

CHARLOTTE COUNTY FLORIDA

BOCC LAND USE MEETING

MAY 23, 2023

9:00 a.m.

PD-22-00014, Waterside PD

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS:

Bill Truex, District 3, Chairman

Christopher Constance, District 2, Vice Chairman

Ken Doherty, District 1

Stephen R. Deutsch, District 4

Joseph Tiseo, District 5

COUNTY ADMINISTRATOR: Hector Flores

COUNTY ATTORNEY: Janette S. Knowlton

CLERK OF THE CIRCUIT COURT: Roger D. Eaton

1 P-R-O-C-E-E-D-I-N-G-S

2 CHAIRMAN TRUEX: All right. Next we go to
3 Waterside PD and this is Jie Shao.

4 Ma'am, you're out of order and I'm gonna
5 ask you to please be quiet. The item is
6 settled. Thank you.

7 Ms. Shao. Oh, she's gonna do her thing
8 after I ask you, Commissioner Doherty.

9 COMMISSIONER DOHERTY: Thank you.
10 Mr. Chairman. I had my monthly staff briefing
11 community development in the attorney's office,
12 and filed my paperwork this morning. I also
13 back in February I had a meeting with some of
14 the residents out there including Ms. Hayes and
15 Mr. Hayes, and a couple of other folks, and I
16 filed that paperwork this morning as well.
17 Their concerns were primarily this looked like
18 a 10-year commercial mining operation as
19 opposed to how it was kind of advertised and so
20 forth, and they were concerned too about
21 Environmental issues stormwater and so forth,
22 you know. So they -- that's on my form.

23 CHAIRMAN TRUEX: Okay.

24 COMMISSIONER DOHERTY: Thank you.

25 CHAIRMAN TRUEX: Thank you.

1 Commissioner Constance.

2 COMMISSIONER CONSTANCE: No disclosures.

3 CHAIRMAN TRUEX: Thank you.

4 Commissioner Tiseo.

5 COMMISSIONER TISEO: Met with staff.

6 Filed paperwork.

7 COMMISSIONER DEUTSCH: Had my means.

8 Filed my paperwork.

9 CHAIRMAN TRUEX: Thank you. I have no
10 disclosures.

11 Ms. Shao.

12 MS. SHAO: Good afternoon. For the
13 record, Jie Shao committee development
14 department. I have been sworn in and my
15 planning expert qualifications is attached to
16 staff report as Exhibit 1.

17 The property owners and the applicants are
18 requesting application PD-22-000014, and
19 today's hearing is adoption hearing. It is a
20 rezoning from agriculture AG to plan
21 development PD. And is also requesting to
22 adopt the general PD concept plan the stated
23 purpose of this rezoning application is only to
24 allow for an existing growth to be restored to
25 a preserve with native vegetation. The subject

1 property is located -- I'm sorry, subject
2 property located in Commission District 1. The
3 notification of public hearings for this
4 application was sent to the property owners and
5 adjacent property owners within 1,000 feet
6 because the BCC hearing was originally
7 scheduled in March, so we resend out the
8 notification for today's adoption hearing on
9 April 21st. The subject property generally
10 located in the East County area specifically
11 located north of Bermont Road and south of
12 Washington Loop Road east of Duncan Road and
13 the west of State Road 31 in the East County,
14 and contains approximate 748 acres. There was
15 a mistake in the staff report, supposed to be
16 State Road 31. And I put County Road C,
17 instead of -- supposed to be S.

18 The site has been designated -- the
19 subject property located in a rural service
20 area and on screen this is 2050 framework map.
21 The entire site is part of agriculture rule and
22 this is 2030 future land use map. The site is
23 designated as rural community mixed-use since
24 June 2011. And site is currently zoned AG
25 agriculture, and on the screen show the

1 proposed zoning is planned development.

2 CHAIRMAN TRUEX: What's the EM.

3 MS. SHAO: Excavation mining.

4 CHAIRMAN TRUEX: That's not part of this?

5 MS. SHAO: It's not part of that. The
6 applicants own that, but it's not part of this
7 PD. So I would like to provide a brief history
8 of the subject property and justification for
9 this PD rezoning. So on June 21st, 2011, the
10 Board of County Commissioners approved a
11 large-scale plan amendment by ordinance number
12 2011-021, for the subject property from
13 agriculture to rural community mixed-use
14 including adoption of a master development plan
15 into Appendix 8 of the future land use element
16 of the county's comprehensive plan. The
17 proposed rural community mixed-use include 1480
18 residential units and 7.5 acres of commercial
19 uses. So in order to achieve the approved to
20 rural community mixed-use development, a plan
21 development PD rezoning is required. However,
22 the subject property currently contains an
23 abandoned orange grove. So the applicants
24 would like to allow the abandoned orange growth
25 to be restored with native trees and other

1 story vegetation, and at the same time to
2 preserve the existing native vegetation the
3 on-site wetland as well as its associated
4 upland. So I mean this PD rezoning nothing to
5 do with a residential and commercial
6 development, it's specific for a proposed
7 restoration project.

8 So you can see on the screen this is a
9 proposed general PD concept plan is showing on
10 the screen. So the proposed restoration
11 project is a type of agriculture uses which is
12 allowed under the existing rural community
13 mixed-use future land use map category. So you
14 can see the screen, this is a proposed PD
15 concept plan. The proposed restoration project
16 can only be allowed within the boundary of
17 phase one, you can see on the screen. It's in
18 this area containing approximately 293.31 acres
19 and the actual project in phase one contains
20 approximately 237 acres because the site
21 contains a wetland. They have no impact to the
22 wetland and the phase two is for the existing
23 mulching operation, which is part of an
24 approved existing and active commercial
25 excavation permit. So there is an active

1 excavation permit Number 07-EX15, is the area
2 Which mentioned you can see the zone is EM,
3 excavation and mining.

4 You can see on the proposed PD concept
5 plan, there is also existing -- I should show
6 the area. The existing reservoir on the site
7 as well. The proposed PD rezoning will allow
8 the county to place sufficient conditions in
9 order to minimize any negative impacts such as
10 dust, noise and visual on surrounding uses.
11 The PD rezoning was presented to the planning
12 zoning board on February 13th, for their
13 recommendation. Some residents attended the
14 public hearing and raised their concerns, such
15 as existing earth moving activities, dust and
16 odor. So the applicant's agent offered an
17 additional PD condition I, which you can see on
18 the screen, in order to address some of the
19 concerns. So the plan and zoning board
20 recommended the approval of the PD rezoning
21 ways of four to one vote, and also recommended,
22 which is shown on the screen, the PD condition
23 I.

24 So on February 16th, the applicants'
25 agents provide additional information as

1 Attachment C to the staff report regarding the
2 history of the existing Waterside excavation.
3 The Hurricane Ian final disposal site
4 operation, the current widening of irrigation
5 ditches on the proposed phase one portion of
6 the property and the permitting submitted to
7 support the phase one restoration project if
8 approved.

9 So on March 15th, the applicants agent
10 requested a PD condition of approval that would
11 limit the depth of the proposed excavation to
12 13 feet with its supporting documentation as
13 attached Attachment D to the staff report. So
14 that's why there are the changes, because the
15 PNZ recommended the depth of the restoration
16 project is 20, but the applicant is proposing
17 reduce that to 13 feet.

18 And on March 22nd, the applicants' agents
19 provided the agricultural classification status
20 of the property as Attachment E to a staff
21 report. So county staff have been working
22 together with applicants' agent to revise the
23 proposed PD conditions in order to minimize
24 potential negative impacts on surrounding
25 existing and future residents. Specifically,

1 the proposed PD condition B1 has been revised
2 to clarify the time limitation of the proposed
3 restoration project. So you can see on the
4 screen, specifically the final detail site plan
5 approval is required prior to commencement of
6 restoration project, and shall be limited to a
7 term of 10 years calculated from the date of
8 final detail site plan approval.

9 And also, the proposed PD condition B,
10 this is specific uses and activities associated
11 with the proposed restoration project, and it
12 requires that a subsequently major modification
13 to this PD rezoning shall be required in order
14 to implement the approved rural community mixed
15 use. So if they want to do any approved
16 residential and commercial, they must come back
17 for a PD rezoning, brand-new PD to PD.

18 So also, the proposed PD condition E
19 required the 25-foot PD setback along the
20 property boundary except for the roads, and
21 landscaping and buffers. So the proposed PD
22 condition F requires that at a minimum an
23 enhanced type D buffer with a minimum width of
24 80 feet, and containing an 8-foot berm, 13
25 canopy trees, 3 accent trees, 85 shrubs per 100

1 million feet. And also, required that the
2 planting shall be native species. In addition,
3 this condition has been revised you can see on
4 the screen to clarify one and what kind of
5 buffer is required. Specifically, the buffer
6 along the northern boundary line beginning
7 immediately east of the existing reservoir and
8 extending eastward for a distance of 1,400
9 feet, which shall be installed within and south
10 of the 25PD setback for phase 1, called initial
11 buffer. The initial buffer shall be installed
12 prior to the start of any excavation activities
13 for the restoration project, and shall consist
14 of the berm only. So the remaining berms
15 within phase 1 shall be constructed during
16 reclamation of the excavation area, and all
17 berms shall be covered with sod during the
18 reclamation process, landscaping shall be
19 placed on all berms during residential
20 development of phase 1.

21 So also, the proposed PD condition H
22 requires to preserve the on-site wetland so
23 there should not have any negative impact to
24 the wetland. And, also, the new PD condition J
25 has been added, which also show on the screen

1 to require that prior to submitting for final
2 detailed site plan approval the applicants
3 shall test the soils in phase 1 utilizing the
4 agriculture field sampling and screening level
5 ecological risk assessment methodologies, and
6 shall complies any requirement mitigation
7 pursuant to FDEP rules and regulations.

8 So you can see on the screen is for that
9 new PD condition, and also, a new PD condition
10 K has been proposed in order to ensure that the
11 proposed PD conditions shall be enforced as
12 part of an excavation permit.

13 So it is staffs' professional opinion that
14 proposed restoration project shall not create
15 any negative impacts on surrounding agriculture
16 uses and residential homes. So, therefore,
17 staff -- it is staffs' professional opinion
18 that this application resume to PD with
19 condition A through K is general consistent
20 with the county's comprehensive plan and the
21 county's code of laws and ordinance, and other
22 Applicable guidelines.

23 I'd be more than happy to answer any
24 questions you may have.

25 CHAIRMAN TRUEX: Thank you, Ms. Shao.

1 Questions of staff at this time.

2 COMMISSIONER TISEO: In the staff report
3 under part one general information, it has the
4 request, and the request seems different than
5 what you're saying they're actually asking for.
6 You're saying they're asking to do a
7 restoration project but the request says it's
8 to amend the zoning atlas from AG to plan
9 development and adopt the PD concept plan.

10 MS. SHAO: That's correct, because they
11 must go through PD rezoning in order to have
12 their restoration project, because the rural
13 committee mix use, the only zoning can
14 implement that is PD plan development. And
15 also, they ask very unique kind of like interim
16 before they are doing the approved residential
17 and commercial development, they want to
18 restore that abandoned Orange Grove. So in
19 order to do that, this kind of like
20 agricultural activities so that can be allowed
21 permitted under the rule committee mix use land
22 use, but, however, there's only must be PD. So
23 that's why the county apply for the PD
24 rezoning.

25 COMMISSIONER TISEO: Okay. And how many

1 lots we're going to be in here. It was 1,400
2 and change.

3 MS. SHAO: Yeah, for 1,485 homes. That's
4 what's approved for the master plan in the
5 future rural committee mix use.

6 COMMISSIONER TISEO: So we approve the PD
7 concept plan so they can move ahead with the
8 restoration.

9 MS. SHAO: Yes.

10 COMMISSIONER TISEO: And also, in that
11 approval is the concept of the 1,400 units.

12 MS. SHAO: No, the 14 -- 1,485 residential
13 and 7.5 acres for commercial, that was approved
14 as part of master plan in the county's
15 comprehensive plan. The condition for this PD
16 for your approval, they must come back to do a
17 brand new PD rezoning in order to achieve the
18 approved rural committee mix use.

19 COMMISSIONER TISEO: Because I'm looking
20 at the concurrency issues, and in the staff
21 report it talks about water and sewer. It says
22 it's in the rural service area, but there's no
23 public water and sanitary sewer services
24 available, but they may prove that they may
25 provide on-site well or septic.

1 MS. SHAO: That's the only specific For
2 this restoration project. But the approved
3 part of approved the rule committee makes use
4 in the comp plan said they need to provide the
5 on-site treatment plan in order to move forward
6 for the residential and commercial
7 development --

8 COMMISSIONER TISEO: Okay.

9 MS. SHAO: -- in the future.

10 COMMISSIONER TISEO: Okay. Yeah, because
11 it's -- well, I'm reading off the staff report
12 and it doesn't say that.

13 MS. SHAO: This is only talk about
14 restoration projects. They have very specific
15 requirements for this PD.

16 COMMISSIONER TISEO: Well, I'm reading the
17 concurrency issue part and it doesn't say that
18 they have to put in a Treatment plant.

