

Charlotte County

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



Regular and Land Use Meeting

Tuesday, May 26, 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

Hector Flores

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

Pledge of Allegiance

Changes to the Agenda

See separate sheet

Proclamations - Commissioner Joseph Tiseo

[Proclamations](#)

Code Enforcement Appreciation
Summer Camp Month

Employee Recognition

Award Presentations

CITIZEN INPUT - AGENDA ITEMS ONLY

The Charlotte County Board of County Commissioners will hold its regular and land use meeting on May 26, 2020. Persons wishing to provide public comment will still be allowed to do so, but measures will be in place to limit room capacity and ensure all participants practice safe social distancing.

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.

Alternative means to give comments in writing are available for individuals who cannot or do not wish to attend in person. Written comments may be submitted by either emailing the comments to BCC_PublicComment@CharlotteCountyFL.gov, or completing a form available at <https://charlottecountyfl-200668.workflowcloud.com/forms/3c1d348f-aa6f-484b-bfd9-c86a82dfbda0>.

Comments must be received for the regular portion of the meeting by 9 a.m., May 26 and for the Land Use portion, no later than 2 p.m., May 26. If the comments relate to a land use public hearing item, those comments will be read by a County staff member to the BCC during the public hearing for that item and a copy will be given to each commissioner and placed in the record. If the comment does not pertain to an agenda item, it will not be read. More information regarding the hearing process and the weight given to written comments in lieu of personal testimony is available at www.charlottecountyfl.gov/boards-committees/pz.

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 two members to fill vacant unexpired terms through October 31, 2021.
- **Buena Vista Waterway 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 one member to fill a vacant unexpired term through October 31, 2023.
- **Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2023.
- **Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Harbour Heights Street & Drainage Unit** is seeking three members to fill vacant unexpired terms through October 31, 2021 and October 31, 2023.
- **Harbour Heights Waterway Unit** is seeking three members to fill vacant unexpired terms through October 31, 2021, October 31, 2022 and October 31, 2023.
- **Northwest Port Charlotte Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022 and October 31, 2023.
- **Northwest Port Charlotte Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022, and October 31, 2023.
- **Pirate Harbor Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2022.
- **Rotonda Heights Street & Drainage Unit** is seeking one member to fill a vacant unexpired term through October 31, 2021.
- **Rotonda Lakes Street & Drainage Unit** is seeking five members to fill vacant unexpired terms through October 31, 2021, October 31, 2022, and October 31, 2023.
- **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, 2023.

* [Health Planning Council of SWFL](#)

The Charlotte County Commission Office is searching for a citizen to serve as a board member of the Health Planning Council of SWFL representing a health care consumer, a medical provider or an administrator. The term is two years ending in December of the last year. Please email Morgan.Cook@charlottecountyfl.gov for an application and more information.

REPORTS RECEIVED AND FILED

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:

April 21, 2020 BCC Special Meeting

April 28, 2020 BCC Regular Meeting & Executive Session

May 5, 2020 BCC Special Meeting

May 7, 2020 BCC Pre-Agenda

Budgeted Action:

No action needed.

Board of County Commissioners

C. Commission Office

D. County Administration

1. [Set a COVID-19 Update Special Meeting on June 2, 2020.](#)

Recommended Action:

Approve setting a COVID-19 Update Special Meeting for June 2, 2020 at 1:30 p.m., in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida.

Budgeted Action:

No action needed.

E. County Attorney

1. [Interlocal Agreement with Riverwood Community Development District](#)

Recommended Action:

Approve Interlocal Agreement with Riverwood Community Development District (CDD).

Budgeted Action:

No action needed.

2. [Set a Public Hearing to consider a Sales Tax Ordinance and Referendum](#)

Recommended Action:

Set a public hearing for June 9, 2020, at 10:00 a.m., or as soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider approving an ordinance levying a local sales tax and providing for a referendum for an extension of the local sales tax, to be held in conjunction with the November 3, 2020, general election.

Budgeted Action:

No action needed. The budget will be adjusted after the local sales tax referendum passes.

F. Budget and Administrative Services

Fiscal Services

1. [Coronavirus Emergency Supplemental Funding \(CESF\) Program](#)

Recommended Action:

a) Approve application for the Coronavirus Emergency Supplemental Funding (CESF) Program Solicitation FY 2020 Formula Grant in the amount of \$82,418, with Department of Justice and with Budget and Administrative Services administering the grant for the Charlotte County Sheriff's Office; and

b) Authorize the Chairman to execute all necessary documents related to this grant.

Budgeted Action:

No action needed. Associated revenues and expenditures will be in the Sheriff's budget. There is no County match.

