

BOARD OF COUNTY COMMISSIONERS

JUNE 13, 2023

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, and Minutes Clerk Johnston. The following members were absent: None.

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

The Invocation was given by **Chair Truex**, followed by the Pledge of Allegiance.

**Changes to the Agenda**

**Change #1:** R-4, Added attachment – Revised, Sewer Cost Comparisons.

Requested by: Utilities

**Change #2:** R-1, Added attachment – 2023 Hurricane Season.

Requested by: Public Safety

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

**MOTION CARRIED 5:0.**

**Proclamations - Commissioner Bill Truex**

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

**MOTION CARRIED 5:0.**

**National Mosquito Control Week**

Mosquito and Aquatic Weed Control Manager Scott Schermerhorn, Pest Management Operations Supervisor Jeff Proffitt, and Public Works Director John Elias accepted the Proclamation.

**Amateur Radio Week**

David Weinstein, Marty Purselley, Greg Dyer, Dennis Koopman, and President of the Charlotte Amateur Radio Society Inc. Douglas Young accepted the Proclamation.

**Flag Day**

**Commissioner Deutsch accepted the Proclamation.**

## Employee Recognition

### Years of Service - May 2023

**5 Years:** Morgan Cook, Commission Office; Matthew Desjardins, Information Technology; James Ferruso, Utilities; Kaitlyn Huber, Community Services; Kathleen Koroschetz, Community Services; James Richardson II, Public Works; Rainier Soto, Community Services; **10 Years:** David Chamberlain, Utilities; Tammatha Hutton, Community Services; Samuel Jones, Utilities; Michael Krise, Public Works; Richard Lisenbee, Public Works; Melvin Maldonado, Utilities; Michael Valenti, Utilities; Caroline Wannall, Utilities; **20 Years:** Vernon Nicholson, Facilities Management; Laura Richards, Transit.

## Award Presentations

### Drug Free Charlotte - Mission Impact Partner

Presentation of the Mission Impact Partner Award on behalf of Drug Free Charlotte.

**Chair Truex** highlighted Drug Free Charlotte, introduced City of Punta Gorda Police Chief Pam Davis, Executive Legal Assistant Ceres Austria, and Bill James.

City of Punta Gorda Police Chief Pam Davis highlighted Drug Free Charlotte – Mission Impact Partner and presented Award.

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

Commissioner Stephen R. Deutsch to accept donation from Farlow's on the Water; Keith and Laurie Farlow.

**Commissioner Deutsch** commented on Farlow's on the Water and community involvement.

Keith and Laurie Farlow presented check to **Commissioner Deutsch**.

## PUBLIC INPUT - AGENDA ITEMS ONLY

Catherine Somerville discussed Code Enforcement Process.

Joan Fischer mentioned Hurricane Ian Update.

Heather Radle noted Code Enforcement Process.

## COMMITTEE VACANCIES

**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. Contact Diane Whidden at 941-743-1298 or via email at Diane.Whidden@CharlotteCountyFL.gov for an application.

**The Construction Industry Licensing Board** is seeking a volunteer to represent the mechanical/HVAC category. Volunteer must be a licensed, active mechanical/HVAC contractor and be a resident of Charlotte County for at least two years. Length

of term is until June 26, 2026. Contact Diane Whidden at 941-743-1298 or via email at Diane.Whidden@CharlotteCountyFL.gov for an application.

**The Environmentally Sensitive Lands Oversight Committee (ESLOC)** is searching for two citizens of Charlotte County, one in the business of land development and one community representative. The land development term is effective immediately and expires December 31, 2025. The community representative term is effectively immediately and expires December 31, 2023. Please contact Morgan.Cook@charlottecountyfl.gov for an application.

**The Agriculture & Natural Resources Advisory Committee (ANRAC)** is looking for an individual that is a representative of an agriculturally related activity within Charlotte County. The term is to begin immediately and expire on December 31, 2024. This is to replace the term of Mitchell Aman. Please contact Morgan.Cook@charlottecountyfl.gov for an application.

**The Board of Zoning Appeals** Charlotte County is looking for one volunteer, who must reside in District 5, to be appointed to the Board of Zoning Appeals. Upon receiving the application and resume, it will be given to Commissioner Joe Tiseo for review. Please contact Morgan.Cook@charlottecounty.com or call 941-743-1300. The term will begin immediately after approval and will expire in November 2024.

**The Marine Advisory Committee** is looking for four volunteers to fill and represent the following positions: Member-At-Large, Port Charlotte Yacht Club, Burnt Store Isles Yacht Club and USCGA Flotilla 98 Charlotte Harbor. Terms are effective immediately and will expire December 31, 2026. Please contact Claudia.Mayo@charlottecountyfl.gov for an application.

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 two members to fill vacant unexpired positions with terms through October 31, 2024, and October 31, 2025.
- **Edgewater North Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Englewood East Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024, and October 31, 2026.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024, and October 31, 2025.
- **Greater Port Charlotte Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2026.
- **Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.

- **Harbour Heights Street & Drainage Unit** is seeking three members to fill vacant unexpired positions with terms through, October 31, 2024, October 31, 2025, and October 31, 2026
- **Harbour Heights Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Manchester Waterway Utility Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Mid-Charlotte Stormwater Utility Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Northwest Port Charlotte Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2026.
- **Northwest Port Charlotte Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Placida Area Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2026.
- **Rotonda Heights Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024.
- **Rotonda Sands Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **South Burnt Store Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **South Charlotte Stormwater Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Suncoast Waterway Unit** is seeking five members to fill vacant unexpired positions with terms through, October 31, 2024, October 31, 2025, and October 31, 2026.