19 MS. SHAO: No, they're not required to do
20 that right now, yeah, because they're doing
21 restoration project. Nothing to do with the
22 residential and commercial development for the
23 site.

24 CHAIRMAN TRUEX: The whole thing has to
25 come back, and that's when they would identify

1 the package plant and everything else would
2 have to be done. The well and such is just for
3 the operation of this restoration project.

4 (Indiscernible).

5 CHAIRMAN TRUEX: Well, that's a whole
6 new --

7 MS. SHAO: That's a whole brand new PD and
8 at that time they need to address all the
9 concurrency. Obviously, include the water,
10 sewer and the road. Yes, they must come back.

11 CHAIRMAN TRUEX: Anything further?

12 Okay. Ms. Waksler.

13 MR. WAKSLER: Before I begin my
14 presentation, I'm going to ask my three expert
15 witnesses to come up very briefly, give you
16 their credentials. I will then profit them as
17 experts. Their resumes were submitted in
18 advance and are part of your packet.

19 So if I could get Gary Bayne and Laura
20 Rossi and David Brown, please come on.

21 CHAIRMAN TRUEX: I think we've seen these
22 three before.

23 MR. ROSSI: Hello. Laura Rossi, and I've
24 been sworn. I am a professional transportation
25 engineer with Protean Design Group. I'm also a

1 professional traffic operations engineer.

2 CHAIRMAN TRUEX: Thank You, Mr. Brown?

3 MR. BROWN: I'm David Brown. I've been
4 sworn. I'm a certified professional
5 geologist. I've been working professionally in
6 southwest Florida for 39 years.

7 CHAIRMAN TRUEX: Good to see, sir.

8 MR. BAYNE: For the record, Gary Bayne
9 with Southwest Engineering. I've been
10 practicing engineering for 25 years, and
11 president of Southwest Engineering and Design.
12 And have designed in pits in the area about
13 approximately 20 of these over the past 20
14 years. Thanks.

15 CHAIRMAN TRUEX: You've been sworn,
16 Mr. Bayne?

17 MR. BAYNE: I have been sworn in, yes.

18 CHAIRMAN TRUEX: They were all here to be
19 sworn.

20 MR. WAKSLER: I would ask that their
21 resumes be made part of the record along with
22 their testimony and that they be accepted as
23 expert witness.

24 CHAIRMAN TRUEX: No objection.

25 MR. WAKSLER: Thank you.

1 Good afternoon. Geri Waksler with the
2 McCrory law firm. I'm representing Bermont
3 Road Partnership and TMV Inc., which is
4 requesting approval of a rezoning from
5 agriculture to planned development. The
6 property many years ago or several years ago
7 was changed from agriculture land use to rural
8 community land use. The zoning was never done.
9 The rural community land use requires that you
10 submit a concept plan that gets adopted into
11 your comprehensive plan, and that concept plan
12 Commissioner Tiseo is what showed the number of
13 lots and the proposed amount of commercial. We
14 are then required to come back to do a PD
15 rezoning to implement the concept plan that is
16 made part of the comprehensive plan, and that
17 PD rezoning has to be consistent with the
18 parameters that were approved as part of the
19 rural community mixed use land use designation.
20 We're not looking to prove any development
21 right now. What we're looking to do is we have
22 an old orange grove. We want to get rid of the
23 orange Grove, we want to restore the area, but
24 we still had to come back because the
25 agricultural zoning on the site is not

1 consistent with the rural community mixed use
2 land use. The only zoning that is consistent
3 is plan development. So we came in with a plan
4 development. This is the approved concept
5 plan, not our PD, that's that that's the
6 overall PD site plan for the future. And you
7 can see it is showing roadways around what will
8 be the restoration area, and areas that will in
9 the future be part of -- it will implement the
10 rural community mixed use. But the only area
11 that we're seeking -- so we have a PD over
12 everything, but the only area that we are
13 seeking any approval over for any action is the
14 area that Joe -- that Jie Shao is circling
15 right now.

16 Bermont Road Partnership, as I indicated,
17 owns the entire 740 acre site together with the
18 148.91 area excavation site, which is not part
19 of the rural community mixed-use project. A
20 minor yard waste processing facility or
21 mulching operation in common terms is also
22 operating as part of the excavation. The
23 mulching operation processes vegetation from
24 the excavation site and also takes an off-site
25 yard waste, which has been used to create berms

1 around the excavation site and which will
2 continue to be used to implement the
3 reclamation plan for the existing excavation.

4 Additionally, the site is a final disposal
5 location for Hurricane Ian debris, and pursuant
6 to contract with the county's debris removal
7 Contractor has taken in approximately 550,000
8 cubic yards of already mulched Vegetative
9 debris onto the site. The northeast corner of
10 the property contains an existing reservoir, as
11 well as existing irrigation ditches that have
12 historically conveyed irrigation both to the
13 grove, and to cattle and sod operations that
14 continue to operate on the remainder of the
15 site.

16 Those ditches were recently widened
17 pursuant to disposal and water use permits from
18 FTP Swift Mud and Charlotte County, and copies
19 of all the permits were provided as part of the
20 application materials.

21 Can you show -- do you have my
22 presentation? If you can pull up and and go to
23 the first aerial. There you go. No, you need
24 to go to the full -- there you go. And now to
25 the next slide please, Jie. Thank you.

1 The northeast corner of the rural
2 community contained a long-established orange
3 grove. You can kind of see the outlines of
4 that in that northeast corner which was
5 decimated by citrus greening, and ultimately by
6 storms most recently by Hurricane Ian.

7 Can you show the PD concept plan next
8 slide, please?

9 The grove was recently removed, and the PD
10 rezoning request today is intended to return
11 63.37 acres of the grove to native habitat. In
12 the area shown as phase 2 on the PD concept
13 plan, we've simply overlaid the adopted rural
14 community mixed-use plan. So that's all you're
15 seeing in the phase 2. We're not actually
16 asking for any approval of any kind of
17 development on phase 2. We are only interested
18 in that northeast corner. A major modification
19 of this PD will be required in the future for
20 approval of a PD concept plan on Phase 2 that
21 will have to be consistent with the adopted
22 concept plan. And this is the adopted rural
23 community concept plan. The approved RCMU
24 shows a large home site area in what is now the
25 grove. The home sites are ringed with narrow

1 open space areas. While there will still be
2 home sites in this area, the restoration
3 project will eliminate the home sites and roads
4 in the center of the former grove and replace
5 it with native vegetation. Meadow, oak
6 hammock, cypress hammock, and pine flatwoods.
7 To accomplish this, the orange trees have been
8 removed, and a native tree container nursery
9 will be established adjacent to the existing
10 reservoir to ultimately provide trees and
11 plants for the restoration area. Sod will also
12 be grown on the site to cover the berms that
13 will buffer the site from adjacent owners. All
14 main irrigation pipelines drainage structures
15 and soils will be excavated to eliminate the
16 soil that has been degraded by monoculture
17 farming and years of fertilizer and insecticide
18 application. The existing application
19 excavation and mulching operations will cease,
20 and will then shift on to Phase one because we
21 will be digging a big hole. And I'll go into
22 that more detail in a little bit.

23 The center of the site is going to be
24 excavated to approximately 13 feet. The
25 excavation will provide dirt to mix with the

1 mulch to create compost, shell to construct the
2 berms and haul roads for moving equipment and
3 plants around the preserve site. The haul
4 roads will be located in the proposed location
5 of the residential roadways as shown on the
6 RCMU plan, and will provide the base for these
7 roads when the residential project is developed
8 in the future. Dirt will also be sold and
9 hauled off-site primarily as a means of helping
10 to finance the proposed restoration. Plants
11 alone, not including planting and maintenance
12 will cost in excess of 1 million dollars for
13 this restoration.

14 Windrows of mulch will be established on
15 the site and periodically turned and watered
16 over a 90-day period. The compost will be
17 placed in the excavation, and mixed with
18 sterile soil from the excavation. As I stated
19 before, dirt will also be removed from the site
20 But this excavation is not classified as a
21 commercial excavation requiring a specific
22 earth moving permit because its primary purpose
23 is to create a passive park, only a standard
24 earth moving permit is required.

25 And if you can pull up the -- my next

1 slide and the thing which was the excavation
2 ordinance. There you go.

3 There's your excavation ordinance that's
4 taken from Section 354 78, which shows that the
5 following activities require only a standard
6 earth moving permit earth moving to develop
7 active and passive parks, and that this would
8 be a standard permit. Standard earth moving
9 permits are used for things like stormwater
10 ponds, small farm pond construction, the
11 creation of tracks and trails for off-road
12 vehicles, and to develop active and passive
13 parks, which as I stated, is what we intend to
14 do in phase 1. Commercial excavations require
15 a change to both the land use and zoning of the
16 site. A standard earth moving movement permit
17 does not, and this proposed excavation
18 restoration may be approved under the existing
19 RCMU land use, and the proposed PD rezoning.
20 However, Bermont Road Partnership will
21 voluntarily apply for and will accept a
22 condition that.

23 Requires that they apply for a specific
24 earth moving permit for an agricultural
25 excavation. The application requirements for

1 attaining an agricultural permit are the same
2 as for a commercial application except no
3 change in land use or rezoning is required. So
4 we would meet all the requirements of a
5 commercial excavation, have to provide all the
6 materials and information. The only thing not
7 required would be the change in land use and
8 zoning, because we if we change the land use,
9 then we don't have the RCMU. We were trying to
10 figure out the best way to do this. It's a
11 little complicated given the rural community
12 mixed use, and this way you get all the
13 information, and we are going through a
14 rezoning, but we're not going through a
15 rezoning to excavation mining.

16 To discuss the excavation and it's
17 permitting in more detail, Gary Bayne will now
18 provide a brief presentation. He'll be
19 followed by our transportation engineer Laura
20 Rossi who will discuss the traffic study and
21 existing safety improvements. And finally,
22 hydrogeologist, David Brown, the national
23 hydrology practice leader for RESPEC will
24 discuss the soils testing using the
25 agricultural field sampling and screening level

1 ecological risk assessment methodology. And
2 following David's testimony, I'll return to the
3 podium to complete the presentation.

4 So, Gary, you're up.

5 Next slide, please, jay.

6 MR. BAYNE: Don't think that's the right
7 slide, but that's okay. Again, this is an
8 approximate 63-acre restoration project. As
9 part of the PD process, we will actually go
10 through the FDEP for an environmental resource
11 permit for mining. Back in 2015 or so, a lot
12 of these mines just to go through the water
13 management district, and the water management
14 district kind of wants out of the excavation
15 business. So a lot of the processes now go
16 through DEP. So this will now go through the
17 DEP process. That process alone is roughly a
18 little over six-month timeframe for that. We
19 will then come back and then submit to
20 Charlotte County for a final site plan review.
21 The final site plan review we'll look at this
22 as an excavation site, and we would, TMV has
23 agreed to that we would submit our annual
24 monitoring reports. Anything that's required as
25 part of a Commercial excavation or agricultural

1 excavation will adhere to those rules, those
2 setbacks, and reporting, and our annual
3 reports.

4 Again, we will follow those 35,478, 354
5 81, 3544 345 491, again, including all setbacks
6 and reports. This excavations -- the existing
7 excavation site.

8 Geri, I wanted to get into the video just
9 real quick if you wanted to show that. It was
10 on the thumb drive.

11 CHAIRMAN TRUEX: I Don't think your mic's
12 on, yes. There you go.

13 MR. WAKSLER: The video was submitted to
14 community development, but it's not able --
15 from my understanding, we were told it was not
16 able to be uploaded. So with your permission,
17 it was submitted, it has been in their file, we
18 would like to be able to present it today.

19 CHAIRMAN TRUEX: Yes.

20 MR. WAKSLER: Thank you.

21 MR. BAYNE: So the video you're gonna see
22 is basically the mulching operation. After
23 Hurricane Ian, we received three contracts.
24 One with the city of Punta Gorda, one was with
25 the Charlotte County, and the other one was

1 Charlotte County itself. So, in the bottom
2 right hand corner there's a little red arrow
3 showing you where you are in the project, and
4 just shows you the extent of the mulch that we
5 have received. This is going west to east,
6 going through the current excavations. Those
7 are windrows. That is our composting right
8 now, we have in windrows eight- to ten-foot
9 high.

10 And then we're going to move into the
11 citrus grove. This is where the majority of
12 the debris was brought in. I'd say 300,000
13 yards were brought into this area. We started
14 the agricultural ditches for -- the
15 agricultural ditches will serve two purposes.
16 One, if this is approved, it will be the
17 hydraulic barrier for the excavation. And,
18 two, it'll be -- it is the final area where our
19 100-foot berms will be located. So we
20 basically are berming the entire development
21 with eight foot -- eight to ten foot high
22 berms, a hundred foot wide, and planting those
23 as well. And that's it.