2. [MSBU Assessment Rates and Mailing](#)**Recommended Action:**

- a) Approve and authorize the mailing of the required first-class notification of proposed Municipal Services Benefit Unit (MSBU) assessment rates for FY20/21 for properties assessed for the first time in the Charlotte County Sanitation Unit; and
- b) Set a public hearing for June 23, 2020 at 10.00 a.m., or as soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider a resolution adopting the final assessment for the first time assessed properties for Charlotte County Sanitation Unit; and
- c) Approve proposed rate increases for Charlotte County Fire and Charlotte County Sanitation.

Budgeted Action:

No action needed. Mailing costs are budgeted in the General Fund - BCC Control and will be charged back to the appropriate MSBU.

Information Technology**Purchasing****3. [19-446 Amendment #1, Strategic Plan for Punta Gorda/Englewood Beach Visitor and Convention Bureau \(Tourism\)](#)****Recommended Action:**

- a) Approve Amendment #1 to Contract #19-446, Strategic Plan for Punta Gorda/Englewood Beach Visitor and Convention Bureaus with Streetsense Consulting of Bethesda, Maryland, for additional services in the amount of \$45,000; and
- b) Authorize the Chairman to sign Amendment #1 for services addressing the County's strategic plan and tourism after the Coronavirus (COVID-19).

Budgeted Action:

No action needed. Funding exists in the Tourist Development Funds approved in the FY20 budget process and comes from the Tourist Development Tax Trust fund. Resulting additional contract expenditures to come from line item savings in Other Contractual Services and Promotional Activities: General/Advertising.

4. [18-464, Cancel, Tourism Creative Services \(Tourism\)](#)**Recommended Action:**

Approve Cancellation of Contract #18-464, Tourism Creative Services, with Aqua Marketing & Communication, Inc. to be effective 30 days from notice of intent to cancel.

Budgeted Action:

No action needed. No additional financial impact at this time.

5. [16-196, Amendment #4, Consultant for Asset Management \(EAM\)/Work Order and Computerized Maintenance Management Systems \(CMMS\) Procurement and Implementation \(Public Works, Utilities, Facilities\)](#)

Recommended Action:

- a) Approve Amendment #4, to Contract #16-196, Consultant for Management (EAM)/Work Order and Computerized Maintenance Management Systems (CMMS) Procurement and Implementation, with LA Consulting, Inc. of Manhattan Beach, California to extend the term of Contract through June 30, 2022; and
b) Authorize the Chairman to sign Amendment #4 to the Contract for the term extension.

Budgeted Action:

No action needed. Budgeted in Capital Improvements Project "Enterprise Asset Management/Work Order System Upgrade" approved in the FY20 budget process and later amended. Funding for this contract is supplied from Capital Projects ad valorem (\$187,465), Utilities Operating (\$243,224), Transportation fuel tax (\$442,452), Solid Waste Enterprise funds (\$99,449) and Lighting District ad valorem (\$47,856), for a total of \$1,020,446.

6. [20-448, Piggyback, John Deere 750L Crawler Dozer \(Public Works\)](#)

Recommended Action:

- a) Approve the award of Piggyback purchase, File #20-448, John Deere 750L Crawler Dozer from the Florida Sheriff's Association Florida Association of Counties Contract FSA19-VEH17.0, as awarded to Dobbs Equipment LLC of Riverview, Florida for the total cost of \$288,950; and
b) Approve for Auction Asset #34772.

Budgeted Action:

No action needed. Budgeted in the Heavy Equipment Plan approved in the FY20 budget process. Funding is supplied from fees collected in the Solid Waste Division Landfill Enterprise fund.

Real Estate Services

7. [Cape Haze Pioneer Trail Submerged Lands Easement](#)

Recommended Action:

Approve renewal of a Sovereignty Submerged Lands Easement (Easement # 41243) to Charlotte County for use in conjunction with the Cape Haze Pioneer Trail pathway.

Budgeted Action:

No action needed.

Risk Management

Transit

G. Community Development

- H. Community Services
- I. Economic Development
- J. Facilities Construction and Maintenance
- K. Human Resources
- L. Human Services

1. [Rent Abatement for Non-Profit Tenant at West County Annex](#)

Recommended Action:

Authorize the County Administrator, or his or her designee, to negotiate a temporary abatement of rent and other terms of the Lease Agreement for County-owned space at the Mac V. Horton West County Annex for the Center for Abuse and Rape Emergencies, Inc. (C.A.R.E.) and to report the agreed upon terms of the abatement to the Board as soon as is reasonably practicable.

Budgeted Action:

No action needed.