#### REPORTS RECEIVED AND FILED

Clerk of Court's County Quarterly Investment Report

#### CONSENT AGENDA

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

Clerk of the Circuit Court

**A. Comptroller Division**

1. Finance

**Recommended Action:** Approve the Clerk's Finance Memorandum.

**Budgeted Action:** No action needed.

**B. Minutes Division**

**1. Minutes**

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

May 16, 2023 BCC MSBU Workshop  
May 16, 2023 BCC Utilities Quarterly Update Meeting  
May 18, 2023 BCC Pre-Agenda  
May 18, 2023 BCC Focus Area Workshop Public Services

**Budgeted Action:** No action needed.

Board of County Commissioners

**C. Commission Office**

1. Appointment - Harbour Heights Street & Drainage Advisory Board

**Recommended Action:** Approve the appointment of Joyce Pears to fill the unexpired term of Gail Phillips on the Harbour Heights Street & Drainage Advisory Board. This appointment will be effective immediately and will expire on October 31, 2025.

**Budgeted Action:** No action needed.

2. Appointments - Marine Advisory Committee

**Recommended Action:** a) Approve the appointment of Zach Gloer to fill the vacant position as the Charlotte Harbor Yacht Club representative; and b) Approve the appointment of Daniel Voorhees to fill the vacant position as the Harbor Heights Yacht Club representative. Both terms are effective immediately and will expire on December 31, 2025.

**Budgeted Action:** No action needed.

**D. County Administration**

**E. County Attorney**

**F. Budget and Administrative Services**

## Fiscal Services

### 1. Metropolitan Planning Organization - Safe Streets and Roads for All Grant Agreement

#### **Budget & Admin Services**

a) Approve the Charlotte County Board of County Commissioners local contribution for the Safe Streets and Roads for All contract between the Metropolitan Planning Organization and the US Department of Transportation Federal Highway Administration in the amount of \$62,500; and b) Approve Resolution authorizing budget adjustment BA23-041 in the amount of \$312,000; and c) Authorize the Chair, or designee, to sign any grant related documents. **RES 2023-085**

#### **Information Technology**

#### **Purchasing**

### 2. 23-302, Approve Ranking, Design Rampart Boulevard Sidewalks Phases 1, 2, and 3 (Public Works)

**Recommended Action:** a) Approve ranking of firms for Request for Proposal #23-302, Design Rampart Boulevard Sidewalks Phases 1, 2, and 3: 1st DRMP, Inc. of Fort Myers, Florida; 2<sup>nd</sup> Johnson Engineering, Inc. of Port Charlotte, Florida; and 3rd The Weiler Engineering Corporation of Punta Gorda, Florida; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the Contract after completing negotiations. This is for the design of sidewalks on Rampart Boulevard which will also include utility design and permitting.

**Budgeted Action:** No action needed. Budgeted in Capital Improvements Projects "Regional Bicycle-Pedestrian Trails & Sidewalks", "Deep Creek Sidewalks" and "Relocation Needs Utility Pipe Replacement-Public Works", each approved in the FY23 budget process. Funding for the sidewalk is supplied from 2020 Sales Tax Extension for Phases 1 and 2, and assessments in the Deep Creek Street & Drainage Municipal Services Benefit Unit for Phase 3. Utility elements are funded from the Utility Renewal and Replacement Fund.

### 3. 22-386, Change Order 1, Accela Upgrade Cloud Service & Migration (Information Technology)

**Recommended Action:** a) Approve change order for an additional 46 Multi Solution User licenses for renewal Years 2 through 6, to Accela, Inc., of San Ramon, California, for the total amount of \$522,135.84; b) Approve deductive change order for the removal of the additional Azure Environment for renewal Years 2 through 6, to Accela, Inc., of San Ramon, California, for the deductive total of \$82,026.15; and c) Authorize the Chairman to sign the Non-Renewal Form for Azure Environment and the Renewal Order Form. **A.AGR 2023-101 / A.AGR 2023-101**

**Budgeted Action:** No action needed. Fifty percent to be paid from the General Fund IT Maintenance budget and fifty percent from the Building Construction Services budget.

### 4. 23-441, Award, Hurricane Ian Permanent Repairs - Kneeland Terrace (Public Works)

**Recommended Action:** Approve award of Request for Bid #23-441, 23-441, Award, Hurricane Ian Permanent Repairs - Kneeland Terrace, to Quality Enterprises USA, Inc., of Naples, Florida, for the total cost of \$646,674. This is for the construction and replacement of infrastructure damaged during Hurricane Ian.

**Budgeted Action:** No action needed. A 4th quarter Budget Adjustment will be brought to the Board for approval. Hurricane costs are being collected in the hurricane fund. Funding is anticipated to be 75% reimbursable from FEMA (Federal Emergency Management Agency) with a 12.5% match paid by FDEM and 12.5% match paid by County local funds.

5. 23-525, Award Piggyback, Purchase of Ecolane Software (Information Technology)

**Recommended Action:** a) Approve piggyback award of File #23-525, Purchase of Ecolane Software, for the Year 1 cost of \$268,620, and annual renewal cost of \$52,644 for Years 2-5, which was awarded to Ecolane USA Inc. of Wayne, Pennsylvania, by National Cooperative Purchasing Alliance (NPCA) Contract # 05-33, Transportation Software; and b) Authorize the Chairman to execute the agreement. **AGR 2023-102**

**Budgeted Action:** No action needed. A 3rd Quarter Budget Adjustment will be submitted for Board approval. Funding for this expense will be budgeted in the Transit Fund under Equipment. Grant funding will be provided by the Federal Transit Administration (FTA) Section 5307. Transportation Development Credits will be used as a "soft match", which allows the federal share to be reimbursed up to 100% as authorized by Chapter 53 of the Title 49 U.S.C.

6. 23-445, Award, Hurricane Ian Permanent Repairs- West County Group 5 (Public Works)

**Recommended Action:** Approve award of Request for Bid #23-445, Hurricane Ian Permanent Repairs- West County Group 5, to V & H Construction, Inc. of Fort Myers, Florida for the total project amount of \$288,700.

**Budgeted Action:** No action needed. A 4th quarter Budget Adjustment will be brought to the Board for approval. Hurricane costs are being collected in the hurricane fund. Funding is anticipated to be 75% reimbursable from FEMA (Federal Emergency Management Agency) with a 12.5% match paid by FDEM and 12.5% match paid by County local funds.

