

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 28, 2023

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

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

The Meeting was called to order at 9:00 am

The Invocation was given by Pastor Jim Stultz, Peace River Baptist Church, followed by the Pledge of Allegiance.

Changes to the Agenda

Addition #1: R-3, 23-270, Approve, Ranking, Construction Manager at Risk, Hurricane Ian Recovery – South County (Facilities) a) Approving ranking of firms for Request for Proposal 23-270, Construction Manager at Risk, Hurricane Ian Recovery – South County: 1st Florida Premier Contractors LLC of Punta Gorda, Florida; and 2nd Wharton-Smith, Inc. of Tampa, Florida; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the Contract after completion of negotiations. This is for Construction Manager at Risk services as part of Hurricane Ian Damage Recovery.

Requested by: Budget & Admin Services

Addition #2: R-4, Englewood Beach Improvements a) Approve a Memorandum of Understanding between Charlotte County and Englewood Florida Chamber of Commerce regarding the funding and construction of a new sculpture for Englewood Beach; and b) Authorize the Chairman to sign the Memorandum of Understanding.

Requested by: Community Services

Addition #3: R-5, Appointment – Board of Zoning Appeals – District #3 Request appointment of Nichole Beyer to serve on the Board of Zoning Appeals as the District #3 representative.

Requested by: Commission Office

Change #1: UB-5, Added attachment – McNew Presentation slide.

Requested by: Community Development

Change #2: E-1, Added attachments – Grant Agreement, clean and redline copy.

Requested by: County Attorney

Change #3: F-4, Added attachments – October 2022-January 2023 Invoices.

Requested by: Budget & Admin Services

Deletion #1: UA-4, CSZ-22-10, SES 026, LLC Approve a Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of Sending Zone located at 1030 Navigator Road, in the Port Charlotte area; within Commission District I; containing 26,000± Square feet (0.6± acres); for calculation and severance of six 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-22-10; Applicant: SES 026, LLC, providing an effective date. Located in Commission District I.

Requested by: Community Development

Deletion #2: UB-6, PD-22-00014, Waterside PD Approve an Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Planned Development (PD) and adopting a General PD Concept Plan in order to allow for an existing grove to be restored to a preserve with native vegetation; for property generally located north of Bermont Road (CR 74), south of Washington Loop Road, east of Duncan Road (US 17) and west of CR 31, in the East County area, containing 740± acres; Commission District I; Petition No. PD-22-00004; Applicants: Bermont Road Partnership and TMV Inc.; providing an effective date. Located Commission District I.

Requested by: Community Development

Chair Truex inquired to Englewood Beach Improvements and commented on Board of Zoning Appeals – District #3 Appointment. **Commissioner Tiseo** discussed Board of Zoning Appeals – District #3 Appointment.

County Administrator Flores responded to Englewood Beach Improvements and Board of Zoning Appeals – District #3 Appointment.

COMMISSIONER CONSTANCE MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Proclamations - Commissioner Christopher Constance

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

MOTION CARRIED 5:0.

Zonta Yellow Rose Day

Judi Wilson and Dave Wilson representing the Z Club Florida Southwestern Collegiate High School and the Zonta Club of Punta Gorda Port Charlotte accepted the Proclamation.

Irish American Heritage Month

Jack Pryor accepted the Proclamation.

Employee Recognition

Employee of the Month - January 2023

James Hall, Public Works

John Elias, Public Works Director highlighted Mr. Hall's customer service, dedication, County core values, and presented Award.

Award Presentations

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

Commissioner Stephen R. Deutsch to accept donation from Environmental Underground; Jim Slack and Jamie McLaughlin.

Commissioner Deutsch mentioned Environmental Underground, Jim Slack service, and provided update on William R. Gaines Jr. Veterans Memorial Park.

Jeff and Garrett Slack, Environmental Underground presented check to **Commissioner Deutsch**.

Emmy Presentation

Tom Lloyd was nominated for a 2022 Emmy award in the "ARTS/Entertainment - News" category for the CC-TV Artist Showcase series from the National Academy of Television Arts and Sciences SunCoast Chapter. He attended the award ceremony on December 10, 2022 in Orlando, where he learned that he was the winner and received his Emmy award.

Elizabeth Sporillo, Television Production Manager highlighted Television Production Specialist Tom Lloyd's service to County and country, Emmy Award, and presented Award.

Mr. Lloyd noted Emmy Award, nomination, and staff.

PUBLIC INPUT - AGENDA ITEMS ONLY

Joan Fischer remarked on Hurricane Ian Update.

Heather Radle spoke to Hurricane Ian Update.

Dan Rodriguez commented on Hurricane Ian Update.

Stan Organek discussed Hurricane Ian Update.

Richard Russell mentioned Port Charlotte Beach Recreation Center Design – Approve, Amendment 1.

Karen and Marlene Verber noted being in support of State Legislative Agenda.

William Stanwood remarked on Hurricane Ian Update.

COMMITTEE VACANCIES

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

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

The Environmentally Sensitive Lands Oversight Committee (ESLOC) is looking for a citizen of Charlotte County in the business of land development. The term begins immediately and will expire on December 31, 2025. Please contact Morgan.Cook@charlottecountyfl.gov for an application.

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

Construction Industry Licensing Board is seeking a volunteer to represent the Mechanical/HVAC category. Volunteer must be a licensed, active mechanical/HVAC contractor and be a resident of Charlotte County for at least two years. Length of term is until June 26, 2026. To obtain an application, please call 941-743-1298 or email Diane.Whidden@CharlotteCountyFL.gov.

MPO - Citizens' Advisory Committee (CAC) is seeking one South County Representative and one West County Representative. These individuals must be a resident of Charlotte County to serve on the CAC. The CAC reviews and makes recommendations on transportation plans and projects that the MPO Board will consider.

MPO - Bicycle/Pedestrian Advisory Committee (BPAC) is seeking one South County; one Mid-County and one West County Representative. These individuals must be a resident of Charlotte County to serve on the BPAC. The BPAC reviews and makes recommendations on transportation plans and projects that the MPO Board will consider.

Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) is seeking one volunteer representing the Children at Risk; and one "Disabled representative who is Disabled. The purpose of the LCB is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordination of service to be provided to the transportation disadvantaged.

The deadline for submitting an application is Friday, March 3, 2023. Please go online at www.ccmppo.com or contact the MPO for an application. The MPO mailing address is Charlotte County-Punta Gorda MPO, 18500 Murdock Circle, Port Charlotte, Florida 33948. Fax: 941-883-3534 Email: office@ccmpo.com. The MPO Board will elect the above positions at its Monday, March 20, 2023 meeting.

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 four members to fill vacant unexpired positions with terms through October 31, 2024, and October 31, 2025.

- **Buena Vista Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Edgewater North Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Englewood East Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024, and October 31, 2025.
- **Greater Port Charlotte Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2023.
- **Gulf Cove Street & Drainage Unit** is seeking one member to a fill vacant unexpired position with a term through October 31, 2024.
- **Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Harbour Heights Street & Drainage Unit** is seeking three members to fill vacant unexpired positions with terms through October 31, 2023, October 31, 2024, and October 31, 2025.
- **Harbour Heights Waterway Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2023, and October 31, 2024.
- **Manchester Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Mid-Charlotte Stormwater Utility Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Northwest Port Charlotte Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Placida Area Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Rotonda Heights Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024.
- **Rotonda Lakes Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Rotonda Sands Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.

• **South Burnt Store Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024, and October 31, 2025.

• **South Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.

• **Suncoast Waterway Unit** is seeking five members to fill vacant unexpired positions with terms through October 31, 2023, October 31, 2024, and October 31, 2025.

• **West Charlotte Stormwater** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.

REPORTS RECEIVED AND FILED

Monthly Housing Division Report - January 2023

Clerk of Court's County Quarterly Investment Report

CONSENT AGENDA

COMMISSIONER DOHERTY MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF E-1, F-4, F-8, AND F-10, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Comptroller Division

1. Finance

Recommended Action: Approve the Clerk's Finance Memorandum.

Budgeted Action: No action needed.

2. Utility Reimbursement Resolution

Recommended Action: Approve the Utility Reimbursement Resolution. **RES 2023-029**

Budgeted Action: No action needed.