- M. Public Safety
- N. Public Works
- O. Tourism Development
- P. Utilities
- Q. Other Agencies

REGULAR AGENDA

R. Regular Agenda

1. [COVID-19 Response Update](#)

County Administration

Update on Charlotte County's COVID-19 response.

****Change, Added attachment - Presentation, 5/26/2020****

2. [Extension 10 of Local State of Emergency - COVID-19](#)

County Attorney

Approve Resolution extending the Local State of Emergency related to the Novel Coronavirus Disease 2019 (COVID-19).

3. [Extend Temporary Outdoor Seating Provisions](#)

County Attorney

Approve extension of Resolution 20-052, dated May 5, 2020, which suspended portions of County's Land Development Regulations and adopted interim regulations to provide for temporary outdoor seating at restaurants in response to COVID-19.

4. [CARES Act Needs Assessment and COVID Community Action Plan](#)

Human Services

a) Approve the Community Services Block Grant (CSBG) and Low-Income Energy Assistance Program (LIHEAP) - CARES Act Needs Assessment and COVID Community Action Plan as recommended by the Community Action Agency Advisory Board (CAAAB); and

b) Approve allocation of supplemental County funding for the COVID-19 Financial Assistance program in the Family Housing Assistance Program in the amount of ~~\$TBD~~ **2,800,000** as recommended by the CAAAB; and

c) Approve Resolution for the budget adjustment BA20-023 in the amount of ~~\$TBD~~ **2,800,000**.

****Change, Updated wording, Added attachments, 5/21/2020****

****Change, Added attachment, BA20-23 - Final, 5/22/2020****

5. [Water Authority Agenda - May 27, 2020](#)

Utilities

Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the upcoming May 27, 2020 Board Meeting.

6. [The Southwest Florida Regional Planning Council \(SWFRPC\) Grant Application Letter of Support](#)

Commission Office

a) Approve letter of support for grant application; and

b) Authorize the Chairman to sign letter.

7. [Manasota Key St/Dr MSTU Gulf Boulevard Sidewalks](#)

Public Works

Discussion and direction on moving forward with sidewalks on Gulf Boulevard.

PUBLIC HEARING AGENDA

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

PRESENTATION AGENDA

T. 10:00 A.M. Presentations

1. [Hurricane Preparedness](#)

Public Safety

Hurricane Season Preparedness presented by Emergency Management Director, Patrick Fuller.

2 P.M. LAND USE AGENDA

CITIZEN INPUT - LAND USE CONSENT AGENDA ITEMS ONLY

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Consent Agenda

UA1. [DRC-20-00016 Heritage Landing Pod H](#)

Community Development

Banks Engineering is requesting a Major Modification to a Final Detail Site Plan for Heritage Landing POD H. This project is a proposed multi-family tract consisting of 18 six-unit multi-family attached homes with attached garages and associated infrastructure. This project site is 14.20 +/- acres of a 890.74 +/- acre development, and is located at 14040 Heritage Landings, Punta Gorda, FL in Section 17, Township 42, Range 23.

Quasi-Judicial

UA2. [TDU-20-01-02 Rotonda Golf Partners II, LLC](#)**Community Development**

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for a transfer of 17 density units to a Receiving Zone located on a portion of 780 Rotonda Circle, containing 6.79± acres; Commission District III; Petition No. TDU-20-01-02; applicant: Rotonda Golf Partners II, LLC; providing an effective date.

Quasi-Judicial**UA3. [CSZ-19-04-02, Rotonda Golf Partners II, LLC](#)****Community Development**

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone, located at 159 and 160 Marker Road, 184 and 185 Long Meadow Lane, 181 and 182 Rotonda Boulevard East, 110, 111, 186, and 191 White Marsh Lane, 109, 110, and 165 Medalist Road, 104 and 105 Pine Valley Lane, and 103 and 106 Tournament Road, in the Rotonda West area; containing 4.021± acres; for calculation and severance of 17 density units, in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-19-04-02; Applicant: Rotonda Golf Partners II, LLC; providing an effective date.

Quasi-Judicial

Public Hearing

UB1. [PA-20-01-06 approving a small-scale plan amendment for 321 Dynasty, LLC, by Bruce Laishley.](#)**Community Development**

Adopt an Ordinance approving PA-20-01-06, 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) for property containing approximately 2.52-acres, located at 3301 Taylor Road, in the Punta Gorda area in Commission District II.

Legislative**UB2. [Z-20-01-07 approving a zoning map amendment for 321 Dynasty, LLC, by Bruce Laishley.](#)****Community Development**

Adopt an Ordinance approving Z-20-01-07, a zoning map amendment to change Charlotte County Zoning Atlas from Residential Single-family-5 (RSF-5) to Commercial General (CG) for property containing approximately 2.52-acres, located at 3301 Taylor Road, in the Punta Gorda area in Commission District II.