7. 23-527, Piggyback, Sodding of Centennial Soccer Field (Community Services)

**Recommended Action:** a) Approve Piggyback of File #23-527, Sodding of Centennial Park Soccer Field, to JSM Services Incorporated per Lee County, Contract RFP180313KLC, for the total amount of \$453,510.40. This location served as a base camp for AshBritt after Hurricane Ian; and b) Authorize the Chairman to sign the Agreement with AshBritt, Inc. for the turf and irrigation repairs to Centennial Park Soccer Field.

**Budgeted Action:** No action needed. Hurricane costs are being collected in the Hurricane Fund. Funding is supplied from County general revenues, with anticipated cost reimbursement from AshBritt.

8. 23-529, Piggyback, Altec AT48M Bucket Truck (Public Works)

**Recommended Action:** a) Approve award of Piggyback Purchase, File #23-529, Altec AT48M Bucket Truck, from Altec Industries, Incorporated of Birmingham, Alabama (Piggyback off Sourcewell Contract #062320-ALT, formerly NJPA) to purchase an Altec AT48M Bucket Truck with options for Public Works at the cost of \$209,807; and b) Authorize Asset #33758 to be sold at auction.

**Budgeted Action:** No action needed. Budgeted in the Heavy Equipment Replacement plan as approved in the FY23 budget process. Funding is supplied from the Greater Charlotte Street Lighting District, ad valorem.

9. Property Deletions for the Month of June, 2023 (Purchasing)

**Recommended Action:** Approve the deletion of additional property inventory items listed on the attached for the month of June 2023.

**Budgeted Action:** No action needed.

**Real Estate Services**

**Risk Management**

**Transit**

**G. Community Development**

**H. Community Services**

**I. Economic Development**

**J. Facilities Construction and Maintenance**

**K. Human Resources**

**L. Human Services**

**M. Public Safety**

**N. Public Works**

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

**Recommended Action:** a) Approve Amendment Number 8 to FDOT Contract Number ARX81; and b) Approve Resolution authorizing the County Administrator, Lighting District Superintendent, and any other designee of the County Administrator to execute and enter into Amendment Number 8 and any subsequent amendments and any other documents specifically related to said agreement. **A.AGR 2015-030 / RES 2023-086**

**Budgeted Action:** No action Needed. Budgeted in the Transportation Fund. Public Works Engineering Budget as approved in the FY2023 budget process. Funding for this expenditure come from Gas Tax.

**O. Tourism Development**

**P. Utilities**

**Q. Other Agencies**

**REGULAR AGENDA**

**R. Regular Agenda**



## 1. Hurricane Ian Update

### County Administration

(Change #2) Added attachment – 2023 Hurricane Season.

a) Update on the County's continued recovery efforts following Hurricane Ian to include an update from Emergency Management, Public Works, Community Development and Budget and Administrative Services; and b) 2023 Atlantic Hurricane Season Update.

Patrick Fuller, Emergency Management Director highlighted assistance statistics and amounts, Transitional Sheltering Assistance Program, direct housing front, group site, Federal Emergency Management Agency (FEMA), Long-Term Recovery Group, unmet needs, Community Organizations Active in Disaster (COAD), application, cellphones, service, gave a brief overview of Seasonal Outlook, Seasonal Predictions, Public Shelters, Pre-Season Activities, and Preparedness Message.

Mr. Elias highlighted roadway and waterway signs, lighting, Florida Department of Transportation (FDOT), signals, detection systems, Waste Management, bulk pickup, waterway debris removal, Florida Department of Emergency Management (FDEM), county owned ponds and lakes, FEMA, and repair projects.

Shaun Cullinan, Planning and Zoning Official highlighted permits, inspections, third party company, new construction, pool cages, and expeditions.

Gordon Burger, Budget and Administrative Services Director highlighted FEMA, expedited and review process, projects, responded to Charlotte Sports Park, damages, insurance, practice fields, and Cultural Center.

**Chair Truex** spoke to waterway debris removal, Lemon Bay, Tampa Bay Rays, timeline, and satellite phones. **Commissioner Constance** commented on Kings Highway site, signals, detection systems, signs, lighting, waterway debris removal, Alligator Creek, Marine Advisory Committee (MAC), Charlotte Sports Park, updates, Tampa Bay Rays, fields, repairs, documentation, Cultural Center, code, drainage, Port Charlotte and Mid-County Libraries, stormwater, and construction timeframe. **Commissioner Deutsch** discussed signals, timing, intersections, stacking, FDOT, cellphones, and service. **Commissioner Doherty** mentioned US 41 signals, FDOT, Metropolitan Planning Organization (MPO), detection systems, new pool cages, expedited permits, timeframe, Charlotte Sports Park, insurance, repairs, Tampa Bay Rays, Spring Training, and timeframe. **Commissioner Tiseo** noted expedited permits, pool cages, timeframe, Charlotte Sports Park, Spring Training, insurance, assets, process, repairs, Cultural Center, management company, obligations, facilities, resiliency, Emergency Management, daily briefings, Pre-Season Activities, storage locations, fire houses, staging, Emergency Operations Center (EOC), expansion, Enterprise Charlotte Airport Park (ECAP), distribution, and warehouse.

Travis Perdue, Facilities and Construction Maintenance Director replied to Charlotte Sports Park, Spring Training, repairs, assets, insurance, process, Tampa Bay Rays, timeframe, in-kind structures, Mid-County Library, storage space, needs, Cultural Center, construction schedule, facilities, and resiliency.

Assistant County Administrator Claire Jubb interjected on Cultural Center, management company, obligations, insurance, assets, process, public outreach, site feasibility assessment, stormwater, constraints, and Mid-County Library.

## 2. National Association of Counties (NACo) Elections

**Commission Office**

Discussion and direction on voting delegate at the National Association of Counties (NACo) Annual meeting.

**Chair Truex** spoke to National Association of Counties (NACo) Annual Meeting and delegate. **Commissioner Constance** commented on delegate and alternate.

