DATED JANUARY 5, 1972; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

#### **Public Hearing**

##### **UB 1. PP-22-02-05, Tuckers Pointe Phase 1**

#### **Community Development**

Review and approve the Preliminary Plat as requested by Tuckers Developers, LLC for a 354-lot residential subdivision with supporting infrastructure and future development tracts, to be named Tuckers Pointe Phase 1. The property contains 505.61± acres, and is located north of Tuckers Grade, east of Tamiami Trail, west and south of I- 75, in Section 35, Township 41 South, Range 23 East. Located in Commission District II.

#### **Quasi-Judicial**

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

Mr. Cullinan gave a brief overview of PP-22-02-05, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, 1000' Buffer Map, FLUM Designations, Zoning Designations, Proposed Changes, and Proposed Changes (Aerial).

Carl Barraco, Jr., Applicant Representative joined in Staff report and mentioned commercial.

Commissioner Constance noted commercial. Commissioner Deutsch spoke to water quality, build-out, land protections, and Placida property.

#### Public Input

Attorney Geri Waksler commented on plat, Agreements, drainage, and dedication language.

Tim Ritchie discussed units, run off, rights, property, ownership, development, roads, infrastructure, studies, Peace River, Charlotte Harbor, and impacts.

**COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE THE PRELIMINARY PLAT AS REQUESTED BY TUCKERS DEVELOPERS, LLC FOR A 354-LOT RESIDENTIAL SUBDIVISION WITH SUPPORTING INFRASTRUCTURE AND FUTURE DEVELOPMENT TRACTS, TO BE NAMED TUCKERS POINTE PHASE 1. THE PROPERTY CONTAINS 505.61± ACRES, AND IS LOCATED NORTH OF TUCKERS GRADE, EAST OF TAMiami TRAIL, WEST AND SOUTH OF I- 75, IN SECTION 35, TOWNSHIP 41 SOUTH, RANGE 23 EAST. LOCATED IN COMMISSION DISTRICT II, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

UB 2. PP-22-02-06, Babcock Ranch Community Neighborhood School

#### Community Development

Review and approve the Preliminary Plat as requested by Babcock Ranch Community Independent Special District for a subdivision to be named, Babcock Ranch Community Neighborhood School, containing 20 tracts for infrastructure and future development. The property contains 67.0± acres, and is located south and east of Cypress Parkway, north of Treadway Drive, west of the Glades/Charlotte County Line in Sections 29 & 32, Township 42 South, Range 26 East. Located in Commission District I.

#### Quasi-Judicial

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

Mr. Cullinan gave a brief overview of PP-22-02-06, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, 1000' Buffer Map, FLUM Designations, Zoning Designations, Proposed Changes, and Proposed Changes (Aerial).

Attorney Rob Berntsson, Applicant Representative joined in staff report, mentioned school, plat, lake, usage, park, preserves, and open space.

#### Public Input

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Chair Truex noted trails. Commissioner Constance spoke to Proposed Changes (Aerial), parks, and open space. Commissioner Tiseo commented on Proposed Changes (Aerial), development, school, green space, and usage.

COMMISSIONER DOHERTY MOVED TO APPROVE THE PRELIMINARY PLAT AS REQUESTED BY BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT FOR A SUBDIVISION TO BE NAMED, BABCOCK RANCH COMMUNITY NEIGHBORHOOD SCHOOL, CONTAINING 20 TRACTS FOR INFRASTRUCTURE AND FUTURE DEVELOPMENT. THE PROPERTY CONTAINS 67.0± ACRES, AND IS LOCATED SOUTH AND EAST OF CYPRESS PARKWAY, NORTH OF TREADWAY DRIVE, WEST OF THE GLADES/CHARLOTTE COUNTY LINE IN SECTIONS 29 & 32, TOWNSHIP 42 SOUTH, RANGE 26 EAST. LOCATED IN COMMISSION DISTRICT I, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

UB 3. PP-22-03-07, Lake Emily Preliminary Plat

#### **Community Development**

Approve the Preliminary Plat as requested by Lennar Homes, LLC. for a residential subdivision to include 171 lots and 7 tracts, to be named Lake Emily Subdivision. The property contains 176.34± acres, and is located southeast of Casa De Meadows Drive, south of the Avenue of Americas, north of Cypress Road, and west of Winchester Boulevard in Section 16, Township 41 South, Range 20 East. This is located in Commission District III.

#### **Quasi-Judicial**

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

Mr. Cullinan gave a brief overview of PP-02-03-07, 2021 Google Earth Image, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, 1000' Buffer Map, FLUM Designations, Zoning Designations, Proposed Changes, and Proposed Changes (Aerial).

Attorney Rob Berntsson, Applicant Representative discussed development and joined in Staff Report.

Chair Truex mentioned property and usage. Commissioner Constance noted plat, lake, edges, usage, and zoning.