B. Minutes Division

1. Minutes

Recommended Action: Approve the following Minutes:

January 24, 2023 BCC Regular and Land Use Meeting
February 7, 2023 BCC Board Workshop Capital Projects (CNA)

Budgeted Action: No action needed.

Board of County Commissioners

C. Commission Office

1. Appointment- Rotonda Lakes Street & Drainage Advisory Board

Recommended Action: Approve the appointment of David Teitel to fill the unexpired term of Laurie Rose on the Rotonda Lakes Street and Drainage Advisory Board. This appointment will be effective immediately and will expire on October 31, 2024.

Budgeted Action: No action needed.

2. Appointment- Placida Area Street & Drainage Advisory Board

Recommended Action: Approve the appointment of Robert Howell to fill the unexpired term of Scott Roberts on the Placida Area Street and Drainage Advisory Board. This appointment will be effective immediately and will expire on October 31, 2025.

Budgeted Action: No action needed.

3. Appointment- Beaches and Shores Advisory Committee

Recommended Action: Approve the appointment of Henry Killion to fill the vacant position of Ed Hill.

Budgeted Action: No action needed.

D. County Administration

1. State Legislative Agenda

Recommended Action: Approve update to the 2023 State Legislative Agenda.

Budgeted Action: No action needed.

E. County Attorney

1. Virginia B Andes Mobile Medical Clinic

(Change #2) Added attachments – Grant Agreement, clean and redline copy.

Recommended Action: Approve Grant Agreement with Virginia B. Andes Volunteer Community Clinic, Inc. to purchase/operate a mobile medical clinic. **AGR 2023-038**

Budgeted Action: No action needed. A 2nd quarter budget adjustment will be brought to the Board for approval. Funding for this expense will be budgeted in BCC Control from the General Fund reallocation of the ARPA funding.

Commissioner Constance spoke to reports, services, data, medications, therapeutic treatments, vehicle, efficiency, and storage. **Commissioner Tiseo** commented on Agreement, language, reports, requirements, and data.

Suzanne Roberts, Virginia B. Andes Volunteer Community Clinic Chief Executive Officer (CEO) replied to reporting, agencies, data, grant, specialties, services, and community partners.

COMMISSIONER TISEO MOVED TO APPROVE GRANT AGREEMENT 2023-038 WITH VIRGINIA B. ANDES VOLUNTEER COMMUNITY CLINIC, INC. TO PURCHASE/OPERATE A MOBILE MEDICAL CLINIC, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

F. Budget and Administrative Services

Fiscal Services

Information Technology

Purchasing

1. 23-139, Change Order #1, Placida Boat Ramp Dumpster Rental (Public Works)

Recommended Action: Approve change order for additional dumpster rental fees for resident usage, to Waste Management, of Louisville, Kentucky, in the amount of \$211,198.84, for a revised total of \$225,000.

Budgeted Action: No action needed. Hurricane costs are being collected in the Hurricane Fund. Funding is supplied from County general revenues, with anticipated cost sharing/reimbursement from FEMA and State.

2. 23-151, Award, Rental of Modular Office Trailers (Facilities)

Recommended Action: Approve award of Request for Bid #23-151, Rental of Modular Office Trailers, to Vesta Housing Solutions, LLC of Southfield, Michigan at the unit prices indicated on the attached bid tabulation.

Budgeted Action: No action needed. Hurricane costs are being collected in the Hurricane Fund. Funding is supplied from County general revenues, with anticipated cost sharing/reimbursement from FEMA and State.

3. 23-179, Award, West Port Interior Contact Chamber Coating- Enecon Product (Utilities)

Recommended Action: Approve award of Request for Bid #23-179, West Port Interior Contact Chamber Coating - Enecon Products, to Premier Coating Solutions of Tampa, Florida for the total project amount of \$192,780. This is for the services of a Contractor to prepare and coat the West Port Interior Contact Chamber.

Budgeted Action: No action needed. Budget for this item comes from savings in various account lines budgeted in the Utilities Operations and Maintenance Fund - Administrative budget as approved in the FY2023 budget process. Funding for the expenditure comes from rate revenues.

4. 23-191, Approve, Change Order 1, Ferry Service for Debris Removal on Don Pedro Island (Public Works)

(Change #3) Added attachments – October 2022-January 2023 Invoices.

Recommended Action: Approve Change Order #1 to File 23-191, Ferry Service for Debris Removal on Don Pedro Island to Palm Island Transit, Incorporated of Cape Haze, Florida for an additional \$245,000, making the total cost \$325,000.

Budgeted Action: No action needed. Hurricane cost are being collected in Hurricane Fund Funding is supplied from County General Revenues, with anticipated cost sharing / reimbursement from FEMA and State.

Commissioner Tiseo discussed invoices, vendors, and audits.

Mr. Elias responded to audits, invoices, vendors, and monitoring firm.

COMMISSIONER TISEO MOVED TO APPROVE CHANGE ORDER #1 TO FILE 23-191, FERRY SERVICE FOR DEBRIS REMOVAL ON DON PEDRO ISLAND TO PALM ISLAND TRANSIT, INCORPORATED OF CAPE HAZE, FLORIDA FOR AN ADDITIONAL \$245,000, MAKING THE TOTAL COST \$325,000, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

5. 23-129, Award, Shell/Rock Material - Annual Contract (Public Works)

Recommended Action: a) Approve award of Request for Bid #23-129, Shell/Rock Material - Annual Contract to the overall lowest, responsive, responsible bidder, VLJ Construction Services, Inc. of Riverview, Florida at the unit prices attached with a contract term from Date of Award through and including December 31, 2023; and b) Authorize the County Administrator, or his designee, to approve renewal options for up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent.

Budgeted Action: No action needed. Budgeted in the Transportation Fund Public Works Maintenance and Operation budget as approved in the FY2023 budget process. Funding for the expenditure comes from Gas Tax.

6. 23-047, Approve, Change Order 2, Rental of Jersey Barriers for Road Closures (Public Works)

Recommended Action: Request approval of Change Order 2 to File 23-047, Rental of Jersey Barriers for Road Closures as awarded to Acme Barricades LLC of Jacksonville, Florida, and Bob's Barricades of Sunrise, Florida in the amount of \$168,300 for a revised total of \$302,025.

Budgeted Action: No action needed. Hurricane cost are being collected in the Hurricane fund. Funding is supplied from the County General Revenues with anticipated cost sharing / reimbursement from FEMA and State.

7. 23-305, Award, Piggyback, Services to Repair, Replace or Supply Utility Plant Equipment (Utilities)

Recommended Action: Approve the piggyback service purchases for File #23-305, Services to Repair, Replace, or Supply Utility Plant Equipment, per the Lee County Contract #B190409JJB, and award to Mader-Electric Motors, of North Fort Myers, Florida, with an estimated annual usage of \$300,000, and term from date of award, through and including May 18, 2024.

Budgeted Action: No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Operations budget as approved in the FY23 budget process. Funding for this expenditure comes from rate revenues.

8. 21-636, Approve, Amendment 1, Design - Port Charlotte Beach Recreation Center (Facilities)

Recommended Action: a) Approve Amendment #1 for File 21-636, Design - Port Charlotte Beach Recreation Center with Sweet Sparkman Architects, Inc. of Sarasota, Florida for additional design services of a pool and pool house with locker/shower facilities and administrative storage for \$261,370; and b) Authorize the Chairman to sign Amendment #1 to the Contract for the Design – Port Charlotte Beach Recreation Center.

Budgeted Action: No action needed. A budget adjustment and new capital improvements project will be brought forward with the Quarter 2 budget adjustments to supply funding from the 2020 Sales Tax Extension.

Commissioner Tiseo mentioned Sales Tax, life cycle, resiliency, and pool.