**COMMISSIONER TISEO MOVED TO APPROVE CHAIR TRUEX AS NATIONAL ASSOCIATION OF COUNTIES DELEGATE WITH COMMISSIONER CONSTANCE AND COMMISSIONER DOHERTY AS POTENTIAL ALTERNATES, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

3. Appoint by Ballot - Harbour Heights Waterway Advisory Board

**Commission Office**

Choose by ballot to fill the unexpired term of Maggie Scott on the Harbour Heights Waterway Advisory Board. This appointment will be effective immediately and will expire on October 31, 2024.

**Chair Truex** discussed applicant and backgrounds.

County Administrator Flores announced ballot majority vote for Tom Mettner.

**COMMISSIONER CONSTANCE MOVED TO APPOINT BY BALLOT TOM METTNER TO THE HARBOUR HEIGHTS WATERWAY ADVISORY BOARD, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

4. Preliminary Engineering Report Recommendations for Lake View Midway Project

**Utilities**

**(Change #1)** Added attachment – Revised, Sewer Cost Comparisons.

a) Presentation by Giffels-Webster Engineers, Inc., Project Consultant for the Lake View Midway Water Quality Improvements Project; and b) Discussion on the proposed recommendations and alternatives to the project in the Preliminary Engineering Report for the Lake View Midway Water Quality Improvements Project and as required by the State of Florida Department of Environmental Protection (FDEP) Rule 61-503.700(g)(1).

County Administrator Flores highlighted Preliminary Engineering Report Recommendations for Lake View Midway Project, replied to paving, drainage, and costs.

Dennis Croyle, Giffels-Webster Engineers, Inc. Project Manager gave a brief overview of Purpose, Recent Septic-To-Sewer Projects, Project Overview, Preliminary Engineering Report Objectives, Recommended Plan: Sewer Collection, Transmission Mains, Water Mains, Existing Low-Pressure System (LPS) Area, Project Phasing, Cost Estimate Development, Estimated Schedule, and Project Cost Estimate (In The Per).

Jonathan Cole, Giffels-Webster Engineers, Inc. President gave a brief overview of 2017 Sewer Technologies – Cost Comparisons and 2023 Sewer Technologies – Cost Comparisons.

**Chair Truex** mentioned LPS units, affordability, and sewers. **Commissioner Constance** noted Equivalent Residential Units (ERUs), cost, Municipal Service Benefit Unit (MSBU), paving, drainage, 2023 Sewer Technologies – Cost Comparisons, rate payers, and methodology. **Commissioner Deutsch** spoke to affordability and sewers. **Commissioner Doherty** commented on 2023 Sewer Technologies – Cost Comparisons, technology, vacant lots, cost, paving, drainage, and MSBU. **Commissioner Tiseo** discussed LPS units, 2023 Sewer Technologies – Cost Comparisons, Sewer Master Plan, 2017 Sewer Technologies – Cost Comparisons, guiding principles, affordability, water quality, and methodology.

Mr. Elias responded to MSBU, paving, drainage, infrastructure, and cost sharing.

Dave Watson, Utilities Director remarked on systems, rates, maintenance costs, LPS, affordability, and Sewer Master Plan update.

**COMMISSIONER DOHERTY MOVED TO APPROVE PRELIMINARY ENGINEERING REPORT AND RELATED RECOMMENDATION TO CONTINUE WITH THE VACUUM SYSTEM, SECONDED BY COMMISSIONER TISEO**

**MOTION CARRIED 5:0.**

#### 5. MSBU Assessment Rate Increases without an Advisory Board

##### **Public Works**

Discussion and direction on the proposed assessment rate increases for MSBU's without Advisory Boards and provide a recommendation on next steps for the FY23/24 budget.

Mr. Elias gave a brief overview of Street and Drainage/Waterway MSBU's, Farabee Road Street and Drainage, Farabee Road Street and Drainage Option 3, Neal Road Street and Drainage, Neal Road Street and Drainage Option 4, Suncoast Boulevard Street and Drainage, Suncoast Boulevard Street and Drainage Option 1, Suncoast Boulevard Street and Drainage Option 2, Suncoast Boulevard Street and Drainage Option 3, Suncoast Boulevard Street and Drainage MSBU Survey Feedback, Hayward Canal Area Waterway, Hayward Canal Area Waterway Option 1, Hayward Canal Area Waterway Option 2, Hayward Canal Area Waterway Option 3, Hayward Canal Area Waterway Option 4, Hayward Canal Area Waterway MSBU Survey Feedback, Suncoast Waterway, Suncoast Waterway Option 1, Suncoast Waterway Option 2, Suncoast Waterway Option 3, Suncoast Waterway Option 4, and Suncoast Waterway MSBU Survey Feedback.

**Chair Truex** mentioned Farabee Road Street and Drainage, right of way (ROW), Hayward Canal, options, rates, Suncoast Waterway MSBU Survey Feedback, and Suncoast Waterway. **Commissioner Constance** noted Farabee Road Street and Drainage, ROW, Farabee Road Street and Drainage Option 3, Neal Road Street and Drainage Option 4, Hayward Canal Option 4, abolishment, rates, and Suncoast Waterway MSBU Survey Feedback. **Commissioner Doherty** spoke to Suncoast Waterway. **Commissioner Tiseo** commented on Suncoast Boulevard, sidewalk, safety, Hayward Canal, options, rates, loan, Suncoast Waterway, dredging, and frequency.

Deputy County Administrator Emily Lewis interjected on Farabee Road, Neal Road, balances, MSBUs, administrative cost, and billable hours.

Rick Arthur, Fiscal Services Manager replied to Hayward Canal, capital items, and pre-payments.

Karlene McDonald, Public Works Operations Supervisor responded to Hayward Canal, dredging, West Coast Inland Navigation District (WCIND), assessment, and rate.

County Attorney Knowlton remarked on Hayward Canal, MSBU, Ordinance, dredging, workplan, and Suncoast Waterway.