#### **Public Input**

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.



COMMISSIONER DOHERTY MOVED TO APPROVE PRELIMINARY PLAT AS REQUESTED BY LENNAR HOMES, LLC. FOR A RESIDENTIAL SUBDIVISION TO INCLUDE 171 LOTS AND 7 TRACTS, TO BE NAMED LAKE EMILY SUBDIVISION. THE PROPERTY CONTAINS 176.34± ACRES, AND IS LOCATED SOUTHEAST OF CASA DE MEADOWS DRIVE, SOUTH OF THE AVENUE OF AMERICAS, NORTH OF CYPRESS ROAD, AND WEST OF WINCHESTER BOULEVARD IN SECTION 16, TOWNSHIP 41 SOUTH, RANGE 20 EAST. THIS IS LOCATED IN COMMISSION DISTRICT III, SECONDED BY CHAIR TRUEX

MOTION CARRIED 5:0.

UB 4. PV-22-03-01, K.B. Harveys Central Addition Charlotte Harbor & Hickory Bluff

#### Community Development

(Change #2) Updated from Quasi-Judicial to Legislative.

Approve the request of a Plat Vacation for Lots 8, 9, 10, 11, 12 and 13, Block 5 and Lots 7 and 8, Block 9; K.B. Harveys Central Addition to Charlotte Harbor and Hickory Bluff, as recorded in Plat Book 1, Page 17, Public Records of Charlotte County, Florida. The property contains 50,942± square feet, and is located north and east of Tamiami Trail, south of Harper Avenue, and west of Shady Lane in Section 25, Township 40 South, Range 22 East. Located in Commission District I. **RES 2022-098**

#### Quasi-Judicial

Mr. Cullinan gave a brief overview of Proposed Changes, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, Location Map, 1000' Buffer Map, FLUM Designations, Zoning Designations, Proposed Changes, and Proposed Changes (Aerial).

Attorney Geri Waksler, Applicant Representative spoke to plat, vacation, ownership, and requested approval.

#### Public Input

John Everson commented on stormwater, sewer, plats, right-of-way's, drainage ditch, pipes, tidal lakes, floods, and zone.

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Chair Truex discussed development. Commissioner Tiseo mentioned map and unified ownership.

COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2022-098 VACATING LOTS 8, 9, 10, 11, 12, AND 13, BLOCK 5, AND LOTS 7 AND 8, BLOCK 9, A TOTAL OF 50,942 SQUARE FEET, MORE OR LESS, OF K.B. HARVEY'S CENTRAL ADDITION TO CHARLOTTE HARBOR AND HICKORY BLUFF, AS RECORDED IN PLAT BOOK 1, PAGE 17, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, AND LOCATED NORTH AND EAST OF TAMIAMMI TRAIL, SOUTH OF HARPER AVENUE, AND WEST OF SHADY LANE, IN COMMISSION DISTRICT I, PETITION PV-22-03-01, SECONDED BY CHAIR TRUEX

**MOTION CARRIED 5:0.**

UB 5. PV-22-04-02, Portion of Section 5, all of Section 8, and Southeast ¼ of Section 7 Adjacent Carmalita Street

**Community Development**

Approve a Resolution of Plat Vacation to unify for future development, a tract or parcel of land being a portion of section 5, all of section 8 and the southeast ¼ of section 7, as recorded in Plat book 1, Page 14, in the public records of Charlotte County, Florida. The property contains 54.56± acres and the platted street contains 1.36± acres, all of which are generally located north of Carmalita Street, east of Harding Street, south of Dundee Road, and west of Florida Street, in the Punta Gorda area. Located in Commission District II. **RES 2022-099**

**Legislative**

Mr. Cullinan gave a brief overview of PV-22-04-02, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, Zoning Designations, FLUM Designations, Proposed Changes, and Proposed Changes (Aerial).

Chair Truex noted title work, parent pick-up, School Board, and cost. **Commissioner Tiseo** spoke to Dundee Road, right-of-way, acceptance, standards, Kingsway Circle, paving, access, deed, request, 2014 action, title work, parent pick-up, and school stacking.

County Attorney Knowlton replied to Kingsway Circle and maintenance.

Attorney Rob Berntsson, Applicant Representative commented on Dundee Road, adjacent property, plat, vacation, public road, title work, 2014 action, development, process, traffic, right-of-way, and Statute 95.361.

**Public Input**

Alan Holsizer discussed safety issues, roads, traffic, schools, zones, parent pick-up, Carmalita Street, impacts, and Waterford Estates.

**COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2022-099 VACATING A TRACT OR PARCEL OF LAND WITHIN THE PLAT OF A PORTION OF SECTION 5, ALL OF SECTION 8, AND THE SOUTHEAST ¼ OF SECTION 7, AS RECORDED IN PLAT BOOK 1, PAGE 14, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, CONTAINING 54.56 ACRES MORE OR LESS, AND THE PLATTED STREETS LYING THEREIN WHICH CONTAIN A TOTAL OF 1.36 ACRES MORE OR LESS, ALL OF WHICH ARE GENERALLY LOCATED NORTH OF CARMALITA STREET, EAST OF HARDING STREET, SOUTH OF DUNDEE ROAD, AND WEST OF FLORIDA STREET, IN THE PUNTA GORDA AREA, IN COMMISSION DISTRICT II, PETITION PV-22-04- 02, SECONDED BY CHAIR TRUEX**

**MOTION CARRIED 5:0.**

UB 6. SV-22-03-02, 27147 Neaptide-Canal Vacation Portion of the San Carlos Basin

**Community Development**

Approve a Resolution granting a vacation for Mr. James Canfield under Petition SV-22-03-02. James Canfield is requesting to vacate a portion of the undeveloped San Carlos Basin located to the rear of 27147 Neaptide Dr., Punta Gorda. The property to be vacated is 0.10± acres, being an extension of Lots 74 and 75, Harbour Heights Section 11, Part Two, Plat Book 4, Page 48A through 48G, of the Public Records of Charlotte County, Florida. The property is located north and west of Neaptide Drive, east of San Carlos Drive, and south of Harbour Cape Place in Section 10, Township 40 South, Range 23 East. Located in Commission District I. **RES 2022-100**

**Legislative**

Mr. Cullinan gave a brief overview of Proposed Changes, 2021 Google Earth Image, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, 1000' Buffer Map, FLUM Designations, Zoning Designations, Proposed Changes, and Proposed Changes (Aerial).

**Public Input**

**COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER TISEO**

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2022-100 GRANTING A VACATION FOR MR. JAMES CANFIELD UNDER PETITION SV-22-03-02. JAMES CANFIELD IS REQUESTING TO VACATE A PORTION OF THE UNDEVELOPED SAN CARLOS BASIN LOCATED TO THE REAR OF 27147 NEAPTIDE DRIVE, PUNTA GORDA. THE PROPERTY TO BE VACATED IS 0.10± ACRES, BEING AN EXTENSION OF LOTS 74 AND 75, HARBOUR HEIGHTS SECTION 11, PART TWO, PLAT BOOK 4, PAGE 48A THROUGH 48G, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA. THE PROPERTY IS LOCATED NORTH AND WEST OF NEAPTIDE DRIVE, EAST OF SAN CARLOS DRIVE, AND SOUTH OF HARBOUR CAPE PLACE IN SECTION 10, TOWNSHIP 40 SOUTH, RANGE 23 EAST. LOCATED IN COMMISSION DISTRICT I, SECONDED BY CHAIR TRUEX**

**MOTION CARRIED 5:0.**

UB 7. SV-22-03-03, 27123 Neaptide-Canal Vacation Portion of the San Carlos Basin

**Community Development**

Approve a Resolution granting a vacation for the Applicant under Petition SV- 22-03-03. The Applicant is requesting to vacate a portion of the undeveloped San Carlos Basin located to the rear of 27123 Neaptide Dr., Punta Gorda. The property to be vacated contains 0.19± acres, being an extension of Lots 68 and 69, Harbour Heights Section 11, Part Two, Plat Book 4, Page 48A thru 48G, of the Public Records of Charlotte County, Florida. The property is located north and west of Neaptide Drive, east of San Carlos Drive, and south of Harbour Cape Place in Section 10, Township 40 South, Range 23 East. Located in Commission District I. **RES 2022-101**

## Legislative

Mr. Cullinan gave a brief overview of Proposed Changes, 2021 Google Earth Image, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, 1000' Buffer Map, FLUM Designations, Zoning Designations, Proposed Changes, and Proposed Changes (Aerial).

## Public Input

**COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER TISEO**

**MOTION CARRIED 5:0.**

Commissioner Constance inquired to possible future vacations.

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2022-101 TO VACATE A PORTION OF THE UNDEVELOPED SAN CARLOS CANAL BASIN LOCATED TO THE REAR OF 27123 NEAPTIDE DRIVE, LOCATED NORTH AND WEST OF NEAPTIDE DRIVE, EAST OF SAN CARLOS DRIVE, AND SOUTH OF HARBOUR CAPE PLACE, CONSISTING OF A TOTAL OF 0.19 ACRES MORE OR LESS, BEING AN EXTENSION OF LOT 68 AND LOT 69, BLOCK 191, HARBOUR HEIGHTS SECTION 11, PART TWO SUBDIVISION, AS RECORDED IN PLAT BOOK 4, PAGES 48A THROUGH 48G, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, IN SECTION 10, TOWNSHIP 40 SOUTH, RANGE 23 EAST, IN THE PUNTA GORDA AREA, COMMISSION DISTRICT I, CHARLOTTE COUNTY, FLORIDA; PETITION SV-22-03-03, SECONDED BY COMMISSIONER TISEO**