Quasi-Judicial

UB3. [NOPC-19-04-07, IDO for the Babcock Ranch Community DRI.](#)**Community Development**

Adopt a Resolution pursuant to Section 380.06(7), Florida Statutes (F.S.) and Section 3-9-10.1, Development of Regional Impact (DRI) Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, the County's land Development Regulation, amending the Increment 1 Development Order (IDO) for the Babcock Ranch Community Development of Regional Impact (DRI) to: 1) revise language and statutory references throughout the IDO to bring language into conformance with Section 380.06, F.S. and Section 3-9-10.1 of the County Code; 2) revise development rights by increasing residential dwelling units from 2,000 to 5,000 units; adding 600 hotel rooms; increasing retail from 50,000 to 870,000 square feet; increasing office from 140,000 to 350,000 square feet; adding related facilities for the 18 hole golf course as accessory uses; and clarifying that supporting community facilities are generally civic in nature; 3) increase the minimum amount of non-residential development from 10,000 to 50,000 square feet; 4) amend the Transportation Section to be consistent with the revised traffic study; 5) revise Conditions A.(5) and A.(6) within the Vegetation Wildlife, and Wetlands Section to reflect 2016 biennial report; 6) update Condition A.(2) within the Education Section to clarify the agreement and reflect the updated Interlocal Agreement for Coordinated Planning and School Concurrency; 7) revise Condition A.(2) within the Police and Fire Section to reflect the current condition; 8) revise Conditions (2), (3), and (6) within the Open Space and Parks Section to clarify that The Developer, ISD or POA shall develop and operate the parks; 9) update the General Provisions Section to add the Developer's obligations and the IDO recording requirement to be consistent with the current law; 10) update Exhibit B-2: Babcock Ranch Community Map H-1 Increment 1 South Master Development Plan; 11) revise Exhibit C: Babcock Ranch Community Increment 1 Equivalency Matrix; 12) revise Exhibit D: Updated Summary of Land Dedication & Facilities Construction Required for Increment 1; 13) update Exhibit D-1: Specifications for one (1) Freightliner M2 AEV Type I Ambulance; 14) revise Exhibit E: Babcock Ranch Community Increment 1 Parameters; 15) update Exhibit H1: Increment 1 South Area Primary Greenway Map and Trails Plan; 16) update Exhibit J: Increment 1, Future (2026) Traffic Conditions with Project Directional Peak Hour Peak Season and Exhibit K: Increment 1, Future (2026) Traffic Conditions with Project Proportionate Share Calculation to reflect the revised traffic study; 17) Remove "Exhibit L: Babcock Ranch Community DRI Increment 1-Phase 1 Master Roadway Improvement Agreement dated February 18, 2010 as approved under the Board of County Community Commissioners of Charlotte County, Florida Resolution Number 2012-112" set forth in Resolution 2014-048; and 18) reflect the extension of the expiration date and buildout date of this Development Order per Governor's Executive Orders; for property located east of S.R. 31, south of C.R. 74 (Bermont Road), west of the Glades County line, and north of the Lee County line, containing 5,095± acres, in the East County area; Commission District I, Petition No. NOPC-19-04-07; applicant: Babcock Property Holdings, L.L.C.

Quasi-Judicial

UB4. [Z-18-10-40, TNT Southern Holdings LLC](#)**Community Development**

Adopt an Ordinance approving Petition Z-18-10-40, an amendment to the Charlotte County Zoning Atlas from Industrial General (IG) to Planned Development (PD); for property located at 3539, 3589, 3609 and 3649 Acline Road, in the Punta Gorda area; containing 13.38± acres; Commission District II; Applicant: TNT Southern Holdings LLC.

Quasi-Judicial**UB5. [Z-19-10-31, Old Burnt Store RV.](#)****Community Development**

Adopt an Ordinance approving Petition Z-19-10-31, an amendment to the Charlotte County Zoning Atlas from Planned Development (PD) to PD to allow for up to 234 Recreational Vehicles, for property located at 8979 Burnt Store Road, in the Punta Gorda area; Containing 49.91 acres more or less; Commission District II; applicant: 8979 Burnt Store, LLC.

Quasi-Judicial**UB6. [FP-20-02-09, Babcock Ranch Community Edgewater Phase 2, Pulte Home Company, LLC](#)****Community Development**

Pulte Home Company, LLC has requested Preliminary and Final Plat approval for a remedial Minor Subdivision to be named, Babcock Ranch Community Edgewater Phase 2, replatting three lots and one tract. The site is 2.40 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 Section 30, Township 42S, Range 26E, in Commission District I.

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](#)