COMMISSIONER TISEO MOVED TO APPROVE AMENDMENT #1 FOR FILE 21-636, DESIGN - PORT CHARLOTTE BEACH RECREATION CENTER WITH SWEET SPARKMAN ARCHITECTS, INC. OF SARASOTA, FLORIDA FOR ADDITIONAL DESIGN SERVICES OF A POOL AND POOL HOUSE WITH LOCKER/SHOWER FACILITIES AND ADMINISTRATIVE STORAGE FOR \$261,370; AND AUTHORIZE THE CHAIRMAN TO SIGN AMENDMENT #1 TO THE CONTRACT FOR THE DESIGN – PORT CHARLOTTE BEACH RECREATION CENTER, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

9. 23-004, Approve, Ranking, Water, Sewer, Reclaimed Water, and Miscellaneous Fees - Rate Study (Utilities)

Recommended Action: a) Approve the ranking of firms for Request for Proposal #23-004, Water, Sewer, Reclaimed Water, and Miscellaneous Fees - Rate Study: 1st Raftelis Financial Consultants, Inc. of Casselberry, Florida; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This project is to obtain professional financial management consulting and Utility rate-making services for the Utilities Department.

Budgeted Action: No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Administrative budget as approved in the FY23 budget process. Funding for this expenditure comes from rate revenues.

10. 19-163, Approve, Amendment 1, Computerized Maintenance and Asset Management System (CMAMS) (Administration)

Recommended Action: a) Approve Amendment #1 for File 19-163, Computerized Maintenance and Asset Management System (CMAMS) with Jones Edmunds & Associates of Gainesville, Florida to add additional services relating to the configuration for the Public Works, Facilities and Utilities Departments, and training and testing, for \$154,900; and b) Authorize the Chairman to sign Amendment #1 to the Contract for the Computerized Maintenance and Asset Management System (CMAMS).

Budgeted Action: No action needed. Budgeted in Capital Improvement project “Enterprise Asset Management/Work Order System Upgrade” as approved in the FY23 budget process. A budget adjustment will be brought forward in Quarter 2 to align costs proportionately from funding supplied by Transportation Trust (\$55,170), Capital Projects Fund (Facilities \$29,450), and Utilities (\$70,280).

Commissioner Constance noted contract and tasks. **Commissioner Tiseo** spoke to contract, language, change order, tasks, invoices, and process.

Tara Brady, Projects Manager remarked on change order, invoices, contract, funds, tasks, scope, schedule, and fees.

Assistant County Administrator Claire Jubb suggested postponement of item.

COMMISSIONER CONSTANCE MOVED TO POSTPONE ITEM TO NEXT MEETING, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

11. 16-295, Approve, Amendment 9, Manasota Key Beach Renourishment 10 Year Management Plan (Public Works)

Recommended Action: a) Approve Amendment #9 to Contract 16-295 Manasota Key Beach Renourishment 10-Year Management Plan with Coastal Engineering Consultants, Inc. of Bonita Springs, Florida for additional services with a change order to increase Contract total by \$23,700; and b) Authorize the Chairman to sign Amendment #9.

Budgeted Action: No action needed. A 4th quarter Budget Adjustment will be brought to the Board for approval. Hurricane costs are being collected in the hurricane fund. Funding is anticipated to be 75% reimbursable from Federal Emergency Management Agency (FEMA) with a 25% match paid by the Florida Department of Emergency Management (FDEM) required.

12. 12-050, Approve, Amendment 11, Stump Pass 10-Year Management Plan (Public Works)

Recommended Action: a) Approve Amendment #11 to Contract 12-050 Stump Pass 10-Year Management Plan with Coastal Engineering Consultants, Inc. of Bonita Springs, Florida for additional services with a change order to increase Contract total by \$13,200; and b) Authorize the Chairman to sign Amendment #11.

Budgeted Action: No action needed. A 4th quarter Budget Adjustment will be brought to the Board for approval. Hurricane costs are being collected in the hurricane fund. Funding is anticipated to be 75% reimbursable from Federal Emergency Management Agency (FEMA) with a 25% match paid by the Florida Department of Emergency Management (FDEM) required.

13. 23-260, Award, Cleaning Services, Charlotte County Parks Restrooms – Annual Contract (Community Services)

Recommended Action: a) Award Request for Bid 23-260, Cleaning Services, Charlotte County Parks Restrooms - Annual Contract to the lowest responsive, responsible bidder: At Your Service Cleaning Group, Inc. of Sarasota, Florida at the unit prices listed on the attached tabulation, from date of award up to and including September 30, 2023, with option to renew for two additional one-year terms at the same prices, terms and conditions; and b) Authorize County Administrator to approve annual renewals. This is for cleaning services for Charlotte County Parks Restrooms.

Budgeted Action: No action needed. Services provided and charged to various divisions. Funding for this expenditure comes from ad valorem.

Real Estate Services

Risk Management

Transit

G. Community Development

H. Community Services

1. Community Services Fee Schedule

Recommended Action: a) Approve Resolution repealing Resolution 2021-093 and adopting the revised and amended fees for use of facilities and services under the Community Services Department; and b) Authorize the Chairman to sign the Resolution. **RES 2023-030**

Budgeted Action: No action needed. Revenues are budgeted in the General Fund and the Charlotte Sports Park Maintenance and Operations Fund.

2. Amendment 1 to Florida Communities Trust Grant for Charlotte Flatwoods Environmental Park

Recommended Action: Approve an amendment to the Florida Community Trust Grant for Charlotte Flatwoods Environmental Park. **AGR 970114A0**

Budgeted Action: No action needed. There is no financial impact.

I. Economic Development

J. Facilities Construction and Maintenance

K. Human Resources

L. Human Services

1. Family Services Center Lease for Area Agency on Aging

Recommended Action: a) Approve the Lease Agreement for the Charlotte County Family Services Center for the Area Agency on Aging for Southwest Florida, Inc. (AAA); and b) Approve the related Resolution; and c) Authorize the Chairman to execute the Lease Agreement and the related Resolution. **AGR 2023-039 / RES 2023-031**

Budgeted Action: No action needed.

M. Public Safety

1. Emergency Management Generators - FY23 HM Grant Program - Centennial Park

Recommended Action: a) Approve a grant agreement with the Florida Division of Emergency Management in the amount of \$420,378 for the Emergency Mgt Generators - FY23 HM Grant Program for the Centennial Park Recreation Center location; and b) Authorize the Chairman to sign the grant agreement; and c) Approve Resolution for budget adjustment BA23-189 in the amount of \$420,378; and d) Approve a new Capital Improvements Project “Emergency Mgt Generators - FY23 HM Grant Program” with a total budget of \$420,378. **GRT 2023-006 / RES 2023-032**

Budgeted Action: Approve budget adjustment BA23-189 in the amount of \$420,378 adding a new Capital Improvements Project “Emergency Mgt Generators - FY23 HM Grant Program” of \$420,378 for the Centennial Park Recreation Center site. The County match of 10% is \$42,038, and the Federal share is \$378,340. Funding is provided from Capital Projects Fund Ad valorem taxes.

N. Public Works

O. Tourism Development

P. Utilities

1. New FY23 Cape Haze Water Quality Improvement CIP

Recommended Action: Approve Resolution and budget adjustment BA23-024 in the amount of \$850,107 increasing the FY23 adopted budget for new CIP project Cape Haze Water Quality Improvement. **RES 2023-033**

Budgeted Action: Approve Resolution and budget adjustment BA23-024 in the amount of \$850,107. Funding is needed for Professional Engineering Services (Design) for the new Cape Haze Water Quality Improvement capital project. Funding is provided from the Utilities Operations and Maintenance Fund reserves, with reimbursement anticipated from an MSBU proposed to be created in a future year.

Q. Other Agencies

REGULAR AGENDA

R. Regular Agenda

1. Hurricane Ian Update

County Administration

Update on Hurricane Ian.

Patrick Fuller, Emergency Management Director highlighted Federal Emergency Management Agency (FEMA), individual assistance programs, registrations, funds, distributions, transitional and non-congregate sheltering, disaster housing, sites, inspections, long term recovery, FEMA Interagency Recovery Coordination Team, needs, Florida Department of Emergency Management (FDEM), Hazard Mitigation Grant Program, road projects, evacuations, and mitigation strategies.