24 Okay. And then if you go to the next --
25 we're going to go back to the presentation.

1 So the justification for us going 13 foot
2 deep is really to get rid of this debris.
3 There's, as I mentioned, Geri mentioned,
4 550,000 yards we brought in just from the
5 county alone, not including the commercial
6 develop -- not including the commercial. This
7 debris needs a place to go. The hole that
8 we're putting it in provides a final resting
9 place, and it solves the county's problem of
10 getting rid of the debris. I assume the reason
11 you guys chose our facility was because you
12 didn't want to waste your own solid waste
13 landfill. So that's one of the reasons our
14 facility was chose. We have great
15 infrastructure coming in. We have existing
16 turn lanes. D cell lanes, right turn lanes
17 coming into the site. The infrastructure is
18 already there, and we already had our all our
19 DEP permits in hand before the storm hit. So
20 it was a perfect place for you guys to bring
21 your debris.

22 Going back to what Geri mentioned on the
23 dirt and things that we need.

24 Geri, if you can go to that slide, slide
25 number -- I think it's next slide. That's the

1 slide right there. So we're taking off
2 approximately 1.1 million yards of material,
3 but 150 to 200,000 will be used on site for the
4 berms and for the mixing of compost. There's
5 approximately 100,000 yards or so, 90 to
6 100,000 yards of shell that's going to be
7 placed on. We're gonna try to place that
8 shell, that base material in where we think the
9 roads want to be in for the future development.
10 And everything else, the excess will be sold
11 off to actually help pay for the project. The
12 restoration project alone roughly 29,000 plants
13 that we're planting of canopy trees, shrubs,
14 pine flatwoods, grasses, vines. It just costs
15 money to do all that, and so that's where
16 the -- these funds are coming out of.

17 MR. WAKSLER: Before we get more, I just
18 want to focus real quick on the slide that you
19 have in front of you because it's real
20 important. We're proposing a 13-foot
21 excavation depth. We need that area to dispose
22 of the mulch that was dropped on the property
23 from Hurricane Ian. But beyond that, the sand
24 extends beneath the surface a depth of 10 feet.
25 We need to get to that sand to be able -- up to

1 about 10 feet. We're going down to 13 feet
2 because we need the shell that is beneath the
3 sand that ends at 10 feet to be able to make
4 the roads that will allow us to move around the
5 site while we're doing the restoration, hauling
6 these trees that are going to be growing for
7 10 years, planting them. And we are putting
8 that shell where the roads will ultimately be
9 for the subdivision. If we don't get at that
10 shell, then when we do develop the subdivision
11 or as part of this restoration, we will have to
12 be bringing shell onto the site, further
13 increasing the cost of the restoration in the
14 project.

15 So I wanted to make sure that you were
16 aware, that's kind of how we arrived at that
17 13 feet. We looked at what we needed to
18 dispose of the mulch, but we also looked at the
19 depth we needed to get at the shell to build
20 the roads around the site that will enable the
21 heavy equipment to move, and to also provide
22 ultimately the base for the roads for the
23 subdivision that will be there in the future.

24 And now I'm going to bring up Laura.
25 Thank you.

1 MR. ROSSI: Laura Rossi again. So it's
2 pretty simple with traffic for this property
3 since the excavation will be put out of service
4 and it is already permitted for a certain
5 amount of trucks leaving the property, and this
6 use even if all of the sand and shell had left
7 the site, creates less vehicles leaving the
8 site than what is currently operating at.

9 The property owners have already provided
10 all the improvements within their power to
11 provide a safe access to their property. They
12 have existing left and right turn lanes that
13 meet the speed of Bermont Road. And the
14 radiuses of their driveway also meet FDOT
15 criteria for the vehicles that are being used,
16 and the speed that it's at. I also provided, I
17 know that Bermont Road is going from 55 to 45
18 recently in the posted speed. I'm showing that
19 area of where that changes, and the Distance of
20 the 1.6 miles that is going to be the 55-mile
21 an hour before that entrance just showing your
22 existing conditions of your access.

23 CHAIRMAN TRUEX: Very good. Thank you.

24 MR. BROWN: Good afternoon again. I'm
25 David Brown. I'm the national practice lead in

1 hydrogeology for RESPEC Company. My office is
2 located in Sarasota.

3 Next slide, please.

4 What we're proposing for the restoration
5 area, the soil testing, I briefly mentioned
6 before, the approach and methodology is to use
7 a testing protocol that was prescribed to us by
8 the U.S. Fish and Wildlife Service on similar
9 projects in Lee County. It is called the
10 agricultural field sampling screening level
11 ecological risks and assessment methodology,
12 and the Procedures about as complex as the
13 title. And we've used this, like I said,
14 several times, and this is one of our
15 technicians actually sampling some of the
16 soils.

17 The criteria has very specific sampling
18 locations, but generally you're taking the
19 soils from the upper six inches of native soil,
20 mixing it in that stainless steel pan. You can
21 see that we're wearing gloves so that we don't
22 contaminate the sample.

23 Next slide, please.

24 Obviously, we heard there's a citrus grove
25 in this particular area, and this methodology

1 prescribes, like I said, specific sampling. So
2 we're looking at four separate sampling
3 locations. Each one of those four requires
4 three separate samples. The first is at the
5 drip line of the old trees. We use historic
6 aerial photographs and GPS if we have to, if
7 there's no remnant trees that are there. We
8 also then look -- if you look at the little
9 color photograph at the bottom, we also look at
10 the nearest drainage swale to those trees. So
11 this was bedded citrus. So they have two rows
12 of trees on a raised bed, then they have a
13 furrow. So the second sample will be in that
14 drainage swale. And then the third sample
15 comes from the crown in between the trees.

16 So there's three separate locations that
17 you sampled, and you homogenize that sample
18 into one of the four that we're going to be
19 looking at. And, again, this methodology is
20 prescribed because it's representative of the
21 areas that would be most likely affected by
22 agrochemicals during citrus farming.

23 Next slide, please.

24 Hard to see on this slide, but these are
25 the criteria that we look at. Hopefully the

1 commissioners can see it. Up on the left-hand
2 side, this is the whole list of parameters that
3 we will be sampling for. It starts out with a
4 lot of metals, arsenic, barium, cadmium,
5 mercury, copper, lead. And then we get into a
6 lot of pesticides, DDT and Indra. So these are
7 very persistent compounds in soils, and so all
8 of those will be sampled. This table was from
9 a project in Lee County where we -- it's a very
10 large project where we had 12 sampling
11 locations. And, basically, after we take these
12 results to a NELAP certified laboratory, we put
13 this all together in a concise technical
14 memorandum and provide it to county staff.

15 Thank you.

16 CHAIRMAN TRUEX: Very good. Thank you,
17 sir.

18 MR. WAKSLER: And, of course there is an
19 entirely different protocol if they find any of
20 these materials that are of concern, then we
21 have to go through a mitigation process, and
22 that would be inherent in what we're proposing
23 to do.

24 So the purpose of this PUD is to allow for
25 the establishment of the native plant

1 restoration area. Once each phase of the
2 excavation has been filled with compost and
3 compressed to the design elevations, the site
4 will be planted with native trees and
5 vegetation, and maintained until the 6337-acre
6 restoration area is established. The
7 excavation of the restoration area will be
8 completed within three to five years. It's
9 only a 13-foot excavation, which is shallower
10 than many stormwater ponds, but cultivation
11 planting and maintenance of the native trees
12 and vegetation will take an additional
13 seven years.

14 Which is why Bermont Road partnership and
15 TMV is seeking approval for the phase one
16 restoration now. We want to get this up and
17 and have it in place before we come back. We
18 don't think -- we think that development of the
19 site is many years in the future, but we want
20 the restoration area to be established now so
21 that we're not doing it when you're coming in
22 and putting in houses. We want it there and we
23 want it established. Which is why we're coming
24 in today.

25 The restoration is not required for rural

1 community mixed-use development.

2 Next slide, Jie.

3 And this is the only slide, this slide is
4 different from what was submitted in your
5 packet. I made the mistake of including rural
6 community mixed-use has two percentage of uses.
7 One for the majority of projects, and one
8 that's called alternative when there are
9 projects that are being used to implement
10 Southwest Florida Water Management restoration
11 goals. This is not one of those projects. So
12 this is the only new information that was not
13 submitted to you, but it was established to
14 show that RCM does require a minimum of 50%
15 open space. And the restoration area will
16 certainly help to meet that, but there is no
17 requirement in RCMU that open space areas be
18 planted or restored as we are proposing to do.

19 The restoration and excavation also allows
20 for the disposal of Hurricane Ian, and lot
21 clearing vegetative debris. Without the
22 excavation, the mulch will be sold and hauled
23 away in trucks. So then you would have
24 additional traffic on Bermont Road in either
25 scenario.

1 Next landscape plan.

2 This is the landscape plan, and I brought
3 this up because we're very proud of it.
4 Bermont Road Partnership believes that a
5 passive park consisting of a native plant
6 preservation area comprised of a meadow, an oak
7 hammock, pine flatwoods, and a cypress hammock
8 that will be developed in an existing
9 depressional area is a better use of the land
10 than the home sites and roads that are
11 currently shown on the master concept plan, and
12 is more consistent with the intent of the rural
13 residential community.

14 Bermont Road Partnership joins in staffs
15 analysis and conclusions, and requests approval
16 of the PD rezoning to allow for creation of a
17 native plant preservation area. We accept Jie
18 Shao as an expert. We accept all proposed
19 conditions. Suggest one additional condition
20 that Tom and I had a brief discussion about,
21 and would request approval of this PD rezoning.

22 We're all available for any questions that
23 you may have.

24 CHAIRMAN TRUEX: Thank you, Ms. Waksler.
25 Questions of the applicant?

1 Go ahead, sir.

2 COMMISSIONER DOHERTY: Thank you,
3 Mr. Chairman. I appreciate the presentation.
4 I've got some quite just some basic questions
5 to understand the timeline on this, Geri.
6 Okay?

7 MR. WAKSLER: I'm going to call Gary up to
8 be next to me because he probably --

9 COMMISSIONER DOHERTY: Yeah, you probably
10 both need to tag team on this thing.

11 If you can go, Jie, to the overall PD site
12 plan. Color of your -- on your slides. That
13 one.

14 You see at the top says PD Phase One
15 Restoration. Okay, if you go now slide or so
16 down to what's going to be excavated, Jie, on
17 your slides, not there's.

18 MR. WAKSLER: Would have been one up from
19 where you were I think, Jie, maybe.

20 COMMISSIONER DOHERTY: There we go. You
21 zoom in you see that area there says phase one.
22 So is that phase one of the excavation -- no,
23 that is phase one of the PD, the whole
24 remainder of the actual excavation area, Geri.
25 Right there, this is phase one. Then if you go

1 the next slide, okay, there you go, you got
2 phase one. You got phase two phase.

3 See, what are your phases? I don't
4 understand your phasing. Okay.

5 MR. BAYNE: Phase one of the PD is the
6 overall area. These are phases of the
7 excavation. They should be called cells. So
8 when you're looking at that excavation,
9 internally, that should be cell one, cell two,
10 cell three.

11 COMMISSIONER DOHERTY: That's what I
12 thought. I just wanted to get it on the record.

13 Is the excavation part of your
14 restoration.

15 MR. BAYNE: Yes, it is.

16 COMMISSIONER DOHERTY: So the timeline at,
17 time zero, is when you start, you get
18 excavation permit, which you're saying you're
19 getting an ag permit which is essentially
20 technically the same as the commercial except
21 for the flume, not doing the flume.

22 MR. BAYNE: That's correct.

23 COMMISSIONER DOHERTY: Right? Does the
24 excavation start day one, and then when do you
25 come in and file for final PD?

1 MR. BAYNE: No final PD -- we have to go
2 file for final PD prior to.

3 COMMISSIONER DOHERTY: Digging in.

4 MR. BAYNE: Digging anything.

5 COMMISSIONER DOHERTY: Okay. Good.

6 MR. BAYNE: And I have all my permits in
7 hand prior to digging, correct.

8 COMMISSIONER DOHERTY: So it's a ten-year
9 clock from the beginning then when you think
10 the excavation itself though and the back
11 filling with the debris, three to five years?

12 MR. BAYNE: Yeah, so the excavation itself
13 is everything's market-driven. It's, we look
14 at -- at today, I could probably dig that in
15 about a year and a half, but we're saying three
16 to four years just to be conservative. And
17 then probably four to seven year -- four to six
18 years on the backfilling. So overall, about a
19 ten-year period.

20 COMMISSIONER DOHERTY: Very good. Well,
21 that wasn't totally clear when I was looking
22 all these different phasing things. I wasn't
23 quite sure if you were --

24 MR. BAYNE: Now we would hope to get it
25 done sooner.

1 COMMISSIONER DOHERTY: Okay. I think that
2 takes care of my questions right now. Thank
3 you.

4 CHAIRMAN TRUEX: Any other questions?
5 Thank You very much.

6 At this point We will open up the public
7 input portion of public hearing. Anyone
8 wishing to speak on this item may come forward.
9 State your name for the record. You'll have
10 five minutes.