**COMMISSIONER DOHERTY MOVED TO APPROVE FARABEE ROAD STREET AND DRAINAGE OPTION THREE, SECONDED BY COMMISSIONER TISEO**

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE NEAL ROAD STREET AND DRAINAGE OPTION FOUR AND TO EXPEND FUNDS ACCORDINGLY SO THAT THERE IS A ZERO BALANCE WHEN IT IS ABOLISHED, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE SUNCOAST BOULEVARD STREET AND DRAINAGE OPTION THREE, SECONDED BY COMMISSIONER TISEO**

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE HAYWARD CANAL AREA WATERWAY OPTION FOUR, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**COMMISSIONER CONSTANCE MOVED TO APPROVE SUNCOAST WATERWAY OPTION TWO, SECONDED BY COMMISSIONER DOHERTY**

**MOTION CARRIED 5:0.**

**Taken Out of Order**

## **PUBLIC HEARING AGENDA**

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

#### **1. Consider an Ordinance Amending the Purpose of the Don Pedro & Knight Islands Street & Drainage MSTU**

**Recommended Action:** Conduct a public hearing on June 13, 2023, at 10:00 a.m., or as soon thereafter as may be heard, to consider an ordinance to amend the purpose of the Don Pedro & Knight Islands Street and Drainage Municipal Services Taxing Unit (MSTU). **ORD 2023-026**

**Budgeted Action:** No action needed.

Mr. Elias highlighted Ordinance Amending the Purpose of the Don Pedro & Knight Islands Street & Drainage Municipal Service Taxing Unit (MSTU).

Public Input

COMMISSIONER CONSTANCE MOVED TO CLOSED PUBLIC INPUT, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 4:0., COMMISSIONER DOHERTY ABSENT

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2023-026 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING SECTION 4-6-654 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; AMENDING THE PURPOSE OF THE DON PEDRO AND KNIGHT ISLANDS STREET AND DRAINAGE UNIT TO PROVIDE FOR EXOTIC ANIMAL CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

#### PRESENTATION AGENDA

T. 10:00 A.M. Presentations

RECESS: 11:46 am – 1:00 pm

#### BOARD OF COUNTY COMMISSIONERS

JUNE 13, 2023

An Executive Session 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, and Minutes Clerk Johnston.

**The Executive Session was called to order at 11:46 am**

The opening of the public portion of the Executive Session was announced. County Attorney Knowlton informed the attorney / client portion of the Executive Session would be held in the County Administration Conference Room, advised the purpose of the session is to discuss the lawsuit captioned Gianetti Contracting Corporation v. Charlotte County, Case No. 23-1635CA, and stated the following would be in attendance: **Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, Commissioner Tiseo**, County Administrator Flores, County Attorney Knowlton, Deputy County Attorney Tetreault, Assistant County Attorney Tiernan Cole, and Special Counsel Brian Beason.

**EXECUTIVE SESSION RECESS: 11:46 am – 12:15 pm**

The Executive Session was reconvened and closed in Room 119 with **Vice Chair Constance, Commissioner Doherty, Commissioner Tiseo**, County Attorney Knowlton, and Minutes Clerk Welsh present.

**ADJOURNED: 12:19 pm**

**R. Regular Agenda (Continued)**

6. Code Enforcement Process

**Community Development**

Discussion and possible direction regarding the current provisions, both statutorily and locally regarding the code enforcement process, and possible direction regarding existing policies and procedures under Board of County Commissioners (BCC) direction.

Mr. Cullinan gave a brief overview of Authority, Officer Territories, Powers, Process, Magistrate Hearing, Penalties, Remedies, County Policies, Other Options, Charlotte County Sheriff's Office (CCSO) Trespass Process, and Department of Health (DOH) Processes.

**Chair Truex** discussed complaints, compliance, accountability, raw sewage, public safety, penalties, squatters, CCSO, and citations. **Commissioner Constance** mentioned Other Options, code, homestead, vacant lots, trailers, and property storage. **Commissioner Deutsch** noted Code Enforcement, Tropical Gulf Acres, complaints, violators, citizens group, Special Magistrate, follow through, process, violations, DOH, abatement, and squatters. **Commissioner Doherty** spoke to violations, timeframe, resources, penalties, liens, foreclosure, and abatement. **Commissioner Tiseo** commented on County Policies, timeframe, compliance, due process, surrounding counties, enforcement, abatement, CCSO, foreclosure, and notice.

County Attorney Knowlton replied to citizen board, Special Magistrate, notice, timeframe, citations, foreclosure, and authority.

Assistant County Administrator Jubb responded to abatement, order, checks and balances, law enforcement, Human Services, and notice.

**(Consensus: Immediate citations.)**

**(Consensus: To move forward with abating and actually removing people living on property without properly permitted structures.)**

**COMMISSIONER DOHERTY MOVED TO APPROVE MOVING FORWARD WITH FORECLOSURES, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

**PUBLIC INPUT - ANY SUBJECT**

Heather Radle discussed Tropical Gulf Acres, Code Enforcement, and Board effort.

Catherine Somerville mentioned Tropical Gulf Acres, Code Enforcement, and Board effort.

**Taken Out of Order**

**AA. County Administrator Comments - None**

**BB. County Attorney Comments - None**

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

**DD. County Commissioner Comments**

**Chair Truex** noted Reservoir 3, Lake Okeechobee, Washington DC, Marine barracks, and United States Marine Corps Silent Drill Platoon. **Commissioner Constance** spoke to June 7, 2023 Water Authority Meeting, solar option, Reservoir 3, Mike Coates, funding, size, cost, rate payers, base rate, citizen emails, Notre Dame Boulevard, traffic, CCSO, Birchcrest Boulevard, Quesada Avenue, stop sign, accidents, discharge schedule, and Lake Okeechobee. **Commissioner Deutsch** commented on Flag Day program. **Commissioner Doherty** discussed Reservoir 3, utilities, financing, June 12, 2023 Finance Committee Meeting, Burnt Store Water Reclamation Facility (WRF), Capital Improvements Projects (CIP), rate models, Peace River Manasota Regional Water Supply Authority (PRMRWSA), Babcock Ranch, Master Water Supply Contract, Equivalent Residential Connections (ERC) flow, 16 County Coalition Meeting, water quality, Lake Okeechobee System Operating Manual (LOSOM), discharges, and Lake Okeechobee. **Commissioner Tiseo** mentioned City of Punta Gorda Police Chief Davis, Human Services Center, impacts, non-profits, Drug Free Charlotte County, community benefits, Mike Coates, modeling, Reservoir 3, risk tolerance, size, cost, and base rate.