Chair Truex commented on licensed units, canals, West County, debris, and removal. **Commissioner Constance** discussed post hurricane housing, trailer control, Ordinance, enforcement, resiliency, road mitigation and elevation, funding, Harborview Road, River Road, lighting replacement, traffic signals, and parks and recreation repairs. **Commissioner Doherty** mentioned long term recovery, complaints, drainage maintenance, community messaging, and contractors. **Commissioner Tiseo** noted Mid-County Library, loss, insurance provider, action plan, Cultural Center, non-profit, tangible property, documents, bridge replacement, box culverts, debris, removal, Charlotte Sports Park, back fields, repairs, cost, and Cool Today Park.

Assistant County Administrator Jubb interjected on Ordinance, trailer control, Health Department, human waste, Cultural Center, non-profit, tangible property, documents, and gym equipment.

Travis Perdue, Facilities Construction and Maintenance Director responded to Mid-County Library, insurance, estimates, internal damage, value, and repair cost.

Mr. Elias highlighted long term recovery, services, landfill, signs, lighting, replacement, county owned facilities, traffic signals, detection systems, debris, removal, solid waste, stump removal, permanent repairs, Rotonda bridge, closure, Florida Department of Transportation (FDOT), design, Request for Proposals (RFP), FEMA, requirements, canals, FDEM, Buena Vista Waterway, post storm assessment, reimbursement, box culverts, and community messaging.

Tommy Scott, Community Services Director highlighted libraries, operations, services, Mid-County library, repairs, insurance, recreation centers, gymnasiums, aquatic facilities, staffing challenges, parks, sport fields, lighting, bleachers, shade, fencing, playgrounds, posted signs, closures, FEMA, Charlotte Sports Park, and timeline.

Taken Out of Order

PRESENTATION AGENDA

T. 10:00 A.M. Presentations

1. Tourism Visitor Tracking Research Results FY22

Presentation by Downs & St. Germain of the FY22 Tourism Visitor Tracking Research Results.

Sean Doherty, Tourism Development Director highlighted Tourism Visitor Tracking Research Results Fiscal Year (FY) 2022 and introduced Joseph St. Germain, Downs & St. Germain.

Mr. St. Germain gave a brief overview of Methodology, Tourism Matters to Charlotte County, Direct Spending, Visitors, Tourism Development Tax, Room Nights, Lodging Statistics, Jobs & Wages, Net Benefit, Visitors Create Jobs, Household Savings, and Marketing Spending.

Commissioner Constance remarked on Household Savings.

2. Sunseeker Resort Update

Micah Richins, President of Sunseeker, is here to give an update to Commissioners, county staff, and residents on the progress of Sunseeker, and to give an overview of what the resort will be like.

Dave Gammon, Economic Development Director highlighted Sunseeker Resort Update and introduced Micah Richins, Sunseeker President.

Mr. Richins gave a brief overview of Sunseeker: By The Numbers, The Benefits of a Sunseeker Team Member, Where Our Team Members Come From, Arrive In Style, Spectacular Accommodations, Unforgettable Luxury, End-To-End Amenities, World-Class Dining, Culinary Exploration, Spectacular Gatherings, Hurricane Impact, Where We Are Today, and Become An Insider.

Chair Truex spoke to music, sound system, entertainment, and Level Blue. **Commissioner Constance** commented on casino, parking, Hurricane Impact, and business synergy. **Commissioner Deutsch** discussed The Benefits of a Sunseeker Team Member, traffic, population growth, car rentals, and shuttles. **Commissioner Doherty** mentioned conferences, reservations, and amenities accessibility. **Commissioner Tiseo** noted amenities, public accessibility, and parking.

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 FY22/23 budget. These adjustments which impact various funds are needed to align the FY22/23 budget with required changes and actual activity.

RES 2023-034

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

Public Input

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

MOTION CARRIED 5:0.

COMMISSIONER TISEO MOVED TO APPROVE RESOLUTION 2023-034 TO ADOPT BUDGET ADJUSTMENTS THAT AMEND THE FISCAL YEAR 2022/2023 BUDGET, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

RECESS: 11:38 am – 11:41 am

COMMUNITY REDEVELOPMENT AGENCY MEETING

At 10 a.m., or soon thereafter the Board will recess for the Murdock Village Community Redevelopment meeting. The Regular Meeting will reconvene upon the conclusion of the Murdock Village Community Redevelopment meeting.

R. Regular Agenda (Continued)

2. Kolter Group Acquisitions, LLC Second Amendment to Agreement for Sale and Purchase

Economic Development

Authorize the Chairman to sign the Second Amendment to the Agreement for Sale and Purchase among CHARLOTTE COUNTY, a political subdivision of the State of Florida ("County") and MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AGENCY, a public body corporate and politic under the laws of the State of Florida established pursuant to Part III of Chapter 163, Florida Statutes ("MVCRA"), and KOLTER GROUP ACQUISITIONS, LLC, a Florida limited liability company, and/or its assigns ("Buyer") dated December 14, 2021. The property of interest is within Murdock Village Community Redevelopment Area and is of approximately 186± acres. **A. AGR 2021-142**

COMMISSIONER TISEO MOVED TO APPROVE THE SECOND AMENDMENT TO THE AGREEMENT FOR SALE AND PURCHASE 2021-142 AMONG CHARLOTTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA ("COUNTY") AND MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AGENCY, A PUBLIC BODY CORPORATE AND POLITIC UNDER THE LAWS OF THE STATE OF FLORIDA ESTABLISHED PURSUANT TO PART III OF CHAPTER 163, FLORIDA STATUTES ("MVCRA"), AND KOLTER GROUP ACQUISITIONS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND/OR ITS ASSIGNS ("BUYER") DATED DECEMBER 14, 2021. THE PROPERTY OF INTEREST IS WITHIN MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AREA AND IS OF APPROXIMATELY 186± ACRES, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

(Addition #1) 3. 23-270, Approve, Ranking, Construction Manager at Risk, Hurricane Ian Recovery - South County (Facilities)

Budget & Admin Services

a) Approve ranking of firms for Request for Proposal 23-270, Construction Manager at Risk, Hurricane Ian Recovery - South County: 1st Florida Premier Contractors LLC of Punta Gorda, Florida; and 2nd Wharton-Smith, Inc. of Tampa, Florida; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the Contract after completion of negotiations. This is for Construction Manager at Risk services as part of Hurricane Ian Damage Recovery.

Kim Corbett, Purchasing Senior Division Manager highlighted 23-270, Approve, Ranking, Construction Manager at Risk, Hurricane Ian Recovery - South County.

COMMISSIONER DOHERTY MOVED TO APPROVE RANKING OF FIRMS FOR REQUEST FOR PROPOSAL 23-270, CONSTRUCTION MANAGER AT RISK, HURRICANE IAN RECOVERY - SOUTH COUNTY: 1ST FLORIDA PREMIER CONTRACTORS LLC OF PUNTA GORDA, FLORIDA; AND 2ND WHARTON-SMITH, INC. OF TAMPA, FLORIDA; AND APPROVE START OF NEGOTIATIONS; AND AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT AFTER COMPLETION OF NEGOTIATIONS. THIS IS FOR CONSTRUCTION MANAGER AT RISK SERVICES AS PART OF HURRICANE IAN DAMAGE RECOVERY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(Addition #2) 4. Englewood Beach Improvements

Community Services

a) Approve a Memorandum of Understanding between Charlotte County and Englewood Florida Chamber of Commerce regarding the funding and construction of a new sculpture for Englewood Beach; and b) Authorize the Chairman to sign the Memorandum of Understanding. **AGR 2023-040**

Mr. Scott highlighted Englewood Beach Improvements.

Chair Truex spoke to sculpture location. **Commissioner Constance** requested updates. **Commissioner Doherty** commented on details, location, and sculpture. **Commissioner Tiseo** discussed Agreement and details.

COMMISSIONER DOHERTY MOVED TO APPROVE A MEMORANDUM OF UNDERSTANDING 2023-040 BETWEEN CHARLOTTE COUNTY AND ENGLEWOOD FLORIDA CHAMBER OF COMMERCE REGARDING THE FUNDING AND CONSTRUCTION OF A NEW SCULPTURE FOR ENGLEWOOD BEACH; AND AUTHORIZE THE CHAIRMAN TO SIGN THE MEMORANDUM OF UNDERSTANDING, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(Addition #3) 5. Appointment- Board of Zoning Appeals - District #3

Commission Office

Request appointment of Nichole Beyer to serve on the Board of Zoning Appeals as the District #3 representative.