11 MS. HAYSE: Thank you, I have handouts for
12 each of you.

13 CHAIRMAN TRUEX: The deputy will take care
14 of that for you. Thank you.

15 MS. HAYSE: My name is Jane Hayse. I have
16 been sworn in. This rezoning is stating one
17 thing, restoring an abandoned orange grove yet
18 it's doing another, excavation and mining. I
19 urge you not to be fooled by the greenwashing
20 of the applicant. On slide 2, you will see my
21 home is second from the right. We have owned
22 the home since 2012. We've had family in this
23 county since the early '70s. The rezoning
24 request is to rezone 740 acres to PD, yet the
25 applicants only intent is to strip Mine the

1 abandoned orange grove with the idea of a
2 nature preserve sometime out in 10 years or
3 whatever. 32% of the 740 acres is part of this
4 mining operation. Slide 3, only one type of
5 land use is being considered now, that is
6 excavation and mining. The applicant has
7 stated they have a pending mining permit with
8 Florida DEP. However, no land use proposed by
9 the applicant in the next 10 years is a land
10 use that's part of rural community mixed-use
11 designation or the general concept plan.
12 Excavation and mining are not acceptable land
13 uses in a rural community mixed-use
14 designation, and the nature preserve, we're not
15 sure when or if that will ever happen.

16 This is simply a wolf in sheep's clothing.
17 The intent of planned development is to allow
18 multiple and compatible land uses at the same
19 time. This will set precedent that a single
20 land use that is incompatible with the future
21 land use map is being allowed for at least
22 another decade. Slide 4, the staff report is
23 not complete. Best management practices are
24 not specified, they are vague at best. We have
25 already had violation of hours of operation,

1 noise of internal trucks and earthmoving
2 equipment. On March 25th there was a fire that
3 knocked out our power and water for six hours.
4 We had to pay 200 bucks for a -- for our well
5 service to come out to provide water again
6 because of the operation of this property.

7 The rezoning is confusing, the staff
8 conditions make no sense. It's not clearly
9 stated and it's vague. Is there an additional
10 25-foot buffer beyond the 80 foot or not? It
11 says within and south. So, I mean, that can
12 mean nothing an inch, or it can mean 25 feet.
13 And, furthermore, if all of this excavation and
14 mining happens in three to four years, think of
15 the concentration of the truck trips. It's not
16 ten years as the traffic analysis report had
17 done. The application's presentation is
18 misleading. They do explain, as you heard
19 today, why they want 13-foot excavation depth.
20 However, that is not needed to Reclaim an
21 abandoned orange grove. And common sense tells
22 you, you don't want to bring pesticide ridden
23 soil up to the surface, you want to keep it
24 buried.

25 The bottom line is the revenue generated

1 from selling sand and shell with their own
2 numbers is in the tens of millions of dollars
3 in today's prices. There's no promise that
4 there will ever be a development here. Hasn't
5 Charlotte County learned enough of unfulfilled
6 promises of developers. On slide six, it's
7 using the applicants own numbers, which by the
8 way the slide you saw, the arithmetic is
9 incorrect. That originally proposing three
10 million cubic yards now have over ten years now
11 they're down to less than a million, but even
12 with those numbers you're looking at a massive
13 amount of revenue. And as I said, it
14 concentrates the number of trucks.

15 So you're looking at other proposed mining
16 operations on your agenda today as well. What
17 are The Cumulative impacts for dump trucks on
18 Bermont Road? Where are the planning documents
19 that show cumulative impact. On slide seven,
20 the water flow issues are not addressed. As
21 you can see from their photo, they've already
22 removed the orange trees. They've already
23 removed all the irrigation canals between the
24 orange trees. One can only assume that it will
25 mean more water draining to our side Of the

1 canal since the applicant side is now filled in
2 and blocked by the berm. The bottom line is
3 that in reality, the prime primary focus is to
4 generate revenue from selling the excavated
5 sand and shell, and charging to dump vegetation
6 debris in the landfill. It will render PD
7 zoning meaningless in the future.

8 If an incompatible land use to the general
9 concept plan for PD is allowed for a
10 significant period of time, you have the
11 opportunity today to course correct.

12 Thank you for your time.

13 COMMISSIONER CONSTANCE: Chairman, could
14 you have her repeat her name and her
15 qualifications?

16 MS. HAYSE: My name is Jane Hayse.
17 H-A-Y-S-E, and I live north of the subject
18 property. I also, by my career, was a planner
19 for over 30 years, and I was the MPO director
20 for the Atlanta Regional Commission, and worked
21 on a variety of complex issues in a very
22 complex environment during that time of my
23 planning career.

24 CHAIRMAN TRUEX: Anyone else who wishes to
25 speak on the subject?

1 MS. RABOOSE: (Indiscernible). I do have
2 a handout for you here.

3 CHAIRMAN TRUEX: Well, you're gonna have
4 to get to the microphone so they can hear at
5 home.

6 MS. RABOOSE: Okay. Hi, I'm Desiree
7 Raboose (phonetic). I live at 36456,
8 Washington Loop Road, located right here. As
9 you can see if you to go ahead and put it up.
10 I'm right on where they're doing the majority
11 of the excavation and dumping.

12 So one second, let me Get my notes out. I
13 just want to preface this by saying that I
14 would not be here if this was a livable
15 situation. The environment that we're living
16 in right now is absolutely awful. The amount
17 of dust, smells stench from the piles which are
18 about 30 feet tall by our house now, and the
19 air pollution and the risk to our water is
20 horrifying. I'm dealing with it for five
21 months now, and this is basically I'd like to
22 play a video of what I deal with every single
23 day.

24 This is my house every single day. Heavy
25 moving equipment, squealing. It's awful. It's

1 unlivable. I moved out here to move to a
2 peaceful place from the city, and I've been met
3 with worse conditions than I've ever had living
4 in the city with the amount of dust and debris.

5 I just want to go through a timeline. So
6 one more thing. To the staff says that this
7 doesn't change us because we live next to a
8 mine already. That's not correct. We live a
9 mile from that mining as you can see on the
10 graphic. We don't live anywhere near that
11 mine. In fact, I didn't even know it existed
12 until this started happening. So this
13 completely changes our lifestyle. When we
14 moved into this house, you know, we understood
15 it was agriculture. We understood there was an
16 airport nearby. We agreed to those conditions
17 moving in, right? We understood there might be
18 some, you know, flights occasionally coming
19 over our house. We did not agree to a landfill
20 behind our house. You know, it's about the
21 worst case scenario that could ever happen to
22 you living somewhere. You know, if they're
23 developing homes up fine, I get it. But like
24 this landfill situation is horrible.

25 I want to present a couple things that

1 were notable. I had the sheriff -- well, first
2 off, yes, so they started this excavation and
3 dumping -- well, actually they started the
4 excavation back in January, December. And they
5 did it without the oversight of the DEP. In
6 fact, we found out from Zachariah Shelley at
7 the DEP that they had dug this excavation pit,
8 as you can see here, without any oversight from
9 him, from the DEP.

10 So after reporting the DEP, he sent us a
11 letter saying that he had sent them a violation
12 letter to stop what they were doing. They
13 never did stop that. And then I sent an email
14 to the enforcement asking them, you know,
15 here's the outline of what -- of what is
16 happening here. Here are all the municipal
17 codes being violated, and he basically told me
18 this is a FEMA operation, there's nothing we
19 can do about it and left me, you know, out in
20 the cold on that. And then on March 13th, I
21 had officer Lewis Skolnick from the Charlotte
22 County Sheriff's Office visit us on our
23 property, and he -- this is from the actual
24 report from the sheriff's office. You can pull
25 it up online. This was quote what he said, I

1 noticed a large amount of dust and debris
2 circulating her property. The debris was
3 coming from the excavation from behind the
4 property, behind the caller's home. I noticed
5 the smell of chemicals in the air, which was
6 uncommon.

7 What he's smelling is the noxious gases
8 and methane that's being released from these
9 giant rotting piles of yard debris. It's very
10 toxic. I've had respiratory problems since
11 this started going on. I have horrible
12 allergies that I have not been able to control
13 with medication. The officer, I was actually
14 going to actually have him come speak today
15 because he really witnesses what we're dealing
16 with every single day. It's been horrible.
17 It's been five months of this. I'm not getting
18 any help.

19 Also, another thing that I noted when I
20 reached out to the DEP, (indiscernible). You
21 know, I've been dealing with this for
22 five months now, and I reached out to them
23 because I found out that the permit that they
24 had was for the permit for -- the yard waste
25 disposal is for a different property at 320330

1 Bermont Road. They did not have the yard waste
2 permit for 32990 Bermont Road. That's an
3 important designation because where they have
4 the permit is a much more lenient, you know,
5 zoning for mining. Whereas, they're doing this
6 actual disposal on agricultural lot where they
7 don't actually have the permit for that parcel,
8 and that's the parcel that's affecting us the
9 most.

10 I'm not sure if I'm running out of time.
11 I just wanted to make a couple mentions that.
12 We had a fire on the 25th, which knocked out
13 our power, and it's unsafe. These giant piles
14 are putting off a lot of methane gas. They're
15 very combustible, and I'm running out of time
16 so I just want to say that I would like you to
17 not approve this zone change. At least
18 postpone it until there are more parameters put
19 in place. And what else did I want to say?
20 Yeah, so if this is -- if this -- if we can't
21 get this under control, it's gonna be very
22 lengthy, costly legal battle ahead because I
23 can't live like this.

24 Thank you.

25 MR. HAYSE: Good afternoon. My name is

1 Fred Hayse. I have been sworn.

2 I live with my wife, and we're off of
3 Washington Loop. On one of the slides they
4 actually showed where they had the retention
5 pond, and what had happened initially, we had
6 the orange grove and there's a canal that's
7 between the orange grove and our property where
8 during the rainy season the guy would pump
9 water out of the -- you know, out of the canal
10 into the retention pond, and then during the
11 dry season pump it from a retention pond back
12 on to the orange grove. Since he stopped doing
13 the -- you know, the orange grove has gone
14 away. They're not pumping the water into the
15 retention pond now. And at the same time, they
16 had their property, there was the canal and
17 then our property. They put this berm up which
18 is as high as the TV screens, and so now the
19 canal is on the outside of the property that
20 they're going to be developing. And during the
21 rainy season it had been -- when water would
22 rise up, it would spread evenly on our property
23 and theirs. With them putting this wall up,
24 now when during the rainy season, all that
25 water is going to be coming onto our property.

1 So I'm a concerned that we're going to have a
2 lot of flooding that we did not have before.
3 They maybe have some plan to do something with
4 that canal, I'm just not sure. And that's one
5 of the open questions that I have, and, again,
6 I just as soon see you guys, you know, deny
7 this zoning. And at the worst case, at least
8 send it back to planning so we can get our
9 answers. Thank you.

10 CHAIRMAN TRUEX: Thank you.

11 Anyone else wishing to speak?

12 MALE SPEAKER: First off, I'd like to say
13 thank you very much for Jane and Fred Hayse for
14 coming today and speaking so eloquently.

15 And I don't remember your name, but thank
16 you.

17 Well, everything that just came out of
18 their mouths is why I am the citizen water
19 czar. You know how many meetings I've been
20 here in this chamber, and I see the same
21 attorney, the same engineers, same developers?
22 Who wants a 13-foot tall berm? That sounds
23 like mosaic fertilizer. Let's hide what's
24 happening behind the screen. Insecticide and
25 fertilizer, you want to bring that up? I know

1 a little a bit about compost and mulch. My
2 eldest brother owns the only certified USDA
3 organic compost company in the entire United
4 States. I cannot wait to send him this to hear
5 what he tells me. 740 acres. You know, the
6 thing that is the most upsetting here is when I
7 see, and I look on this and I see taking
8 agricultural land, Florida is an agricultural
9 state, cattle, sod, citrus. Sounds pretty
10 agricultural to me. But yet, we want to get
11 this little shangrila and we're gonna come
12 bring native plants and all this, I'll tell you
13 smells like horse manure.

14 And then to hear my fellow neighbors and
15 citizens complaining of chemical smell and
16 dust. Let's get some things straight here. Is
17 there going to be any rock with this
18 excavation? Because when you start excavating,
19 there's clay, sand and rock. And you know what
20 is attached to that rock, very bad stuff. And
21 when they start digging and this dust comes up,
22 what have I talked about here? What do we get
23 from Polk and Hardy? Radioactive sand dust.
24 That's a fact. That's a factual statement.
25 The stuff off the gyp stack when it starts

1 whipping up, that's real refined and course.
2 We get sand from Africa. Five, ten years more
3 development, another 1485 homes. By the way,
4 is this going to be on septic? The boys who
5 come here septic sucks, is this going to be a
6 septic? Because if it is, bad. And taking out
7 any agricultural in the state of Florida,
8 whether it's orange groves, anything that you
9 keep taking away agricultural, you know what
10 you take away in the future, you take away a
11 potential chance for something incredible to
12 happen. You know what that is? Called food.
13 How do we survive? We eat, we drink clean,
14 water, we need food, but we're just going to
15 take all the agricultural land and we're going
16 to pave over, and we're going to develop it.