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

**PUBLIC INPUT - LAND USE CONSENT AGENDA ITEMS ONLY**

Fred Stuckey noted FP-22-03-07, Palm Lake at Coco Bay.

**Consent Agenda**

**COMMISSIONER DOHERTY MOVED TO APPROVE LAND USE CONSENT AGENDA WITH THE EXCEPTION OF UA-5, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

Minutes Clerk Johnston administered oath for testimony.

UA1. FP-22-06-02, Regency at Babcock Ranch

**Community Development**

Approve a Final Plat for a subdivision to be named, Regency at Babcock Ranch. They also seek approval of a Developer's Agreement and surety to cover the cost of construction of the plat infrastructure. The proposed subdivision is a residential development consisting of 222 single-family residential lots and 13 tracts with associated infrastructure. The site contains 150.96± acres and is generally located south of Bermont Road, north of the County line with Lee County, west of the County line with Glades County and east of Bluebird Trail, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 2, within the East County area. Located in Commission District I. **AGR 2023-103**

**Quasi-Judicial**

UA2. DRC-23-00009, Modwash Express Carwash

**Community Development**

Thomas Engineering Group is requesting PD Final Detail Site Plan approval for Modwash Express Carwash. The project consists of a 4,000± SF automatic carwash. This project site is 0.83± acres and is located at 24080 Beatrix Boulevard, Port Charlotte, Florida in Section 06, Township 40, Range 23 within the Sandhill DRI. Located in Commission District I. **RES 2023-087**

**Quasi-Judicial**

UA3. DRC-23-00057, Heritage Landing Clubhouse

### **Community Development**

Banks Engineering is requesting a modification to the Final Detail Site Plan for Heritage Landing. The project consists of increasing the clubhouse by 2,568 SF. This project site is 890.7+/- acres and is located at 14601 Heritage Landing Blvd, Punta Gorda in Sections 17, 19, and 20, Township 42, Range 23 within the Heritage Landing DRI. Located in Commission District II. **RES 2023-088**

**Quasi-Judicial**

UA4. DRC-22-00234, Palm Breeze RV Resort

### **Community Development**

Banks Engineering is requesting PD Final Detail Site Plan Approval for Palm Breeze RV Resort. The project consists of 205 RV Units and a mixture of 234 RV, Manufactured, and Modular Units for a total unit count of 439. The project also includes an amenity area and outdoor storage area. This project site contains 90.8± acres and is located at 4685 Duncan Road & 7325 Riverside Drive, Punta Gorda, Florida in Sections 25 and 26, Township 40, Range 23. Located in Commission District I. **RES 2023-089**

**Quasi-Judicial**

UA5. FP-22-03-07, Palm Lake at Coco Bay

### **Community Development**

Approve a Final Plat for a subdivision to be named, Palm Lake at Coco Bay. They also seek approval of a Developer's Agreement and surety to cover the construction of the plat infrastructure. The proposed subdivision is a residential development consisting of 171 single-family lots and eight tracts. The site contains 176.34± acres and is generally located southeast of Casa de Meadows Drive, south of the Avenue of Americas, north of Cypress Road and west of Winchester Boulevard, in the West County area. Located in Commission District III. **AGR 2023-104**

**Quasi-Judicial**

**Chair Truex** 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.

Mr. Cullinan gave a brief overview of FP-22-03-07, Location Map, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, 2021 Google Earth Image, Future Land Use Map (FLUM) Designations, Zoning Designations, 1000' Buffer Map, Proposed Changes, and Proposed Changes (Aerial).

**Chair Truex** spoke to access.



Attorney Rob Berntsson, Applicant Representative commented on reserved easement, access, and requested approval.

### Public Input

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE A FINAL PLAT FOR A SUBDIVISION TO BE NAMED, PALM LAKE AT COCO BAY. THEY ALSO SEEK APPROVAL OF A DEVELOPER'S AGREEMENT 2023-104 AND SURETY TO COVER THE CONSTRUCTION OF THE PLAT INFRASTRUCTURE. THE PROPOSED SUBDIVISION IS A RESIDENTIAL DEVELOPMENT CONSISTING OF 171 SINGLE-FAMILY LOTS AND EIGHT TRACTS. THE SITE CONTAINS 176.34± ACRES AND IS GENERALLY LOCATED SOUTHEAST OF CASA DE MEADOWS DRIVE, SOUTH OF THE AVENUE OF AMERICAS, NORTH OF CYPRESS ROAD AND WEST OF WINCHESTER BOULEVARD, IN THE WEST COUNTY AREA. LOCATED IN COMMISSION DISTRICT III, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

UA6. FP-22-05-15, Babcock Ranch Community Northridge Phase 2

### Community Development

Approve a Final Plat for a subdivision to be named, Babcock Ranch Community Northridge Phase 2. The construction of the plat infrastructure is being covered by a proposed amendment to the Developer's Agreement dated September 14, 2021, with no change to the surety amount as the improvements were included in the existing surety amount. The proposed subdivision is a residential development to consist of 158 single-family lots and six tracts with supporting utility, roadway, and stormwater infrastructure. The site contains 44.83± acres is generally located south of Bermont Road, north of Greenway Boulevard, west of Talon Terrace and east of SR 31. The site is located within the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 2, the East County area. Located in Commission District I. **A.AGR 2021-080**

**Quasi-Judicial**

### Public Hearing

UB1. PP-23-01-01, Coral Lakes

### Community Development

Approve a Preliminary Plat for a subdivision to be named, Coral Lakes, consisting of 496 single-family lots, both attached and detached, and 27 tracts. The site contains 306.51± acres and is located at 12300 and 13000 Burnt Store Road, in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area. Located in Commission District II.