**MOTION CARRIED 5:0.**

UB 8. CSZ-22-06, The Cove of Rotonda Golf Center, LLC

## Community Development

a) Approve a Resolution of the Board of County Commissioners of Charlotte County, Florida, waiving the condition for concurrent identification of a Receiving Zone as set forth in Resolution 2020-038 and approving a petition for certification of a Sending Zone, located at 12455 S. Access Road, in the Port Charlotte area and within the West County Area; containing 88.11± acres; for calculation and severance of 375 density units, pursuant to Resolution Number 2020-038, and in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-22-06; Applicant: The Cove of Rotonda Golf Center, LLC; providing an effective date. Located in Commission District IV; and b) Authorize the Chairman to execute an amendment to the Restrictive Covenant relating to this action. **AGR 2022-085 / RES 2022-102**

## 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.

Jie Shao, Principal Planner gave a brief overview of Requests, Resolution 2020-038, Location Map, Area Image, Framework, FLUM Designations, Zoning Designations, and CHHA.

Attorney Geri Waksler, Applicant Representative mentioned certification, density, sending and receiving zones, TDU Ordinance, criteria, rezoning, fee, joined in Staff report, and requested approval.

**Public Input**

**COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Chair Truex noted Resolution 2020-038, sending and receiving zone, TDU, process, and applicant cost. Commissioner Tiseo spoke to Resolution 2020-038, waiver, receiving zone, and applicant cost.

Mr. Cullinan remarked on limited relief, sending and receiving zones, and process.

**COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2022-102 WAIVING THE CONDITION FOR CONCURRENT IDENTIFICATION OF A RECEIVING ZONE AS SET FORTH IN RESOLUTION 2020-038 AND APPROVING A PETITION FOR CERTIFICATION OF A SENDING ZONE, LOCATED AT 12455 SOUTH ACCESS ROAD, IN THE PORT CHARLOTTE AREA AND WITHIN THE WEST COUNTY AREA; CONTAINING 88.11 ACRES MORE OR LESS; FOR CALCULATION AND SEVERANCE OF 375 DENSITY UNITS, PURSUANT TO RESOLUTION NUMBER 2020-038, AND IN ACCORDANCE WITH PART III LAND DEVELOPMENT AND GROWTH MANAGEMENT, CHAPTER 3-9, ZONING, ARTICLE V, ENVIRONMENTAL REQUIREMENTS AND OTHER REQUIREMENTS, SECTION 3-9-150 TRANSFER OF DENSITY UNITS (TDU), OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; PETITION CSZ-22-06; PROVIDING AN EFFECTIVE DATE, SECONDED BY CHAIR TRUEX**

**MOTION CARRIED 5:0.**

UB 9. TCP-22-01, Revisions to FLU Policy 1.2.15

**Community Development**

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; the request is to amend the Future Land Use (FLU) Element of the County's Comprehensive Plan by revising FLU Policy 1.2.15: TDU Waivers; Petition No. TCP-22-01; Applicant: Charlotte County Board of County Commissioners; providing an effective date. This petition is County-wide. **ORD 2022-035**

**Legislative**

Ms. Shao gave a brief overview of Proposed Change and Detailed Change.

**Public Input**

**COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

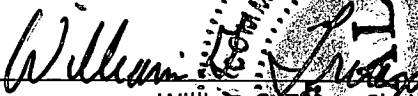
Chair Truex remarked on Spring Lake area and density. Commissioner Tiseo inquired to density.

Mr. Cullinan responded to density, special exemptions, and zoning.

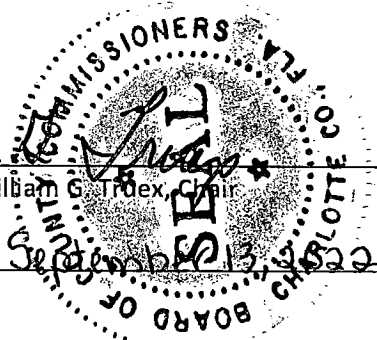
COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2022-035 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, AMENDING THE FUTURE LAND USE (FLU) ELEMENT OF THE COUNTY'S COMPREHENSIVE PLAN BY REVISING FLU POLICY 1.2.15: TDU WAIVERS; PETITION TCP-22-01; APPLICANT: BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL OF ADOPTED ORDINANCE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

ADJOURNED: 3:41 pm

  
\_\_\_\_\_  
William G. Truex, Jr., Chair

DATE ADOPTED: September 13, 2022



ATTEST:

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

By:   
\_\_\_\_\_  
Deputy Clerk