COMMISSIONER CONSTANCE MOVED TO APPROVE APPOINTMENT OF NICHOLE BEYER TO SERVE ON THE BOARD OF ZONING APPEALS AS THE DISTRICT #3 REPRESENTATIVE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

RECESS: 11:45 am – 1:00 pm

1 P.M. PUBLIC INPUT - ANY SUBJECT

John Thompson mentioned Sunrise Waterway, shoal, property value, Municipal Service Benefit Unit (MSBU), grant, and dredge permit.

Dr. Leonard Van Eaton noted Sunrise Waterway, boat access, tides, and shoal.

Heather Radle remarked on Recreational Vehicle (RV), Tropical Gulf Acres, undeveloped lots, Hurricane Ian, public safety, noise complaint, Code Enforcement, Health Department, and County Mission Statement.

Helen Pelersi spoke to Sunrise Waterway, harbor access, safety, and mosquitos.

Joan Fischer commented on February 13, 2023 Planning and Zoning Meeting, mining excavation, agricultural land, farms, health concerns, waste, and traffic.

Nancy Flinton discussed campers, Code Enforcement, Tropical Gulf Acres, and Hurricane Ian.

Bill Schlesinger mentioned Charlotte Harbor Dragons, Port Charlotte Beach Complex, Hurricane Ian, canals, East West Spring Lake, waterways, access, dredging, and funding.

Matthew Rhineberger, Septic Sucks noted septic systems, environment, dangers, economy, pollutants, red tide, tourism effects, and water quality.

Richard Russell remarked on Buena Vista Waterway, meetings, Sunseeker, presentation, parking, traffic, Port Charlotte Beach Complex, sand bar, public safety, and Mosaic.

Suzanne Walsh spoke to Sunrise Waterway, Charlotte Harbor Dragons, canals, shoal, missing markers, Hurricane Ian, boat access, and property value.

AA. County Administrator Comments

County Administrator Flores commented on Englewood Beach vendor, William R. Gaines Jr. Veterans Memorial Park, ribbon cutting, burn ban, and March 3, 2023 National Employee Appreciation Day.

Commissioner Truex discussed William R. Gaines Jr. Veterans Memorial Park, ribbon cutting, Florida Association of Counties (FAC) meeting, and Legislative schedule. **Commissioner Constance** mentioned William R. Gaines Jr. Veterans Memorial Park, ribbon cutting, FAC meeting, and Legislative schedule. **Commissioner Deutsch** noted William R. Gaines Jr. Veterans Memorial Park, ribbon cutting, Governor Ron DeSantis, and events. **Commissioner Doherty** spoke to William R. Gaines Jr. Veterans Memorial Park, ribbon cutting, FAC meeting, and Legislative schedule.

Deputy County Administrator Emily Lewis interjected on Legislative schedule.

BB. County Attorney Comments

County Attorney Knowlton commented on shoaling, issues, Buena Vista Waterway MSBU, Medical Examiners Search Committee, selection, and contract.

CC. Economic Development Director Comments - None

DD. County Commissioner Comments

Chair Truex discussed preemptions, hurricane efforts, March 3, 2023 National Employee Appreciation Day, waterways, priorities, boating, public safety, and debris contractors. **Commissioner Constance** mentioned National Association of Counties (NACo) Meeting, investment strategies, American Rescue Plan Act (ARPA) funds, Medical Examiner, selection, Sarasota County, Buena Vista Waterway, bathymetric survey, mosquito control, Tropical Gulf Acres, campers, public safety, Health Department, human waste, Hurricane Ian, updates, and COVID-19. **Commissioner Deutsch** noted Tropical Gulf Acres, campers, Buena Vista Waterway, Harbor Boulevard, canals, shoaling, dredging, mini groin system, Cultural Center, operations, non-profit, and process. **Commissioner Doherty** spoke to February 3, 2023 16 County Coalition Meeting, Hover Dike, safety, South Florida Water Management District (SFWMD), storage options, flows, integrated delivery schedule, 20-Year Capital Improvements Projects (CIP) Capital Needs Assessment (CNA) process, water quality, cost, and Caloosahatchee River. **Commissioner Tiseo** commented on Tropical Gulf Acres, campers, raw sewage, Code Enforcement, shoaling, Buena Vista Waterway, meetings, Hurricane Ian Updates, setbacks, government levels, constituents, and elected officials.

Deputy County Administrator Lewis responded to bathymetric survey and FEMA reimbursement.

County Attorney Knowlton replied to Buena Vista Waterway, meetings, and attendance.

RECESS: 1:53 pm - 2:00 pm

2 P.M. LAND USE AGENDA

PUBLIC INPUT - LAND USE CONSENT AGENDA ITEMS ONLY - None

Consent Agenda

COMMISSIONER DOHERTY MOVED TO APPROVE THE LAND USE CONSENT AGENDA, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

UA 1. DRC-21-00047, Simple Life

Community Development

Barraco & Associates is requesting Final Detail Site Plan approval for Simple Life. The project consists of 230 single-family residential units with private amenities and associated infrastructure. This project site is 68.43± acres and is located at 12150 Burnt Store Road, Punta Gorda, Florida. in Section 04, Township 42S, Range 23E. Located in Commission District II.

RES 2023-035

Quasi-Judicial

UA 2. FP-21-09-18, Heritage Station

Community Development

Approve a Final Plat, Developer's Agreement, and surety to cover the construction of the plat infrastructure for a subdivision to be named, Heritage Station, consisting of 130 lots, 8 tracts, and being a replat of Tract "J" of Pirate Harbor, as recorded in Plat Book 5, Page 15. The site contains 85.47± acres and is generally located north of Yacht Club Boulevard, south of River Birch Court, west of Burnt Store Road, east of Jolly Rodger Boulevard, in the Punta Gorda area. Located in Commission District II. **AGR 2023-041**

Quasi-Judicial

UA 3. FP-22-06-01, Creekside Run

Community Development

Approve a Final Plat for a subdivision to be named, Creekside Run, including a Developer's Agreement and surety to cover the construction of the plat infrastructure. The proposed subdivision is a residential development to consist of 291 single-family residential lots and 26 tracts with associated infrastructure. The site contains 101.89±

acres is generally located south of Bermont Road, north of the County line with Lee County, west of the County line with Glades County and east of Bluebird Trail, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 2, within the East County area. Located in Commission District I. **AGR 2023-042**

Quasi-Judicial

(Deletion #1) UA 4. CSZ-22-10, SES 026, LLC

Community Development

~~Approve a Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of Sending Zone located at 1030 Navigator Road, in the Port Charlotte area; within Commission District I; containing 26,000± Square feet (0.6± acres); for calculation and severance of six 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-22-10; Applicant: SES 026, LLC, providing an effective date. Located in Commission District I.~~

Quasi-Judicial

UA 5. FP-22-06-03, Babcock Ranch Community, Village II, Parcel 1 - Phase 1

Community Development

Approve a Final Plat for a subdivision to be named, Babcock Ranch Community, Village II, Parcel 1 - Phase 1. They also seek approval of a Developer's Agreement and surety to cover the construction of the plat infrastructure. The proposed subdivision is a residential development to consist of 228 lots and 22 tracts for residential development, roadway, drainage, and open space. The site contains 148.323± acres is generally located south of Bermont Road, north of the County line with Lee County, west of the County line with Glades County and east of SR 31, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 2, within the East County area. Located in Commission District I. **AGR 2023-043**

Quasi-Judicial

Public Hearing

Minutes Clerk Johnston administered oath for testimony.