17 And, unfortunately, I've been informed
18 today about a house bill. So I won't be
19 bringing up moratorium anymore. Everybody, we
20 have to write letters to Governor DeSantis
21 telling him do not pass that bill. You know,
22 I've said this numerous times, I'm proud of it,
23 I am a Republican. I was raised by Republicans.
24 I have said it over and over we need to
25 conserve Charlotte County. We have one of the

1 top jewels in the world. People are flocking
2 everywhere to come move here to Charlotte
3 County, because it's paradise. I'll tell you
4 what, tourism is what generates and drives this
5 place. And I have to be honest with you, you
6 know, I hope you guys say no, I hope you sent
7 it back to staff. I hope staff hears our
8 neighbors. I'm telling you, greed is not good.
9 Greed is bad.

10 Listen, everybody, have a great day. It
11 was an amazing meeting today up in Tampa. I
12 was there representing Charlotte County as best
13 I could. Thank you, everybody.

14 CHAIRMAN TRUEX: Anyone else was going to
15 speak on this item?

16 COMMISSIONER CONSTANCE: Mr. Chair, I see
17 no one else rising. Move to close public
18 input.

19 CHAIRMAN TRUEX: Thank you.

20 Saying no to closing, any opposition?
21 Hearing none, it passes unanimously.

22 Ms. Waksler.

23 MR. WAKSLER: We've got 550,000 cubic
24 yards of mulch debris that is already on the
25 site. It will have to be dealt with one way or

1 the other, and regardless of whether this is
2 approved today, it will be years before all
3 that mulch is taken off the site. It was put
4 on the site, the property currently has
5 agricultural zoning. That zoning is
6 inconsistent with its rural community mixed
7 use. Although, rural community mixed use does
8 allow for agriculture, agricultural uses.
9 Agricultural uses existed and continue to exist
10 on the site existed, before the RCMU
11 designation and continue to exist and waste
12 disposal is a permitted -- yard waste disposal
13 is a permitted use in the agricultural zoning
14 district.

15 We are talking about not the whole 700
16 plus acres here, we're simply talking about
17 148 acres. We have been up front from the
18 beginning that the site will be excavated. The
19 numbers have changed as the amount of yard
20 debris that we saw coming in have -- have
21 changed It actually Has gone down We're going
22 to ultimately have less yard debris than what
23 we had originally anticipated. So the depth of
24 the excavation was changed.

25 What will happen, Commissioner Doherty

1 spoke about the various cells that were called
2 phases on the plan. As each phase, as each
3 cell is dug, when it's dug to its necessary
4 depth, it will then be filled with debris.
5 We're not going to wait until the whole area is
6 dug before we start putting the mulch into the
7 site. It will be done on a phase-by-phase
8 basis. Doing that prevents it from having to
9 be carted off. Prevents additional truck
10 traffic on Bermont Road, although you will have
11 traffic from the sand, but all of the sand that
12 is being removed from here. And again, we
13 provided that full justification. We provided
14 the analysis, is not leaving the site. The
15 sand is being mixed with the mulch. That's part
16 of the compost process. It will be mixed with
17 the mulch to cover the berms. Additionally,
18 the shell that is the last three feet of the
19 excavation create the road base for moving the
20 heavy equipment around the site, but after that
21 it is the road base for where the roads will be
22 when this is a residential development.

23 If we don't dig it now and put it in there
24 now, it will have to be trucked in later.
25 Either way, you're going to get that material

1 on the site. It is typical in residential
2 development that you dig your stormwater ponds
3 to get some of that base, and you use that to
4 get some of that shell material and use that to
5 make the base in your roads. All of this is
6 being done in anticipation of being coming back
7 sometime in about the next 10 years to come in
8 with a PD for the remainder of the site
9 actually for this site and the remainder of the
10 site for residential development, and
11 Commercial development under the plan that has
12 already been approved, and is in place as part
13 of your comp plan for the rural community mixed
14 use.

15 It's important to note also that this
16 area, both the site where the existing
17 excavation is, and the site of this phase one
18 is an area one of the very few areas in the
19 county that where excavation, commercial
20 excavation is permitted if you come through,
21 and change the land use and change the zoning.
22 We will follow the same processes in terms of
23 the excavation permit. Instead of coming in
24 for excavation and mining zoning, we are before
25 you today for the PD zoning talking about the

1 excavation. Have accepted and will accept a
2 condition, I propose and will accept a
3 condition that requires us to do not the permit
4 that we could do because it's going ultimately
5 going to be a park, but we will do it as an
6 agricultural excavation which requires that we
7 will submit to the county the exact information
8 that is necessary for a commercial excavation.

9 It will be subject to the same review. We
10 will have to have a permit. Once that permit
11 is in hand, we'll also have to have permits
12 from FTP. Once those permits are in hand, it
13 will then come back before you for final
14 detailed plan approval so that you can see that
15 what we are proposing to do is precisely what
16 we are doing, what we have permitted, what we
17 have provided the information for. At the end
18 What you will have is unlike the general
19 concept plan that we have approved now that
20 shows small areas of open space, you'll have a
21 large area of open space restored from citrus
22 to native plants. A variety of native plants,
23 a variety of native communities.

24 Prior to any of the excavation, we will be
25 doing soil sampling to make certain that all

1 those years have not infused the soil. We
2 believe that there may be -- that have not
3 infused the soil with any chemicals or anything
4 that will be harmful when it is excavated. If
5 anything is found before we were able to
6 excavate, we will have to undergo mitigation as
7 required by FTP. And I just want to point out,
8 because there was an allegation made that that
9 FTP had not heard anything about this. I'm
10 sorry, I don't recall your name. Spoke, said
11 that she had spoken with FTP DEP and named a
12 particular name. The name she named is not an
13 FTP staff person. It is a Swift Mud staff
14 person, and, no, we did not coordinate with
15 Swift Mud because this is under the
16 jurisdiction of FTP.

17 We have received the permits that are
18 necessary. I guess that my point was, we
19 received the permits that are necessary for the
20 excavation that was already done so that the
21 drainage ditches that were already done, we
22 will receive the necessary permits for any
23 excavation that is done on this property, and
24 we have submitted all permits that we have
25 already received from -- we thought -- I

1 thought was from DEP and from Charlotte County
2 itself. Those have all been presented to you
3 and were part of the packet.

4 This area is an area of agricultural
5 zoning. The agricultural zoning district
6 expressly notes that agricultural and
7 agricultural activities are frequently
8 associated with activities that are generally
9 incompatible with urban style living, such as
10 noise, odor and dust. A rural community
11 mixed-use development may only be located in
12 your rural agricultural area. And it permits a
13 range of uses including, not just rural
14 commercial uses, but industrial uses,
15 recreational uses and agricultural uses. As
16 such, the establishment of a rural community
17 mixed-use development should be anticipated to
18 include some of the same activities that are
19 incompatible with urban style living.

20 When you choose to live in a rural area,
21 you also choose to live in an area where you
22 may be subjected to noise, odor, dust and other
23 inconveniences. As I said, not only is this
24 area where we are proposing to put this an
25 agricultural area, it is also one of the very

1 few areas designated in your comp plan as
2 permitted, a site where you can come in and
3 request a commercial excavation.

4 We know that it will be inconvenient. We
5 have suggested berms, and buffers and things to
6 protect the neighbors. We would like to get
7 this dug as quickly as possible. If
8 development continues the way it has, it will
9 likely be developed sooner, if development
10 slows, it could be a little longer, but we will
11 be putting that mulch, getting it off the site.
12 And we will start with the areas that are
13 closest to the neighbors, and getting that
14 mulch off and moved into here as quickly as we
15 can.

16 The end result of the project, a 63-acre
17 area restored to its native habitat will be a
18 benefit not only to this project, but to the
19 community for a long time We think that it's
20 worth the effort. It's worth the cost that
21 we're going to undertake. We believe it's
22 worth the inconvenience, and there will be some
23 inconvenience to the neighbors that we will
24 mitigate to all your codes, and as we have
25 proposed in the PD beyond. And we request

1 Approval of this phase one of our PD.

2 Thank you very much.

3 CHAIRMAN TRUEX: Thank you, Ms. Waksler.

4 Mr. Constance.

5 COMMISSIONER CONSTANCE: Thank you,

6 Mr. Chair.

7 The current excavation that was approved
8 by DEP, all of that, all of water management
9 district was approved by Swift Mud. But that
10 excavation was that not a farm type of
11 excavation where you're keeping the earth on
12 the property?

13 MR. BAYNE: No, that was a -- it was a
14 group three. The commercial mining was a group
15 three.

16 Which one you're talking about? I'm
17 sorry. You're talking about our current EM
18 zoning. Which one you're talking about? The
19 ditches.

20 COMMISSIONER CONSTANCE: I'm under the
21 impression that you've been allowed to dig a
22 big ditch.

23 MR. BAYNE: Oh, the big ditch. Yes, that
24 was part of our -- so that, so we were issued
25 the water use permit back summer 2022. That's

1 part of our water use permit. That water use
2 permit expanded the ditches around the
3 perimeter of the site, and we're using that
4 additional water for -- there's a fort -- in
5 our comp plan, I don't think Jie mentioned it,
6 but there's a 40-acre nursery so we can go grow
7 the plants, and also to we're planting sold
8 to -- for future to sod the berms in the
9 future.

10 COMMISSIONER CONSTANCE: Okay. So is
11 that -- is the fact that you dug that perimeter
12 swale or ditch, is that at all germane to the
13 fact that there's being debris deposited,
14 you're not putting the debris in that ditch.

15 MR. BAYNE: Eventually, yes that will
16 become the berm. So right now it's
17 anticipation. So either way, whether we're
18 approved or denied, if we are approved that
19 will become the hydraulic barrier for the
20 excavation. If we're denied, we're just gonna
21 go ahead and put the berm because we're already
22 approved to put the berm there.

23 COMMISSIONER CONSTANCE: Okay. So you
24 just move the debris into that -- into that --

25 MR. BAYNE: Well, we'll dewater it and

1 then put it in and come back.

2 COMMISSIONER CONSTANCE: Okay.

3 MR. BAYNE: Yes.

4 COMMISSIONER CONSTANCE: How much debris
5 did you -- did you get to deal --

6 MR. BAYNE: Charlotte County's about
7 550,000. Total roughly about 700,000 yards
8 from City of Punta Gorda, the school board and
9 Charlotte County.

10 COMMISSIONER CONSTANCE: So the total was
11 that a FEMA contract?

12 MR. BAYNE: Mm-hmm. All three were FEMA
13 contracts.

14 COMMISSIONER CONSTANCE: Okay. Could I
15 just ask how much you were paid for that?

16 MR. BAYNE: \$3.25 a yard, \$3.50 a yard.

17 COMMISSIONER CONSTANCE: Okay. So, you
18 know, you're talking about mitigating the area.
19 So I guess my question is, you know, I'm
20 personally in favor of keeping as much truck
21 traffic off the roads as possible. If you want
22 to put shell in the areas where you're gonna
23 put your future roads, why don't you use the
24 shell from your current excavation site to fill
25 that area? Because I would --

1 MR. BAYNE: Which excavation site, the one
2 under EM zone?

3 COMMISSIONER CONSTANCE: Yes.

4 MR. BAYNE: That's all -- it's all gone.
5 We're in our -- that -- we're in our
6 reclamation phase for that mine right now.

7 COMMISSIONER CONSTANCE: Okay, so no
8 mining is being done?

9 MR. BAYNE: We're in a reclamation. We're
10 just doing the side slopes right now.

11 COMMISSIONER CONSTANCE: All right. Yeah,
12 I mean my -- you know, my issue with this is,
13 and I'm staying consistent because I've done
14 this with other developments, and I can't
15 remember where it was, but it's at least a
16 couple of other times, I have no problems with
17 you excavating on your site. And in fact, when
18 we were talking about the original Murdoch
19 Village deal, there was a land swap going on,
20 and we quickly realized that that land swap was
21 all about mining that dirt off that land and
22 taking it off. And as soon as we put the
23 restriction on the deal that you can dig the
24 stormwater, but you can't move the earth off of
25 there. You got to keep it all on there. All

1 of a sudden it kind of unwound.

2 So, you know I'm -- you know, you're gonna
3 hear more from me in the next items, I'm not a
4 big fan of expanding mining at least on Bermont
5 Road, at least for now because it is
6 insufficient for moving things around. And,
7 you know, health, welfare and safety. We've
8 got to be looking at what our roads can take,
9 and right now we can't afford the road we need
10 there. And so, you know, I'm having a little
11 bit of an issue with this.

