

Charlotte County

Commission Chambers, Room 119
18500 Murdock Circle
Port Charlotte, FL 33948
CharlotteCountyFL.gov



Regular and Land Use Meeting

Tuesday, January 28, 2020
9 a.m.

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

Raymond J. Sandrock

COUNTY ATTORNEY

Janette S. Knowlton

CLERK OF THE CIRCUIT COURT

Roger D. Eaton

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to David.Lyles@charlottecountyfl.gov.

Should any agency or person decide to appeal any decision made by the board with respect to any matter considered at such meeting, a record of the proceeding, and for such purpose, a verbatim record of the proceeding is required, which record includes the testimony and evidence upon which the appeal is to be based.

9:00 A.M.

Call to Order and Roll Call

Invocation

If you wish, please rise for the invocation

Pastor Bill Frank
First Baptist Church of Punta Gorda

Pledge of Allegiance

Changes to the Agenda

See separate sheet

Proclamations - Commissioner Christopher Constance

Employee Recognition

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

Award Presentations

~~Commissioner's Award for Customer Service - Commissioner Doherty~~

~~First Quarter Commissioners' Award FY 2019-2020
Jie Shao - Community Development
*Deleted, 1/2/2020**~~

CITIZEN INPUT - AGENDA ITEMS ONLY

Anyone wishing to address the Board during this portion of the meeting must fill out a card, state their name for the record, and state which agenda item(s) will be addressed. Remarks shall be limited to 3 minutes (max) and shall be addressed to the Commission as a body, and not to individual members.

COMMITTEE VACANCIES

MSBU-MSTU Advisory Board Vacancies

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

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

Barrier Island Fire Service (MSBU) Advisory Board Vacancy

Barrier Island Fire Service Municipal Service Benefit Unit (MSBU) Advisory Board is seeking a volunteer to fill a vacant unexpired term through October 31, 2022.

Applicants must be residents of Charlotte County and reside within the Unit. Submit applications to Public Safety Department, 26571 Airport Road, Punta Gorda, Florida 33982; call 941-833-5610 or email Todd.Dunn@CharlotteCountyFL.gov

REPORTS RECEIVED AND FILED

Clerk of Court's County Investment Report

CONSENT AGENDA

Clerk of the Circuit Court

A. Comptroller Division

1. Finance

Recommended Action:

Approve the Clerk's Finance Memorandum.

Budgeted Action:

No action needed.

B. Minutes Division

1. Minutes

Recommended Action:

Approve the following Minutes:

January 9, 2020 BCC Pre-Agenda

January 14, 2020 BCC Regular Meeting

Budgeted Action:

No action needed.

Board of County Commissioners

C. Commission Office

D. County Administration

1. New Positions Request**Recommended Action:**

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

****Change, Added attachment - Budget Adjustment, 1/27/2020****

Budgeted Action:

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

E. County Attorney**1. Ordinance Prohibiting the use of Vapor-Generating Electronic Products in certain areas****Recommended Action:**

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

Budgeted Action:

No action needed.

2. Amend Tourist Development Council Ordinance - Appointment Requirements**Recommended Action:**

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

Budgeted Action:

No action needed.

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

Purchasing

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

Recommended Action:

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

Budgeted Action:

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

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

Recommended Action:

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

Budgeted Action:

No action needed.

Real Estate Services

Risk Management

Transit

G. Community Development

H. Community Services

1. Land and Water Conservation Fund Grant Application for Lake Betty Park**Recommended Action:**

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

Budgeted Action:

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

I. Economic Development**J. Facilities Construction and Maintenance****K. Human Resources****L. Human Services****M. Public Safety****1. Hazard Mitigation Grant Program Contract****Recommended Action:**

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

Budgeted Action:

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

N. Public Works

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

Recommended Action:

- a) Approve the Easement; and
- b) Authorize the Chairman to execute the Easement

Budgeted Action:

No action needed. There is no financial impact.

O. Tourism Development

P. Utilities

Q. Other Agencies

REGULAR AGENDA

R. Regular Agenda

- 1. Event Funding Application - 2020 Welcome Home Vietnam Veterans

Tourism Development

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

- 2. Water Authority Agenda - January 31, 2020

Utilities

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

****Change, Added attachments, 1/24/2020****

- 3. Melbourne Street Property

Commission Office

Discussion and direction on the Melbourne Street property.

****Change, Added attachment - Melbourne Concept, 1/22/2020****

- 4. Land Use Notification

Commission Office

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

5. NACo South Region Representative

Commission Office

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

****Added, 1/23/2020****

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing

1. First Quarter Budget Adjustments

Budget & Admin Services

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

PRESENTATION AGENDA

T. 10:00 A.M. Presentations

1. Sales Tax Update

County Administration

Update on Sales Tax project.

1 P.M. CITIZEN INPUT - ANY SUBJECT

Anyone wishing to address the Board during this portion of the meeting must state their name for the record. Remarks on any County related subject, shall be limited to 3 minutes (max) and shall be addressed to the Commission as a body, and not to individual members. There will not be any discussion.

2 P.M. LAND USE AGENDA

CITIZEN INPUT - LAND USE CONSENT AGENDA ITEMS ONLY

Anyone wishing to address the Board during this portion of the meeting must fill out a card, state their name for the record, and state which agenda item(s) will be addressed. Remarks shall be limited to 3 minutes (max) and shall be addressed to the Commission as a body, and not to individual members.

UA. Consent Agenda

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

Community Development

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

Quasi-Judicial

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

Community Development

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

Quasi-Judicial

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

Community Development

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

Quasi-Judicial

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

Community Development

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

Quasi-Judicial

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

Community Development

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

Quasi-Judicial

UB. Public Hearing

1. Amendment to the West Port Developer's Agreement

Community Development

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

~~**Deleted, 1/24/2020**~~

Legislative

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

Community Development

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

Quasi-Judicial

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

Community Development

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

Legislative

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

Community Development

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

Quasi-Judicial

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

Community Development

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

Legislative

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

Community Development

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

Quasi-Judicial

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

Community Development

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

Legislative

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

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

Quasi-Judicial**9. Ordinance Adopting Z-18-07-35, Lost Lagoon Development, LLLP****Community Development**

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

Quasi-Judicial**10. Ordinance Adopting Z-19-10-31, 8979 Burnt Store, LLC****Community Development**

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

****Deleted, 1/27/2020****

Quasi-Judicial**AA. County Administrator Comments****BB. County Attorney Comments****CC. Economic Development Director Comments****DD. County Commissioner Comments****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

Board of County Commissioners
Schedule of Future Closures/Hearings/Workshops

Schedule