Taken Out Of Order

UB 9. TCP-22-02, Revisions to CGMU

Community Development

Adopt an Ordinance, pursuant to Section 163.3184(3), Florida Statutes, approving a Large Scale Plan Amendment; the request is to amend the Future Land Use (FLU) Element of the County's Comprehensive Plan by revising 1) FLU Policy 5.6.3: Encourage Public Marina Uses; and 2) FLU Appendix I: Land Use Guide, Section 3: The Official Future Land Use Map, Compact Growth Mixed Use (CGMU) Future Land Use Map (FLUM) designation; Petition No. TCP-22-02; Applicant: Charlotte County Board of County Commissioners; providing an effective date. This petition is County-wide. **ORD 2023-**

011

Legislative

Shaun Cullinan, Planning and Zoning Official gave a brief overview of Proposed Changes, Detailed Changes: Future Land Use (FLU) Policy 5.6.3: Encourage Public Marina Uses, and Compact Growth Mixed Use (CGMU) Future Land Use Map (FLUM) Designation's Maximum Density/Intensity.

Chair Truex discussed density, codification, building height, restrictions, petition, mixed use zoning, incentives, West County Town Center, process, and certification. **Commissioner Constance** mentioned CGMU, West County, and limits. **Commissioner Deutsch** inquired to density, exceptions, and building height. **Commissioner Doherty** commented on process, Comprehensive Plan, designations, and CGMU. **Commissioner Tiseo** spoke to density, amendment, language, FLUM designations, rights, limits, and exceptions.

County Attorney Knowlton interjected on rights and takings claim.

Public Input

Shaun O'Rourke spoke in favor of TCP-22-02, Revisions to CGMU, remarked on density, traffic, residential development, and cost.

Jeffrey Hutt spoke against TCP-22-02, Revisions to CGMU, commented on Fishery Property, environmentally sensitive lands, and density.

Francis Dantz spoke against TCP-22-02, Revisions to CGMU, discussed density, grandfathered properties, West County, development, and evacuation routes.

Lindsey Kohlenburg mentioned impaired estuary, development, density, impacts, water quality, and water management.

Penelope Riley spoke against TCP-22-02, Revisions to CGMU, noted Hurricane Ian, traffic, evacuations, and density.

Christine Fitzsimmons spoke against TCP-22-02, Revisions to CGMU, remarked on Department of Economic Opportunity (DEO), comments, Southwest Florida Water Management District (SWFWMD), SFWMD, appointed positions, voters, density, and Palm Island Resort.

Jim Griesemer spoke against TCP-22-02, Revisions to CGMU, commented on density, limits, City of Punta Gorda, City of Tampa, and San Francisco, California.

John Schwab spoke against TCP-22-02, Revisions to CGMU, discussed proposed density, tax dollars, growth, and development.

Bill Crawford spoke against TCP-22-02, Revisions to CGMU, mentioned wildlife, Lennar Homes, waterway, deterioration, density, and development.

Peter Watson spoke against TCP-22-02, Revisions to CGMU, noted proposed changes, density, development, traffic, exceptions, and Myakka River.

Rob Robins spoke against TCP-22-02, Revisions to CGMU, remarked on density, preserved areas, wildlife, Lemon Bay Wild Flower Conservancy, tarpon, snook, fisheries, and tidal creek.

Percy Angelo, Friends of Cape Haze spoke against TCP-22-02, Revisions to CGMU, commented on density, Comprehensive Planning, Evaluation and Appraisal Report (EAR) amendments, Coastal High Hazard Area (CHHA), zones, proposal, language, fishery property, West County Town Center property, exceptions, staff memo, and Transfer of Density Units (TDU).

Janice Ippolito discussed Cattle Dock Road, sewer facility, and odor.

Attorney Derek Rooney spoke in favor of TCP-22-02, Revisions to CGMU, mentioned changes, density, and West County.

Wayne Winkleman, Friends of Cape Haze President noted density, limits, Hurricane Ian, Cape Haze Peninsula, evacuation routes, February 23, 2023 Joint Metropolitan Planning Organization (MPO) Meeting, Myakka River, traffic, infrastructure, improvements, and safety.

Larry Norton remarked on density, growth, concerns, building heights, and limits.

Diane Heck, Friends of Cape Haze commented on density, Hurricane Ian, climate change, limits, and exceptions.

Linda Gatts spoke against TCP-22-02, Revisions to CGMU, discussed traffic, increase, West Port, infrastructure, and undeveloped properties.

Dave Dannenberg mentioned construction, development, quality of life, and privacy.

William Carlson noted density and limits.

Attorney Rob Berntsson remarked on West County Town Center, density, and exception.

Bill Dohms, Friends of Cape Haze spoke against TCP-22-02, Revisions to CGMU, commented on density, West County Town Center, and evacuations.

Joanie Hillis spoke against TCP-22-02, Revisions to CGMU, discussed evacuation, infrastructure, public safety, new development, surrounding counties, and Hurricane Ian.

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

MOTION CARRIED 5:0.

COMMISSIONER TISEO MOVED TO APPROVE ORDINANCE 2023-011 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, ADOPTING A LARGE SCALE PLAN AMENDMENT; AMENDING THE TEXT OF THE COUNTY'S COMPREHENSIVE PLAN, FUTURE LAND USE (FLU) ELEMENT, BY REVISING: (1) FLU POLICY 5.6.3: ENCOURAGE PUBLIC MARINA USE; AND (2) FLU APPENDIX I: LAND USE GUIDE, SECTION 3: THE OFFICIAL FUTURE LAND USE MAP, COMPACT GROWTH MIXED USE (CGMU) FUTURE LAND USE MAP (FLUM) DESIGNATION TO DECREASE THE MAXIMUM DENSITY OF 65 UNITS PER ACRE TO 15 UNITS PER ACRE IN CERTAIN AREAS WITHIN THE COUNTY; PETITION TCP-22-02; APPLICANT: BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL OF ADOPTED ORDINANCE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Community Development

Approve an ordinance of the Board of County Commissioners of Charlotte County, Florida, pursuant to Chapter 190, Florida Statutes, amending Part IV, Municipal Service Benefit and Taxing Units, Chapter 4-3.5 Municipal Service Districts, by amending Article XV: Island Lake Estates Community Development District (CDD) to add 170.86± acres of lands, generally located northeast of the existing CDD to this CDD; and providing for severability; Petition No. CDD-22-04; Applicant: Island Lake Estates Community Development District; providing for an effective date. The proposed amended CDD is generally located southeast of San Casa Drive, northeast of Placida Road (C.R. 775), and west of Winchester Boulevard, in the Englewood area, Commission District III, and it would contain 340.54± acres upon adoption of the ordinance. Located in Commission District III. **ORD 2023-006**

Legislative

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

Public Input

Francis Dantz mentioned development, traffic, public safety, access, Lennar Homes, units, line of sight, and wildlife.

Cathy Schley noted boundary, density, and Lake Emily.

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

MOTION CARRIED 5:0.

Ryan Dugan, Applicant Representative spoke to boundaries, expansion, traffic, zoning, long-term maintenance, infrastructure improvements, process, Florida statutes, Ordinance, and amendment.

Commissioner Constance commented on amendment, rights, corridor study, and limits. **Commissioner Tiseo** discussed zoning, density, Community Development District (CDD), and amendment.

Assistant County Attorney Thomas David responded to CDD, amendment, statutes, density, criteria, and process.

County Attorney Knowlton interjected on advertisement and amendments.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-006 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO CHAPTER 190, FLORIDA STATUTES, AMENDING ORDINANCE 2022-026 TO EXPAND THE BOUNDARIES OF THE ISLAND LAKE ESTATES COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; AMENDING PART IV, MUNICIPAL SERVICE BENEFIT AND TAXING UNITS, CHAPTER 4-3.5 MUNICIPAL SERVICE DISTRICTS, ARTICLE XV, ISLAND LAKE ESTATES COMMUNITY DEVELOPMENT DISTRICT, BY AMENDING SECTION 4-3.5-203, DISTRICT EXTERNAL BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

Community Development

Approve an Ordinance, pursuant to Section 3-9-45, Planned Development, under Chapter 3-9, Zoning, of the County's Land Development Regulations, a request to extend the time limitation of the PD Concept Plan approved via Ordinance Number 2007-064, for property generally located south of Shotgun Road, east of Burnt Store Road, and north of Zemel Road; in the Punta Gorda area, Florida; containing 265± acres; Commission District II; Petition No. CPE-22-03; Applicants: Daniel B. Light and Burnt Store Road-RET, LLC; providing for an effective date. Located in Commission District II. **ORD 2023-007**

Quasi-Judicial

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

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

Commissioner Constance mentioned corridor study, limits, and approvals. **Commissioner Doherty** noted Planned Development (PD), Concept Plan, and zoning. **Commissioner Tiseo** spoke to current status, extension, process, final detail site plan, Burnt Store Corridor, units, and infrastructure needs.