**Quasi-Judicial**

**Chair Truex** 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.

Jenny Shao, Planning and Zoning Project Coordinator provided credentials, gave a brief overview of FP-22-03-07, Location Map, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, 2021 Google Earth Image, FLUM Designations, Zoning Designations, 1000' Buffer Map, Proposed Changes, and Proposed Changes (Aerial).

Attorney Derek Rooney, Applicant Representative joined in Staff Report.

#### Public Input

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE A PRELIMINARY PLAT FOR A SUBDIVISION TO BE NAMED, CORAL LAKES, CONSISTING OF 496 SINGLE-FAMILY LOTS, BOTH ATTACHED AND DETACHED, AND 27 TRACTS. THE SITE CONTAINS 306.51± ACRES AND IS LOCATED AT 12300 AND 13000 BURNT STORE ROAD, IN THE PUNTA GORDA AREA, WITHIN THE BOUNDARY OF THE BURNT STORE AREA PLAN AREA. LOCATED IN COMMISSION DISTRICT II, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 5:0.**

UB2. PAS-22-00001, JLI PC, LLC.

#### Community Development

a) Approve an Ordinance pursuant to Section 163.3187 Florida Statutes, to adopt a Small Scale Plan Amendment to change Charlotte County Future Land Use Map Series Map #1: 2030 Future Land Use, from Commercial (COM) to Compact Growth Mixed Use (CGMU) with an annotation limiting development rights up to 791 dwelling units, 600 hotel rooms, and 500,000 square feet of commercial uses; the base density of the site is 0 units, and the applicant is requesting 791 units of Incentive Density for the proposed residential portion of the development; for property located at 3280 Tamiami Trail, in the Port Charlotte area, containing 26.39± acres; Commission District V; Petition No. PAS-22-00001; Applicant: JLI PC, LLC.; providing an effective date. Located in Commission District V; and b) Approve a companion Resolution to reserve the 791 units of Incentive Density to the property. **ORD 2023-027 / RES 2023-090**

#### Legislative

Elizabeth Nocheck, Senior Planner requested to be accepted as an expert, gave a brief overview of Proposed Changes, Location Map, 1000' Notification Area Map, Area Image, Framework Map, FLUM Designations, Proposed FLUM Designations, Zoning Designations, Proposed Zoning Designations, Promenades Mall, Density, Percentages above Base Density, Maximum Setbacks, Transitional Zone Tools, Floor Area Ration (FAR), Parkside Village, and Creating the Village.

Assistant County Attorney Thomas David discussed applicant request, Resolution, change, paragraph one, incentive density, and timeframe.

Attorney Rob Berntsson, Applicant Representative mentioned mixed use zoning, code, round table meeting, Promenades Mall, revitalization, Parkside Community Redevelopment Agency (CRA), survey, parking, Planned Development (PD), and requested approval.

Chair Truex noted process and concept plan. **Commissioner Constance** spoke to survey, plat, parking, PD, site plan review, Port Charlotte Town Center Mall, concept plan, and heights. **Commissioner Deutsch** commented on mixed use and current businesses. **Commissioner Tiseo** discussed mixed use, Parkside CRA, incentive, by-right, density, and concept plan.

Mr. Cullinan remarked on by-right use, code, incentives, Port Charlotte Town Center Mall, PD, and mixed use.

Robert Fakhri, Transportation Engineer replied to traffic study, service level, surround roads, capacity, and intersection improvements.

**Public Input for Petition Number PAS-22-00001, JLI PC, LLC and Petition Number Z-22-46-12, JLI PC, LLC**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-027 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, ADOPTING A SMALL SCALE PLAN AMENDMENT TO CHANGE THE CHARLOTTE COUNTY FUTURE LAND USE MAP SERIES MAP #1: 2030 FUTURE LAND USE, FROM COMMERCIAL (COM) TO COMPACT GROWTH MIXED USE (CGMU) WITH AN ANNOTATION TO THE 2030 FUTURE LAND USE MAP LIMITING DEVELOPMENT RIGHTS TO 791 DWELLING UNITS, 600 HOTEL ROOMS, AND 500,000 SQUARE FEET OF COMMERCIAL USES; THE BASE DENSITY OF THE SITE IS 0 UNITS, AND THE APPLICANT IS REQUESTING 791 UNITS OF INCENTIVE DENSITY FOR THE PROPOSED RESIDENTIAL PORTION OF THE DEVELOPMENT; FOR PROPERTY LOCATED AT 3280 TAMIAMI TRAIL, IN THE PORT CHARLOTTE AREA, CONTAINING 26.39 ACRES MORE OR LESS; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT V; PETITION PAS-22-00001; APPLICANT, JLI PC, LLC; PROVIDING AN EFFECTIVE DATE, AND REVISED RESOLUTION 2023-090 APPROVING THE RESERVATION OF 791 INCENTIVE DENSITY UNITS FOR PROPERTY LOCATED AT 3280 TAMIAMI TRAIL, IN THE PORT CHARLOTTE AREA, CONTAINING 26.39 ACRES MORE OR LESS; LOCATED IN THE PARKSIDE CORE AREA OF THE PARKSIDE COMMUNITY REDEVELOPMENT AREA AND IN COMMISSION DISTRICT V, CHARLOTTE COUNTY, FLORIDA; AND APPROVING CRITERIA FOR WHEN AND HOW THE INCENTIVE DENSITY UNITS WILL BE GRANTED TO THE SUBJECT SITE; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH**

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

UB3. Z-22-46-12, JLI PC, LLC.

### **Community Development**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG) to Mixed Use (MU); for property located at 3280 Tamiami Trail, in the Port Charlotte area, containing 26.39± acres; Commission District V; Petition No. Z-22-46-12; Applicant: JLI PC, LLC.; providing an effective date. Located in Commission District V. **ORD 2023-028**

### **Quasi-Judicial**

Chair Truex 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.