12 And You know to, Jie, I got to tell you, I
13 really would appreciate from now on, I don't
14 know how you do it, but I'm sure you can pay a
15 few extra dollars, I need to see a current
16 area. Not currently what's on Google Maps
17 because I can see it, and I don't see any of
18 this activity on here. And I really would like
19 to see a real-time what's going on. Even if it
20 means getting somebody from community
21 development to go and fly a drone over there
22 and show us what's going on.

23 Now, you guys showed us what you're doing.
24 I get that, but I need, you know, satellite
25 perspective to kind of look at all of this.

1 Because I'm looking at your prior mining
2 operation and it's hard for me to see that
3 that's being reclaimed. It looks like it --
4 you could be doing more with it. I didn't
5 realize that that's not actually happening
6 anymore.

7 MR. WAKSLER: And I also wanted to point
8 out, that we've got all the debris on the site
9 that's going to go into this hole that we're
10 digging. If we don't dig the hole, that debris
11 has got to come off the site for the future
12 development of the site and that will put
13 traffic on Bermont Road.

14 COMMISSIONER CONSTANCE: No, that's not
15 exactly true. You could dig the ditch deeper
16 put the debris in and then cover it with the --
17 with the earth.

18 MR. BAYNE: If I -- if I start digging the
19 digs deeper, then I'm getting into it -- I
20 can't -- you're correct, I can't. If I go
21 through the right permitting.

22 COMMISSIONER CONSTANCE: If you keep the
23 earth on the property you -- right.

24 So, okay, and then the other -- it's just
25 been out of left field. Are any of these lands

1 at all being evaluated for scrub Jie, or how
2 does that work? Because we get hit all the
3 time on that.

4 MR. WAKSLER: It's not within your scrub
5 Jie.

6 CHAIRMAN TRUEX: Okay.

7 MR. WAKSLER: Area.

8 COMMISSIONER CONSTANCE: All right.
9 That's all my questions for now. Thank you,
10 sir.

11 CHAIRMAN TRUEX: Thank you.

12 Commissioner Tiseo.

13 COMMISSIONER TISEO: When you accepted the
14 contract to take the debris on the site, what
15 did you expect to do with it?

16 MR. BAYNE: As I mentioned, it was put
17 into the berms.

18 COMMISSIONER TISEO: No, I mean, that was
19 the plan from the beginning even without coming
20 before the board to get all this review.

21 MR. BAYNE: I already have my permits in
22 place before that before we submitted to the
23 BOCC. That is an agricultural activity.

24 COMMISSIONER TISEO: And I want to get
25 this clear maybe from staff and the applicant.

1 So their current agricultural use on the
2 site allows them to mine, but they can. Let's
3 assume they never came here, just wanted to use
4 the agricultural, you know, mining uses. They
5 can sell that off?

6 MR. CULLINANA: No.

7 COMMISSIONER TISEO: My understanding was
8 it -- yeah, my understanding though, there was
9 some limited amount that could sell off even an
10 agricultural use. Is that right?

11 MR. CULLINANA: Unfortunately, John
12 stepped out. My understanding of that is --
13 Sean Cullinan, planning zoning official -- is
14 that if you don't need all of the stuff from
15 your agricultural pond, that you do have an
16 allowance to be able to sell some of it off.
17 The intent of it is to serve the agricultural.
18 If you don't need all the -- all the dirt,
19 anything else, then you do have the ability to
20 sell some of it off is my understanding of how
21 that agricultural pond process --

22 COMMISSIONER TISEO: Yeah, that was my
23 understanding too; there was some way they
24 could sell it off not just keep it on site.

25 MR. CULLINANA: Not all. The intent is to

1 try to get as much on site as possible. But,
2 yes, that they do have the ability if there's
3 too much to sell it off.

4 COMMISSIONER TISEO: Okay. So if the
5 mining operation takes place or the excavation
6 and they sell off the material, there's no
7 requirement that they ever have to build the
8 development down the road? It can just say
9 market conditions change. It's no longer
10 viable and they stop. Is that correct? I
11 mean, we can't compel them to do the project?

12 MR. WAKSLER: Yes, you cannot. The issue
13 is because it's rural community mixed-use, this
14 agriculture cannot do the zoning, cannot do
15 these activities. Only zoning compatible with
16 rural community mixed-use is PD. So that's the
17 reason behind that they will come back this
18 time present to you for the PD rezoning.

19 COMMISSIONER TISEO: Yeah, I mean, my
20 experience here, I've seen too many PDs
21 developments approvals and things never get
22 built. They come back to the board and we got
23 to figure it all out. We have to do new
24 approvals, changes, and it gets so convoluted.
25 And I'm worried here with this that I know they

1 explained why they're phasing this. I guess
2 the prep and get things going, and so it's
3 ready for down the road, but down the road may
4 never come. It feels to me with this is that
5 we're doing a roundabout way to get mining
6 done. They've gotten millions of dollars from
7 FEMA. Now they're going to get millions of
8 dollars for mining. This -- this feels like a
9 commercial application, and they're using their
10 approvals for this development to get that done
11 and there's no assurances that the project will
12 ever come, that they're not required to do it.

13 And in the staff report it says in your
14 professional opinion the rest -- you know, the
15 restoration project shall not create any
16 negative impacts on surrounding agricultural
17 uses in residential homes. And prior to making
18 that statement, you listed a bunch of bullet
19 points here, but nothing about sound
20 mitigation. I mean, I just listened to a video
21 of some screeching machines that are right
22 behind somebody's house.

23 Did we do any type of sound study,
24 anything? I mean, it says shall not create any
25 negative impacts.

1 MR. CULLINANA: There are no requirements
2 to do sound studies.

3 COMMISSIONER TISEO: No, well, I know, but
4 the statement is from staff: It shall not
5 create any negative impacts on surrounding
6 agriculture uses and residential homes.

7 So I know we're not required to do it, but
8 it said any, not some.

9 MR. CULLINANA: Understood, and we
10 probably will need to revise how we write our
11 staff reports because anything is subjective.
12 Even just not liking the smell of citrus
13 could -- and somebody's putting in a citrus
14 grow could cause an adverse negative impact to
15 somebody nearby. Somebody could always find
16 something negative to be impacted by. What we
17 were finding, because, again, all the other the
18 items, a lot of the material equipment is
19 already in the previously approved mining
20 operation that they're probably hearing as
21 well. All those are previously approved. They
22 have been approved for many, many years now.

23 So, again, there's no way to say, and I
24 apologize it was written in there, but yes, you
25 can't guarantee 100% all the time that

1 somebody's not going to find something to
2 object to.

3 COMMISSIONER TISEO: Well, I mean, like I
4 said for the reason stated I'm not inclined to
5 support this today. You know, the phasing,
6 there's nothing that compels him to actually
7 finish the project. You know what, if they
8 have an agricultural right to excavate, then
9 they can work within that framework. I can't
10 stop that or take that away. They're entitled
11 to use their property rights and excavate
12 according to the AG code. But this is too much
13 of a commercial application, you know, without
14 an endgame here that it's anything's actually
15 going to get done. And, again, my experience
16 tells me a lot of these projects never get
17 done, and we're kind of stuck with a half-done
18 project. They got the benefit of the monetary
19 benefit, and, you know, the approval to do
20 things on their property, and the benefit to us
21 at the end, it was supposed to be a completed
22 project, and I just don't see it here in the
23 report.

24 Thank You, Mr. Chair.

25 MR. WAKSLER: Commissioner, if I can

1 respond to that. There is a requirement under
2 this. We will have to complete the
3 restoration. So you will absolutely -- that
4 is -- because that's what the -- I know, but
5 the PD is approving and you will have a 60-plus
6 acre area of native plant restoration. I've
7 represented these clients from -- well, for
8 longer than what they've owned this property.
9 They've owned this property for a very long
10 time. They bought it -- they got the rural
11 community mixed-use because you have limited
12 the number of acres that can be changed to
13 rural community mixed use. Rural community
14 mixed-use is the only thing that allows
15 something other than conservation subdivision,
16 the only thing that allows more than one unit
17 per 10 acre. So they got that knowing and
18 understanding that they were going to have to
19 hold this property for years until it got to a
20 point where it would be ripe for development.

21 They did not include the excavation. They
22 got their excavation permit. They are looking
23 to the future and to what they need to do to
24 get to the point where they will be able to
25 bring this to market. They believe that the

1 restoration -- up until just a couple years
2 that the grove was active, like I said citrus
3 greening, and then Ian pretty much did away
4 with the grove and the storms before that, and
5 it has not been producing for a couple years
6 now, and it was ultimately taken out.

7 Their intent, this is a company that that
8 buys and holds. They own many properties many
9 of you have met Bermont Road, the people behind
10 Bermont Road, this is the the people from Great
11 Britain. Many of you have met them, Hector
12 McAlpine, their strategy is to buy and hold,
13 and to wait for the market to come to them. So
14 they bought many years ago. They have been
15 holding it. And they spent hundreds of
16 thousands of dollars to get the RCMU and the
17 additional density. They have spent hundreds
18 of thousands of dollars to acquire the TD use
19 that they will need ultimately to put on this
20 property when it is developed. They are now
21 looking to create this native plant restoration
22 area. They will develop it at some time in the
23 future, but I stood up here before you and I've
24 said from it's at least a decade away by all
25 estimation before this is -- this is a number

1 of miles down Bermont Road. It will have to
2 have its own water treatment plant. It will
3 have to have its own sewer treatment plant,
4 because it must be served under your PD. It
5 must be served by central water and sewer.
6 It's an expensive proposition and it's --
7 there -- nothing has come to it yet, and we
8 don't know what will happen, but it's at least
9 a decade away, but their intent is to develop
10 it. But certainly, their intent is to create
11 the restoration area. If nothing else, you
12 will have an area that had been a dead grove
13 that will now be restored to native vegetation.
14 And we think that is a bonus in and of itself.

15 CHAIRMAN TRUEX: Did you have something,
16 Mr. Davis? I'll eventually get to you.

17 MR. DAVIS: The proposed additional
18 condition that the applicant has discussed.
19 It'd be a condition L. If excavated materials
20 to be removed from the excavation site required
21 permits shall each include a condition that the
22 operation must comply with Sections 3-5-42,
23 which relates to the performance assurance for
24 land reclamation. 3-5-490 which relates to
25 earth moving permit inspections and 3-5-491

1 which applies to a specific earth moving permit
2 annual report. This language, Geri, comes from
3 3-5-479 F3, specific earth moving permits.

4 Did you just kind of -- did you hear that?

5 MR. WAKSLER: We accept that. Thank you.

6 MR. DAVIS: That would be the one I would
7 ask if you make a motion, Mr. Chair.

8 CHAIRMAN TRUEX: So I've got some
9 questions, and Ms. Waksler, I don't know if
10 you're gonna be able to answer this or Mr.
11 Bayne, but the questions I have are in
12 reference to the current activity that's out
13 there that seems to be creating a lot of angst.
14 Is there a way to mitigate this noise and the
15 situation to alleviate the neighbors for now to
16 try to --

17 MR. BAYNE: Yeah, that's one of the
18 reasons we're putting up the berm, like the
19 noise. But you got to create the berm to
20 deflect the noise.

21 CHAIRMAN TRUEX: Right. Right.

22 MR. BAYNE: We're trying to put that in
23 right now. I didn't realize about your pump,
24 if you told us, I would have paid for that --
25 for that to happen. That was back in March

1 25th, one of our junior excavators hit a power
2 line, took out the power line and had created a
3 small little fire. It lasted about a half
4 hour, and then the power was out for six hours
5 or so. Affected there -- I guess affected
6 there a while. I didn't know that. But to
7 show you what good neighbors we are, like the
8 people on Ruskin, which is down the road in
9 front of the other excavation, she was
10 complaining about the smell. Because that was
11 the first -- that was the first area we started
12 dumping the mulch. I actually met this girl at
13 the Celtic Ray, and she was complaining about
14 the smell. I said, Where do you live? And she
15 told me I said, well, that's my site. I said,
16 you know what, as soon as we start processing
17 and start moving that material, that'll be the
18 first area to go. And we that -- and we did
19 that. We're doing that -- actually, been doing
20 that for about three weeks now. And, you know,
21 we try to be a good neighbor as best we can.

22 CHAIRMAN TRUEX: Is there a way to
23 mitigate the situation with these folks? And
24 is there a way I mean --

25 MR. BAYNE: Try to get the material off

1 the site as quickly as possible. I'm not sure
2 what else -- you know?

3 CHAIRMAN TRUEX: As far as the audio
4 portion of that video --

5 MR. BAYNE: Yeah, once we're -- once we
6 are done with that 1,400 foot section of berm
7 that we're putting in the -- I mean, we're
8 further down. So we're a quarter mile down
9 south from them, we just wanted to put up the
10 berm. So gives them a little bit of privacy
11 and they're not seeing the -- what's going on,
12 hearing the noises and stuff like that. So
13 that's why we're putting up the berm in that
14 area.