Attorney Derek Rooney, Applicant Representative joined in Staff Report, commented on PD Code, Concept Plans, and extension policy.

Public Input

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2023-007 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 3-9-45, PLANNED DEVELOPMENT, UNDER CHAPTER 3-9, ZONING, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, APPROVING THE REQUEST TO EXTEND THE TIME LIMITATION OF THE PLANNED DEVELOPMENT (PD) CONCEPT PLAN APPROVED VIA ORDINANCE NUMBER 2007-064, FOR PROPERTY GENERALLY LOCATED SOUTH OF SHOTGUN ROAD, EAST OF BURNT STORE ROAD, AND NORTH OF ZEMEL ROAD, IN THE PUNTA GORDA AREA; CONTAINING 265± ACRES; COMMISSION DISTRICT II; PETITION CPE-22-03; APPLICANTS: DANIEL B. LIGHT AND BURNT STORE ROAD-RET, LLC; PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Community Development

Approve an Ordinance, Pursuant to Section 163.3187, Florida Statutes, to adopt a Small-Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Commercial (COM) to U.S. 41 Mixed Use (41 MU); for property located at 100 Tamiami Trail, in the Port Charlotte area, containing 29.76± acres; Commission District IV; Petition No. PAS-22-00007; Applicant: JBCC Development, LLC; providing an effective date. Located in Commission District IV. **ORD 2023-008**

Legislative

Mr. Cullinan gave a brief overview of Proposed Changes, Location Map, 1000' Buffer Map, Area Image, Framework, US 41 Overlay District, Existing FLUM Designations, Proposed FLUM Designations, Zoning Designations, and Master Site Plan.

Attorney Rob Berntsson, Applicant Representative accepted Mr. Cullinan and Jie Shao, Principal Planner as experts discussed site, phase 2, Ordinance, amendment, zoning, and requested approval.

Public Input for Petition Number PAS-22-00007, Cranberry Commons and Petition Number PD-22-00009, Cranberry Commons

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-008 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, ADOPTING A SMALL SCALE PLAN AMENDMENT TO THE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM COMMERCIAL (COM) TO U.S. 41 MIXED USE (41 MU), FOR PROPERTY LOCATED AT 100 TAMIAMI TRAIL, IN THE PORT CHARLOTTE AREA, CONTAINING 29.76 ACRES MORE OR LESS; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT IV; PETITION PAS-22-00007; APPLICANT, JBCC CRANBERRY & 41 LLC; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

UB 4. PD-22-00009, Cranberry Commons

Community Development

Approve an Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD. This is a major modification to the existing PD, Ordinance Number 2014-007 and Ordinance Number 2019-011, to allow for a mixture of residential and commercial development on a portion of the property specifically located at 100 Tamiami Trail and containing 29.76± acres; the proposed residential development up to 340 units, requiring a transfer of 340 density units to reach the maximum of 340 units; and to adopt a “General PD Concept Plan” for this proposed development, for property subject to the approved PD located at 100, 150, 202, and 250 Tamiami Trail, in the Port Charlotte area, containing 77± acres; Commission District IV; Petition No. PD-22-00009; Applicant: JBCC Development, LLC; providing an effective date. Located Commission District IV. **ORD 2023-009**

Quasi-Judicial

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

Mr. Cullinan gave a brief overview of Proposed Changes, Location Map, 1000' Buffer Map, Area Image, Framework, US 41 Overlay District, Existing FLUM Designations, Proposed FLUM Designations, Zoning Designations, and Master Site Plan.

Attorney Rob Berntsson, Applicant Representative accepted Mr. Cullinan and Jie Shao, Principal Planner as experts discussed site, phase 2, Ordinance, amendment, zoning, and requested approval.

Public Input for Petition Number PAS-22-00007, Cranberry Commons and Petition Number PD-22-00009, Cranberry Commons

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

MOTION CARRIED 5:0.

COMMISSIONER TISEO MOVED TO APPROVE ORDINANCE 2023-009 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD); A MAJOR MODIFICATION TO THE EXISTING PD, ORDINANCE NUMBER 2014-007 AND ORDINANCE NUMBER 2019-011, TO ALLOW FOR A MIXTURE OF RESIDENTIAL AND COMMERCIAL DEVELOPMENT ON A PORTION OF THE PROPERTY SPECIFICALLY LOCATED AT 100 TAMIAMI TRAIL AND CONTAINING 29.76 ACRES MORE OR LESS; THE RESIDENTIAL AND COMMERCIAL DEVELOPMENT UP TO 340 UNITS, REQUIRING A TRANSFER OF 340 UNITS TO REACH THE MAXIMUM OF 340 UNITS; AND TO ADOPT A GENERAL PD CONCEPT PLAN FOR THIS DEVELOPMENT, FOR PROPERTY SUBJECT TO THE PD LOCATED AT 100, 150, 202, AND 250 TAMIAMI TRAIL, CONTAINING 77 ACRES MORE OR LESS, IN THE PORT CHARLOTTE AREA, COMMISSION DISTRICT IV, CHARLOTTE COUNTY, FLORIDA; PETITION PD-22-00009; APPLICANT, JBCC CRANBERRY & 41 LLC; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

UB 5. PD-22-00013, Major Modification to Oak Haven PD

Community Development

(Change #1) Added attachment – McNew Presentation slide.

Approve an Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) (135.62± acres) and Manufactured Home Conventional (MHC) (7.55± acres) to PD. This is a major modification to an existing PD, Ordinance Number 2020-020, to 1) include additional lands currently zoned as MHC to this development, 2) amend the development rights and development standards as established in the ordinance; and 3) adopt the General PD Concept Plan, in order to have a residential development up to 615 dwelling units; requiring no transferring of density units; for property located south of N. Jones Loop Road, northeast of Interstate 75, and north of S. Jones Loop Road, in the Punta Gorda area; containing 143.17± acres; Commission District II; Petition No. PD-22-00013; Applicants: Harper/McNew Development Co., Inc., McNew Property Holdings 3, LLC, Harper Property Holdings 3, LLC, and Beverly H. McNew, as Trustee of the Beverly H. McNew Revocable Trust U/.D/T 3/29/95; providing an effective date. Located in Commission District II. **ORD 2023-010**

Quasi-Judicial

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

Ms. Shao provided credentials, gave a brief overview of Proposed Changes, Location Map, 1000' Buffer Map, Area Image, Framework, FLUM Designations, Proposed Zoning Designations, and PD Concept Plan.

Attorney Geri Waksler, Applicant Representative accepted Ms. Shao as an expert, mentioned modification, Concept Plan, access, spine road, zoning, buffers, impacts, traffic study and circle, level of service, improvements, amenities, utilities, public safety, joined in Staff Report, and requested approval.

Chair Truex noted roundabout and Piper Road. **Commissioner Constance** spoke to access, environmental element, roundabout, Ventura Lakes, traffic flows, and FDOT. **Commissioner Doherty** commented on roundabout and requirement. **Commissioner Tiseo** discussed Staff Report, traffic impact statement, improvements, and roundabouts.

Public Input

Cliff Green, Ventura Lakes Homeowners Association (HOA) President mentioned entrance proximity, turn lanes, traffic, signal, Jones Loop Road, safety, and notice.

Kurt Bischoff, Ventura Lakes resident noted traffic, turn, safety, Piper Road, Punta Gorda Airport, roundabout, and development.

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

MOTION CARRIED 5:0.

Minutes Clerk Johnston administered oath for testimony.

Ron Inge, Harper McNew Development Vice President responded to access, bridge, design, environmental element, Alligator Creek, mean high water, FEMA analysis, roundabout, and right of way (ROW).