Ms. Nocheck requested to be accepted as an expert, gave a brief overview of Proposed Changes, Location Map, 1000' Notification Area Map, Area Image, Framework Map, FLUM Designations, Proposed FLUM Designations, Zoning Designations, Proposed Zoning Designations, Promenades Mall, Density, Percentages above Base Density, Maximum Setbacks, Transitional Zone Tools, FAR, Parkside Village, and Creating the Village.

Assistant County Attorney David discussed applicant request, Resolution, change, paragraph one, incentive density, and timeframe.

Attorney Rob Berntsson, Applicant Representative mentioned mixed use zoning, code, round table meeting, Promenades Mall, revitalization, Parkside CRA, survey, parking, PD, and requested approval.

**Chair Truex** noted process and concept plan. **Commissioner Constance** spoke to survey, plat, parking, PD, site plan review, Port Charlotte Town Center Mall, concept plan, and heights. **Commissioner Deutsch** commented on mixed use and current businesses. **Commissioner Tiseo** discussed mixed use, Parkside CRA, incentive, by-right, density, and concept plan.

Mr. Cullinan remarked on by-right use, code, incentives, Port Charlotte Town Center Mall, PD, and mixed use.

Mr. Fakhri replied to traffic study, service level, surround roads, capacity, and intersection improvements.

**Public Input for Petition Number PAS-22-00001, JLI PC, LLC and Petition Number Z-22-46-12, JLI PC, LLC**

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

**MOTION CARRIED 5:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-028 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM COMMERCIAL GENERAL (CG) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 3280 TAMIAMI TRAIL, IN THE PORT CHARLOTTE AREA; CONTAINING 26.39 ACRES MORE OR LESS; COMMISSION DISTRICT V, CHARLOTTE COUNTY, FLORIDA; PETITION Z-22-46-12; APPLICANT, JLI PC, LLC; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH**

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

UB4. 23LAD-00000-00001, Amendment to the Sandhill DRI Development Order (DO) for Hotel Development, Legacy Development

### **Community Development**

Approve Resolution pursuant to Section J(1)(k) of the Sandhill Development of Regional (DRI) Development Order (DO), Resolution Number 2022-083, Section 380.06(7), Florida Statutes (F.S.), and Section 3-9-10.1, Development of Regional Impact Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, Code of Laws and Ordinances, Charlotte County, Florida, amending the Sandhill DRI DO by 1) using the approved equivalency matrix to exchange 12,000 square feet of commercial uses for 74 hotel rooms on Parcel 5-10 of Tract 5 of the Sandhill DRI, and 2) revising Exhibit B, Map H Notes #1 and Map H, Exhibit #2 Notes; for 1.29± acres of the property located at 24490 Sandhill Boulevard, in the Port Charlotte area; Commission District I; Petition No. 23LAD-00000-00001; Applicant: Legacy Development, Ryan Rivett; providing for an effective date. The Sandhill DRI is located south of the DeSoto County Line, north of Rampart Boulevard, east of Loveland Boulevard and west of the Deep Creek area; Sections 6&7, Township 40

South, and Range 23 East, in the Port Charlotte area, currently containing a total of 713.12± acres. Located in Commission District I. RES 2023-091  
Quasi-Judicial

Chair Truex 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.

Jie Shao, Principal Planner provided credentials, gave a brief overview of Proposed Amendments, Area Image, 1000' Notification Map, Framework, FLUM Designations, Zoning Designations, Exhibit B – Map H Notes #1 – Vested Rights as of 06/13/2023, and Sandhill Development of Regional Impact (DRI) Map H – Exhibit #2 Notes.

Attorney Rob Berntsson, Applicant Representative mentioned matrix, uses, and PD.

Public Input

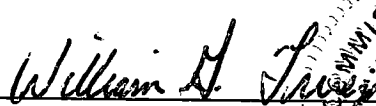
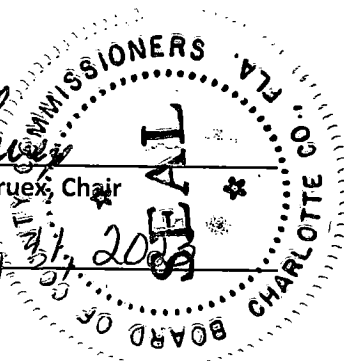
COMMISSIONER CONSTANCE MOVED TO CLOSED PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2023-091 PURSUANT TO SECTION 380.06(7), FLORIDA STATUTES (F.S.), SECTION 3-9-10.1, DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER (DO) AMENDMENT PROCESS AND PROCEDURE UNDER CHAPTER 3-9, ZONING, THE COUNTY'S LAND DEVELOPMENT REGULATIONS, AND SECTION J(1)(K) OF THE SANDHILL DRI DO, RESOLUTION NUMBER 2022-083, AMENDING THE SANDHILL DRI DO TO 1) USE THE APPROVED EQUIVALENCY MATRIX TO EXCHANGE 12,000 SQUARE FEET OF COMMERCIAL USES FOR 74 HOTEL ROOMS ON PARCEL 5-10 OF TRACT 5 OF THE SANDHILL DRI, AND 2) REVISED EXHIBIT B, MAP H NOTES #1 AND MAP H, EXHIBIT #2 NOTES; FOR 1.29± ACRES OF THE PROPERTY LOCATED AT 24490 SANDHILL BOULEVARD, IN THE PORT CHARLOTTE AREA; COMMISSION DISTRICT I; PETITION NO. 23LAD-00000-00001; APPLICANT: LEGACY DEVELOPMENT, RYAN RIVETT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

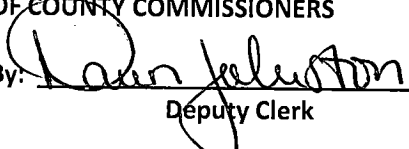
MOTION CARRIED 5:0.

ADJOURNED: 2:56 pm

  
\_\_\_\_\_  
William G. Truex, Chair  
DATE ADOPTED: July 14, 2023  


ATTEST:

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

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