15 CHAIRMAN TRUEX: They need a five gallon
16 tube of grease.

17 MR. BAYNE: It does. Yeah, that's our
18 loader there. It's a -- yeah, every time it
19 lifts, it squeaks. I can try to have the guys
20 try to fix that for me.

21 CHAIRMAN TRUEX: I just -- I just think
22 that anything that you can do to mitigate this.
23 I grew up in an agricultural area, and in that
24 agricultural area was a limestone quarry, and
25 they blast there. And, you know, all this

1 stuff that goes on. So I can kind of
2 understand, you know, that if there's a way to
3 mitigate it. I also know that you're gonna
4 have to reclaim this property That's it --
5 you're gonna have to do it sometime. So, you
6 know, I don't -- I don't know. I would like to
7 see -- I'd like to see this approved, but I'd
8 like to see some mitigation put in place to be
9 able to assist these folks from what's going on
10 right now.

11 MR. BAYNE: Yeah, I mean, like I said,
12 I'll have our -- it's the loader that's making
13 that squeaky sound for them, and I'll make sure
14 that gets fixed pronto. Trying to think of
15 what else we can do.

16 CHAIRMAN TRUEX: Move the stuff out of the
17 way as quick as you can.

18 MR. BAYNE: Like I said on the other side,
19 that's what we're doing and we're trying to do
20 it on this side, too. You just, you only have
21 so many employees to work with so.

22 CHAIRMAN TRUEX: No, I understand that.
23 That's for sure.

24 Yes, sir. Oh, I've got commissioner
25 Deutsch in queue, and then I'll come to you.

1 Go ahead, sir.

2 COMMISSIONER DEUTSCH: I'm trying to
3 some -- I've got a few coming up, Gary. I'm
4 trying to wade through some things. I alluded
5 to this once before, we were talking about
6 noise, and I grew up in New York City, and I
7 was on a ground-floor apartment, by the way,
8 there was a red light and the cars would
9 screech and scratch, and make noise all night
10 long, but I could sleep through that. And then
11 for two weeks in the summer, I'd go visit my
12 cousin in Connecticut, and the cricket, and the
13 rooster and the farm equipment, I couldn't
14 sleep with it.

15 In fairness, when he would come to see a
16 Yankee, a Giant game and spend two weeks with
17 us in the city, he couldn't sleep through the
18 traffic. So both of them make noise. You
19 know, you know, I -- you know, I'm not familiar
20 with farm equipment, but I know it makes noise
21 and even the cricket kept me awake.

22 I'm trying to understand where we are
23 because as I listened to everything said, it
24 seems to me now that you can do some degree of
25 excavation and mining. Right now you're all

1 set to do that.

2 Is that correct?

3 MR. BAYNE: Right.

4 COMMISSIONER DEUTSCH: And I don't want to
5 get into the square yards of the volume.

6 Obviously, it's somewhat less than what you
7 would be doing, but you can do some degree of
8 that.

9 And can some of that be removed from the
10 site and trucks and taken off the site?

11 MR. BAYNE: Yes.

12 COMMISSIONER DEUTSCH: So right now you
13 could do this some of the mining and there
14 would be some truck activity.

15 Okay. Second point, you've got all this
16 mulch there and maybe, you know, no one planned
17 on the hurricane, and the guys that invested in
18 your property, in all fairness, they invested
19 in the property because they have a goal, and
20 their goal I don't believe was to build a house
21 to make a mine, their goal was to make money on
22 the property. And I accept that. And I don't
23 have any problem with that.

24 And the reason, Joe, the way I think
25 eventually, I doubt I'll see it, but eventually

1 they'll want to put houses on it because
2 they'll make money by doing that, and selling
3 like and doing it, and selling the lots and
4 doing it because that's what they want to do.
5 They don't want to leave it lay fallow forever.
6 And then I'm looking at you got all that mulch
7 in there now.

8 It seems like you can't use or get rid of
9 it, so you're gonna have to move some of that
10 off the site. Maybe those trucks won't have as
11 much weight, but they're gonna have a lot of
12 volume.

13 MR. BAYNE: We can sell -- we can sell the
14 mulch and then sell the compost as well.

15 COMMISSIONER DEUTSCH: Okay. Now, all
16 things balance out. So there's obviously some
17 level of activity you could do right now with
18 anything improved. And whether it's 20%, 30%
19 or 62% of what you're proposing to do, I don't
20 know, it doesn't matter because there's a big
21 thing to me here. And, Tim, follow me on this.
22 If you do what you're doing and if you don't
23 get approved and stopped, do you have any
24 requirement at all to make any improvements on
25 that piece of property?

1 I'm gonna allude to mosaic because you'll
2 love this, Mr. Ritchie. I went out there and I
3 saw how they absolutely destroyed the ground
4 with their mining, strip mining is ugly. And I
5 walked it and I was in mud up to my calves, but
6 they did -- because I tried to educate myself,
7 I took it and I went to one of the places that
8 they reclaimed. And in all fairness, it was
9 like a Garden of Eden. It was absolutely
10 amazing, and I'm thinking worst-case scenario,
11 yeah, there'll be some more activity, and I
12 feel for the neighbors that are being
13 inconvenienced. And if you get approval, you
14 know, I want a personal promise from you guys
15 that you're gonna do everything you possibly
16 could do to make it as comfortable and
17 palatable for the neighbors as possible.
18 Because I'm gonna ask you that.

19 But you're gonna -- you're gonna restore
20 it, and you're gonna plant what, a million
21 dollars worth of sod and natural plants and
22 stuff that it's certainly gonna look a lot
23 better than it's looking now. So worst-case
24 scenario, if they don't go in and build the
25 houses for 10 years, so at least it's gonna

1 look, what, is it the 40 or 60 acres, or, you
2 know, it's gonna look a heck of a lot better
3 than it's looking now. I'm sort of looking at
4 that as -- you know, and I'm -- and, again, my
5 concern is, you know, it's for the neighbors.
6 And I don't know how to deal with that. And
7 then you have some entitlement to do some stuff
8 on your property. So I'm trying to balance all
9 this stuff out.

10 But let me -- let me ask this, and the
11 chairman touched upon it. Are there some
12 things you can do, and if they cost you a few
13 bucks, that's okay because you made a few bucks
14 on the hurricane. But if there are some things
15 that you can do to help make this activity more
16 palat -- Like, wetting the stuff down a lot
17 more than your plan on. Maybe getting some
18 cans of spray to affect the -- I mean, are
19 there -- and I don't know this. Are there some
20 things you could do to make it more palatable
21 for the neighbors to live with this for, I
22 guess, a year or two. Until you get past the
23 rough edge of the noisy time.

24 MR. BAYNE: I'll say this, as we go
25 through the process, I mean, we still have at

1 least six to eight months of permitting to do,
2 and going through site plan. We are back in
3 front of you guys again, and hopefully maybe
4 you'll -- it'll be to your liking what our
5 mitigations are to them.

6 COMMISSIONER DEUTSCH: All right, thank
7 you, Mr. Chairman.

8 CHAIRMAN TRUEX: Can you explain, you're
9 coming back again.

10 MR. BAYNE: Mm-hmm.

11 CHAIRMAN TRUEX: Does that mean we get
12 another bite at the apple?

13 MR. BAYNE: Yep. Not from agricultural
14 mining if I decided to go that route, but we're
15 in front of PD.

16 MR. WAKSLER: We'll come back for final
17 detail plan to make certain that what we are
18 proposing is consistent with the conditions if
19 the PD is approved today. That would be
20 correct.

21 CHAIRMAN TRUEX: Can that include the
22 mitigation proposal as to what you think you
23 can do to keep this?

24 MR. WAKSLER: If you -- if you put in a
25 condition that requires us to when we come back

1 for final detail plan to have a mitigation
2 plan, then we will have to have a mitigation
3 plan when we come in for final.

4 CHAIRMAN TRUEX: Okay. I'm gonna make
5 that request for the benefit of the folks that
6 are being inconvenienced, that if you can
7 include that and you include them in the
8 discussions with that, that would be fantastic
9 Because then when it comes back here, that'll
10 be the final approval.

11 COMMISSIONER DEUTSCH: About how soon will
12 they be coming back, six months, eight months,
13 a year?

14 CHAIRMAN TRUEX: You're not mike's not on,
15 but, yeah.

16 MR. BAYNE: So we just had our DEP visit
17 last week, so it's at least another -- they
18 want to be out -- they want to come back out in
19 six more months. So I'm thinking eight to
20 nine.

21 COMMISSIONER DEUTSCH: So, Mr. Chair, if I
22 may, if we approve this today, it's not a done
23 deal, you've got to come back (indiscernible).

24 MR. BAYNE: And within that eight to nine,
25 I guarantee you that berm that we're talking

1 about in the back will already be constructed.
2 I mean, we're already doing that.

3 COMMISSIONER DEUTSCH: Well, what I'd like
4 to do then, I'd like to ask the neighbors to
5 come back. If it's approved, have the
6 neighbors come back then and give us an update
7 and see what's happening. I think -- I think
8 we'd all appreciate that if we're moving ahead,
9 to see if there's some stuff you guys can do.
10 Thank you, Chair.

11 CHAIRMAN TRUEX: I'm coming to you. I want
12 to see what he --

13 Did you have some Mr. Davis?

14 MR. DAVIS: I was just checking with my
15 boss here. Here's a condition, it is a
16 proposed condition M. Final detail site plan
17 approval shall be conditioned on such plan
18 including a mitigation plan to reduce sound,
19 odor and dust.

20 CHAIRMAN TRUEX: Perfect.

21 MR. WAKSLER: We accept that condition.

22 CHAIRMAN TRUEX: Okay. Very good.
23 Commissioner Constance.

24 COMMISSIONER CONSTANCE: Thank you, sir.
25 Well, I mean, honestly, was gonna make a

1 motion to deny, but that's not gonna pass. So
2 I really would like to -- I'd like to make a
3 motion to postpone for at least 30 days because
4 I want to make sure that we have everything in
5 the document. Because my question is this, if
6 we vote for this today, do they get their earth
7 moving?

8 MS. SHAO: No, they need to apply for the
9 Permits.

10 COMMISSIONER CONSTANCE: Well, yeah, do
11 they come to us or do they come to you?

12 MS. SHAO: Earth moving permit? They go
13 public works.

14 COMMISSIONER CONSTANCE: Right, yeah, so
15 it's done. They're going to be able to
16 commercially mine.

17 MR. WAKSLER: Not without final detail
18 plan approval. We can't -- we have to have
19 final detail plan approval, even with that --

20 COMMISSIONER CONSTANCE: But -- but.

21 MR. WAKSLER: We have to come back and
22 show that we've complied with the all the
23 conditions, including the new mitigation
24 condition.

25 COMMISSIONER CONSTANCE: Yes, Ms. Waksler,

1 thank you. But if you come in and you provide
2 all of that information, then it's a by right
3 situation, we're allowing it today. Are we
4 not?

5 CHAIRMAN TRUEX: No, we have to approve
6 the final detailed site plan before it goes
7 into effect. They can't turn anything without
8 it.

9 COMMISSIONER CONSTANCE: But if the final
10 detail site plan is correct, how are you gonna
11 find fault with it? I mean, I really need
12 staff to come forward. Is that the case? If
13 we approve this today, then you're going to
14 come back and say that, you know, everything
15 they've shown us consistently meets with
16 everything we're supposed to -- they're
17 supposed to do, so, you know, pretty much,
18 Commissioners, you don't really have a choice.

19 MR. DAVIS: Yes, sir, for all intents and
20 purposes, you are correct. Because the final
21 detail site plan is it's -- while it comes
22 before you on consent, it is an administerial
23 process whereby you -- either agree or disagree
24 with us that it meets all the technical
25 requirements of both the comp plan conditions

1 that you put in place as well as any other
2 codes.

3 CHAIRMAN TRUEX: And it has to include all
4 the, all the additional items that we've
5 required.

6 MR. DAVIS: Correct, and then if approved,
7 then that would give them the ability to then
8 approach public works to apply for the
9 earthmoving permits as they have in their
10 process. So this is theoretically putting the
11 use on it. It's not a done deal until approved
12 under final detail site plan, but final detail
13 site plan is the nuts and bolts per se of the
14 process.

15 COMMISSIONER CONSTANCE: But by voting
16 today, if we were to pass it, giving them that
17 ability, now they have that by right.

18 MR. DAVIS: Yes, and no, they would have
19 the ability until they finished through the
20 final detail site plan process.

21 COMMISSIONER CONSTANCE: Correct, but
22 they -- Let me ask this another way. If we
23 brought it back and tried to take it away from
24 them once we've approved it.

25 MR. DAVIS: You would have to find fault

1 where they didn't meet one of the PD conditions
2 or any other section of code which would apply.
3 Yes.

4 COMMISSIONER CONSTANCE: Well, again, my
5 motion is to postpone this item for at least 30
6 days, because I'd like at least the residents
7 to be able to talk to staff, make sure that
8 their concerns are understood, and that
9 discussion can be had with the applicant. And
10 then you can bring it back to us and we can
11 actually vote on it. Because we're giving a
12 tremendous financial benefit and changing the
13 land use to a mining operation. You know, you
14 can put all the pretty window dressing on it
15 you want to, but that's exactly what's
16 happening. There's a closed operation to the
17 west. This is ag land being turned into a
18 mining operation for commercial mining to move
19 that earth off the property. I would have no
20 problem leaving the earth on the property. If
21 you want to mine it, and move it around, and
22 get your shell out and make your roads, and do
23 all the things and do your mitigation, I'm okay
24 with that, but I don't want it coming off.

25 Would you accept that as a modification?

1 MR. WAKSLER: We can't afford to do the
2 restoration under that condition.

3 COMMISSIONER CONSTANCE: So my motion is
4 to postpone 30 days, make sure we get at
5 least -- if it's going to pass, that these
6 folks can give their input.

7 CHAIRMAN TRUEX: Do we have a second? We
8 have a motion, do we have a second?

9 That is for lack of a second.

10 Commissioner Doherty were you in the queue
11 because I bumped people out and and
12 Commissioner Deutsch was third.

13 So were you in there as well?

14 COMMISSIONER DOHERTY: No, I spoke but I
15 was gonna --

16 CHAIRMAN TRUEX: Okay. So Commissioner
17 Doherty, then Commissioner Deutsch, and then
18 sorry about that.

19 COMMISSIONER DOHERTY: No problem, sir.
20 Thank You, Mr. Chairman.

21 Yeah, I've just been trying to wrestle
22 with this too. I'm gonna probably need
23 Mr. Bayne to come back up to the podium. I
24 need the engineer. Just, just to clarify, you
25 know, I'm trying to figure out, again, the

1 safeguards that we talked about the additional
2 conditions really make a lot of sense to me.
3 However, I want to find the solution that
4 provides the relief to these folks as quickly
5 as possible. That's really what my goal is
6 here. Now, you've got an excavation, you've got
7 the ditches around the property, which you said
8 you could modify, but you'd have to go for a
9 permit modification.

10 MR. BAYNE: I already have that permit.

11 COMMISSIONER DOHERTY: For whatever you
12 want to excavate? So you could widen those
13 ditches, go down deeper, pump them out and
14 start disposing under your ag zoning right now.

15 MR. BAYNE: That's correct.

16 COMMISSIONER DOHERTY: Is that gonna is
17 that going to be a faster process than this
18 restoration? If you can't answer that right
19 now.

20 MR. BAYNE: No, no. I got the numbers.
21 So it's about seven, eight hundred -- that's
22 about three years of activity. That's in my
23 seven -- remember, I was telling you at
24 seven -- that three years of that it's filling
25 in the berms. So it's about eight hundred

1 thousand yards of material to fill in that
2 entire ditch system. Roughly about three years
3 of a current activity that we're doing today to
4 fill in the excavation hole that we're asking
5 for, is 1.1. That's another three -- that's
6 where the seven years comes from.

7 COMMISSIONER DOHERTY: Or quite honestly,
8 I think that it probably would overall be
9 better for the property and overall for the
10 whole neighborhood to approve the PD zoning.
11 The conditions that we're building into this
12 thing should provide the assurances, but I am a
13 little nervous about the fact that we don't
14 have all that in front of us in black and white
15 to your motion to continue. If we can get this
16 ordinance title read and staff attorney's
17 office can read back the additional conditions,
18 so we clearly understand what the additional
19 conditions are, we may be okay.

20 So with that, Mr. Chairman, if you're
21 ready?

22 THE CLERK: Commissioner Doherty, if
23 you're going to read the ordinance, will you
24 correct.

25 COMMISSIONER DOHERTY: The state road

1 anyone?

2 THE CLERK: Yes.

3 COMMISSIONER DOHERTY: Yes, I will. I
4 caught that this morning, Gentlemen, and got
5 with the attorney.

6 Okay. Mr. Chairman, I'll move an
7 ordinance of the Board of County Commissioners
8 of Charlotte County, Florida amending the
9 Charlotte County zoning atlas from agriculture
10 AZ -- AG to plan development PD, and adopting a
11 general PD concept plan in order to allow for
12 an existing grove to be restored to a preserve
13 with native vegetation for property generally
14 located north of Bermont Road CR 74 south of
15 Washington Loop Road east of Duncan Road U.S.
16 17, and west of SR 31, State Road 31, in the
17 east county area containing 740 acres more or
18 less Charlotte County Florida Commission
19 District 1 petition PD 22-0014 applicants
20 Bermont Road partnership and TMV, Inc.,
21 providing an effective date, and this also
22 includes additional conditions to be read into
23 the record by Mr. Davis.

24 MR. DAVIS: Thank you. Condition L is
25 excavated materials to be removed from the

1 excavation site, required permits shall each
2 include a condition that the operation must
3 comply with sections 3-5-482, which relates to
4 the performance assurance for land reclamation
5 3-5-490, which relates to earthmoving permit
6 inspections and 3-5-491, which relates to a
7 specific earthmoving permit annual report.

8 Condition M, final detail site plan
9 approval shall be conditioned on such plan
10 including a mitigation plan to reduce sound,
11 odor and dust.

12 COMMISSIONER DEUTSCH: I'll second that,
13 but I'd like it to include -- I don't know how
14 I can make sure that these folks come back
15 because they're gonna try and have some level
16 of communication. But I think I got a verbal
17 on that, but I would second it with those
18 conditions. But also, verbally saying that
19 they're gonna make some efforts to work with
20 the neighbors to make it as compatible as they
21 possibly can, and I don't know how we put that
22 in there.

23 COMMISSIONER DOHERTY: We can build that
24 as an actual condition, but we'll be looking
25 for it at the final.

1 COMMISSIONER DEUTSCH: Okay.

2 CHAIRMAN TRUEX: And so is the applicant.

3 COMMISSIONER DEUTSCH: So I'll second the
4 motion.

5 CHAIRMAN TRUEX: And our visitors that are
6 here to talk about the item, they're hearing
7 this too, and they have our phone numbers and
8 our email addresses, so I'm sure we'll be
9 hearing from them if things aren't being
10 handled appropriately.

11 Yes, sir, we have a motion.

12 I'll second.

13 CHAIRMAN TRUEX: Yes.

14 COMMISSIONER DOHERTY: I want to make one
15 more comment.

16 CHAIRMAN TRUEX: Yes, sir.

17 COMMISSIONER DOHERTY: Just, again, fast
18 as possible, these people need relief. The
19 odor, everything has got to -- you've got to
20 provide that relief. Thank you.

21 CHAIRMAN TRUEX: Mr. Constance.

22 COMMISSIONER CONSTANCE: Yeah, one other
23 thing, it references in the whereas is
24 excavation permit 07EX15, why was that not
25 included as backup material with this?

1 MS. SHAO: Because talking about the phase
2 two for that, and there's mulching, that is
3 part of accessory to that excavation. So that
4 was referencing the whereas.

5 COMMISSIONER CONSTANCE: I understand, but
6 I'm just saying for future, when items are a
7 reference, it's kind of hard for us to find
8 these. So I'd really appreciate it if you can
9 make sure that anything that's referenced in a
10 new ordinance, that we have the backup material
11 available for research. Thank you.

12 CHAIRMAN TRUEX: Thank you.

13 Any further comment? Yes, sir.

14 COMMISSIONER TISEO: Yeah, I had real
15 concerns about the mitigation strategies for
16 the neighbors there. I appreciate the fact that
17 we added that to the ordinance and the fact
18 that this is coming back to the board.

19 However, Commissioner Constance, I agree
20 that you know, once we approve these things,
21 it's Another Cog in the approval process where
22 when we read the next staff report, it's
23 gonna -- in the history section, it's gonna say
24 on this date we agreed to, you know, forward
25 this on to the next step, and it's just another

1 thing that we'd have to overcome. Now, when it
2 comes back, is it quasi judicial again for
3 this.

4 MS. SHAO: Yes. It's a brand new
5 rezoning.

6 COMMISSIONER TISEO: Which, obviously, the
7 standards there are a higher standard when we
8 do the review.

9 MR. DAVIS: Are you talking about the
10 residential PD, or are you talking about the
11 site plan approval.

12 COMMISSIONER TISEO: Site plan approval.

13 MR. DAVIS: Yeah, site plan approval is
14 quasi.

15 COMMISSIONER TISEO: Okay. They're both
16 quasi?

17 MR. DAVIS: PD rezoning is quasi judicial,
18 site plan approval is quasi judicial. Your
19 discretion under site plan approval is slightly
20 less than what you would get on zoning.

21 COMMISSIONER TISEO: Yeah, in light of the
22 fact that they're able to conduct mining
23 operations even in the agricultural capacity,
24 and the fact that we can have them come back
25 and add the extra conditions of mitigation, I'm

1 willing to let this get to the next step at
2 this point.

3 Thank you, Chair.

4 CHAIRMAN TRUEX: Thank you.

5 Hearing no further comments. Opposition
6 to the motion?

7 COMMISSIONER CONSTANCE: I'm opposed,
8 Mr. Chair.

9 CHAIRMAN TRUEX: Okay. Any other
10 opposition?

11 Hearing no other opposition, it passes
12 four-one. Commissioner Constance dissenting.

13 MR. WAKSLER: I know it's late. May I
14 have 30 seconds?

15 CHAIRMAN TRUEX: You may.

16 MR. WAKSLER: Thank you. With the
17 exception of representing nonprofits local
18 nonprofits in quasi -- in rezoning hearings pro
19 bono, and perhaps a sporadic and very
20 occasional matter just to fund my travel
21 addiction and my shoe obsession, this for all
22 intents and purposes is my last full-blown
23 zoning hearing before the Board of County
24 Commissioners in Charlotte County. I wanted to
25 thank you for 32 years of a great career.

1 Starting with at the beginning, I was trained
2 up by Ken Doherty when I was a baby attorney,
3 and I appreciate it very much. I have worked
4 with a number of county commissioners, a number
5 of county attorneys a number of county
6 administrators, and all kinds of people in the
7 community development department, primarily
8 with community development, I want you to know
9 that even when I didn't agree with them, I
10 always respected the people in community
11 development. They work very hard to move the
12 county forward in a manner that's consistent
13 with your comprehensive plan. And with the
14 direction that they're receiving from whatever
15 the sitting board is.

16 But I would be very remiss if I didn't
17 call out one person. For almost 20 years, I've
18 worked with Jie Shao primarily. She is my
19 number one contact. I have met -- she is
20 brilliant when it comes to planning. She is
21 the hardest worker I have ever known. I could
22 never work the kinds of hours that she works.
23 She is a staunch defender and advocate of your
24 zoning codes of your comprehensive plan. She
25 is fair, she is tough and I admire her

1 tremendously. And I wanted to say thank you
2 publicly.

3 Thank you all for 32 wonderful years.

4 CHAIRMAN TRUEX: Thank you. I remember
5 the first time I met Geri at Charlotte
6 Assembly, I can't remember what year it was,
7 but it was about 25 years ago.

8 So awesome. Great career.

9 COMMISSIONER TISEO: Yeah, if I might ad.
10 Thank Mr. Chair. Personal privilege, I guess.

11 Yeah, Geri, I would just like to say, you
12 know, being on the board for six years, you You
13 took it as good as you gave it. I mean, I
14 didn't always support, you know, or your
15 clients, but I have to say if I needed a
16 land-use attorney to represent me, you'd be my
17 number one choice. You represented your
18 clients with professionalism, with class, and,
19 you know, the audience, you know, wasn't always
20 favorable to you, but you handled it well, and
21 you did a great job here representing yourself
22 and your firm. And I just want to say it was a
23 pleasure having you in the boardroom. You
24 know, like I said, some of the back-and-forth,
25 you always had an answer and you always seem

1 prepared, even if you weren't, you had the
2 appearance of always being prepared. You did a
3 fabulous job and it was good having you in
4 here.

5 Thank you. Thank you, Mr. Chair.

6 CHAIRMAN TRUEX: Thank you. All right.
7 Congratulations.

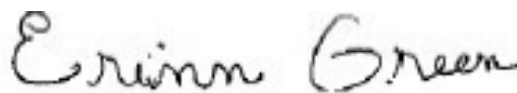
8
9 (End of recording.)

CERTIFICATE

I, ERINN GREEN, Professional Court
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I further certify that I am not of counsel
or attorney for any of the parties to said
proceedings, nor in any way interested in the events
of this cause, and that I am not related to any of
the parties thereto.

Dated this 13th day of July, 2026.

A handwritten signature in dark ink that reads "Erinn Green". The signature is written in a cursive, flowing style.

ERINN L. GREEN, Court Reporter
Notary Public, State of Florida
Expires: January 23, 2028

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23:14 97:19	2	3	40 64:6 86:1
1,000 4:5	2 1:15 20:12,15	3 1:14 9:25	45 31:17
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