County Attorney Knowlton replied to Staff Report.

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2023-010 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) (135.62± ACRES) AND MANUFACTURED HOME CONVENTIONAL (MHC) (7.55± ACRES) TO PLANNED DEVELOPMENT (PD); A MAJOR MODIFICATION TO THE EXISTING PD, ORDINANCE NUMBER 2020-020), TO: (1) INCLUDE ADDITIONAL LANDS CURRENTLY ZONED AS MHC TO THIS DEVELOPMENT; (2) AMEND THE DEVELOPMENT RIGHTS AND DEVELOPMENT STANDARDS AS ESTABLISHED IN THE ORDINANCE; AND (3) ADOPT THE GENERAL PD CONCEPT PLAN; IN ORDER TO HAVE A RESIDENTIAL DEVELOPMENT UP TO 615 DWELLING UNITS; REQUIRING NO TRANSFERRING OF DENSITY UNITS; FOR PROPERTY LOCATED SOUTH OF N. JONES LOOP ROAD, NORTHEAST OF INTERSTATE 75, AND NORTH OF S. JONES LOOP ROAD, IN THE PUNTA GORDA AREA; CONTAINING 143.17 ACRES MORE OR LESS; COMMISSION DISTRICT II, CHARLOTTE COUNTY, FLORIDA; PETITION PD-22-00013; APPLICANTS, HARPER/MCNEW DEVELOPMENT CO., INC., MCNEW PROPERTY HOLDINGS 3, LLC, HARPER PROPERTY HOLDINGS 3, LLC, AND BEVERLY H. MCNEW, AS TRUSTEE OF THE BEVERLY H. MCNEW REVOCABLE TRUST U/.D/T 3/29/95; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

(Deletion #2) UB-6, PD-22-00014, Waterside PD

Community Development

~~Approve an Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Planned Development (PD) and adopting a General PD Concept Plan in order to allow for an existing grove to be restored to a preserve with native vegetation; for property generally located north of Bermont Road (CR 74), south of Washington Loop Road, east of Duncan Road (US 17) and west of CR 31, in the East County area, containing 740± acres; Commission District I; Petition No. PD-22-00004; Applicants: Bermont Road Partnership and TMV Inc.; providing an effective date. Located Commission District I.~~

Quasi-Judicial

UB 7. PAL-22-00005, Bishop Excavation

Community Development

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State agencies for review and comment; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Mineral Resource Extraction (MRE) with an annotation requiring a conservation easement in a form acceptable to the County Attorney's Office and the Board of County Commissioners prior to issuance of a commercial excavation permit; for property located at 43521 Neal Road, in the Punta Gorda area and within the East County area, containing 159.50± acres; Commission District I; Petition No. PAL-22-00005; Applicants: Kye and Deborah Bishop; providing an effective date. Located in Commission District I.

Legislative

Ms. Shao gave a brief overview of Proposed Changes, Location Map, 1000' Buffer Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, FLUM Series Map #24: MRE Prohibited Locations, FLUM Series Map #4: Watershed Overlay District, FLUM Series Map #6: Prime Aquifer Recharge Areas, Overall Excavation Plan, Post Reclamation Plan, 500 Foot Features, 1/2 Mile Features, FLUM Series Map #22: Critical Wildlife Corridors, Wildlife Corridor, and Mineral Resource Exclusion Area.

Chair Truex spoke to concerns, quality of life, silica, transportation, alternate routes, traffic, Neal Road, and fill cost. **Commissioner Constance** commented on FLUM Series Map #4: Watershed Overlay District, FLUM Series Map #22: Critical Wildlife Corridors, lakes, future home timeline, State agencies, and review. **Commissioner Deutsch** discussed material affordability and transportation, Neal Road, mining, water quality and supply, health concerns, home proximity, access, State agencies, review, and approval timeline. **Commissioner Doherty** mentioned mines, process, excavation permit, Neal Road, road paving and maintenance, Bermont road, existing mines, dirt volume, cost increases, affordable housing, buffer, transmittal, State agencies, and review. **Commissioner Tiseo** noted traffic report and impacts, road impact scope, Bermont Road, data, fill price, mines, buildout schedule, vehicle trips, application, and safety.

Attorney Derek Rooney, Applicant Representative spoke to amendment, transmittal, long range planning, TDU, density, traffic, study, health concerns, impacts, zoning, excavations, sea level rise, fill, cost, agriculture, lakes, wildlife, wetlands, Neal Road, material affordability, Municipal Service Taxing Unit (MSTU), MSBU, water quality, silica, exclusion areas, chemicals, SWFWMD, Farms Program, home proximity, access, easement, State agencies, review, and approval timeline.

Laura Rossi, Protean Design Group, Inc. responded to road impact scope, radius, Bermont Road, county requirements, and trips.

Public Input for Petition Number PAL-22-00005, Bishop Excavation and Petition Number PAL-22-00006, Harborview Excavation

Paul Collins spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, commented on impacts, State Road (SR) 31, Bermont Road, Neal Road, road condition, access, safety, speed limit, vehicles, and zoning.

Jeffrey Hill spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, discussed surrounding farms, crops, tourism, mining excavations, negative impacts, bee population, 1972 Environmental Protection Act, airports, citrus grove, and commercial uses.

Dave Schutz spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, mentioned temperature change, ecosystems, stress, indicator species, water systems, agricultural, mining, and land.

Sue Hill spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, noted environment, dust, mines, health concerns, agriculture, and zoning.

Minutes Clerk Johnston administered the oath for testimony.

Manny Hermina spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, remarked on Neal Road, mines, vehicles, traffic, road condition, and safety.

Stacy Hermina spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, commented on quality of life, property values, safety, noise pollution, wildlife, health, impacts, Neal Road, and farm land.

Ann Baker spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, discussed mining, health impacts, agricultural and mining lands, water quality, toxins, heavy metal exposures, Bermont Road, and silica.

Minutes Clerk Johnston administered the oath for testimony.

Calvin Sill spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, mentioned orange grove, disease, restrictions, roads, access, Neal Road, site concerns, and barrier.

Thomas Williamson spoke in favor of PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, noted Habitat for Humanity, affordable housing, materials, cost, increase, and debt to income levels.

Danny Nix spoke in favor of PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, remarked on dust, soil tilling, dirt roads, and affordable housing.

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

MOTION CARRIED 5:0.

Gary Bayne, Southwest Engineering and Design replied to Charlotte County mines, permits, process, material shortages, transporting cost, SWFWMD, Department of Environmental Protection (DEP), water testing and quality, mining timeline, and reclamation.

Mr. Cullinan interjected on watershed, excavation areas, exclusion areas, wildlife corridor, and wetlands.

Joanne Vernon, County Engineer responded to excavation permit, requirements, Neal Road, Public Works, road paving, Traffic Impact Analysis, and scope.

Robert Fakhri, Transportation Engineer spoke to Traffic Impact Analysis, radius, Neal Road, Bermont Road, scope, level of service, and trips.

COMMISSIONER DOHERTY MOVED TO APPROVE TRANSMITTING A LARGE SCALE PLAN AMENDMENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) AND OTHER STATE AGENCIES FOR REVIEW AND COMMENT; THE AMENDMENT REQUEST IS TO CHANGE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM AGRICULTURE (AG) TO MINERAL RESOURCE EXTRACTION (MRE) WITH AN ANNOTATION REQUIRING A CONSERVATION EASEMENT IN A FORM ACCEPTABLE TO THE COUNTY ATTORNEY'S OFFICE AND THE BOARD OF COUNTY COMMISSIONERS PRIOR TO ISSUANCE OF A COMMERCIAL EXCAVATION PERMIT; FOR PROPERTY LOCATED AT 43521 NEAL ROAD, IN THE PUNTA GORDA AREA AND WITHIN THE EAST COUNTY AREA, CONTAINING 159.50± ACRES; COMMISSION DISTRICT I; PETITION NO. PAL-22-00005; APPLICANTS: KYE AND DEBORAH BISHOP; PROVIDING AN EFFECTIVE DATE. LOCATED IN COMMISSION DISTRICT I, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 3:2., COMMISSIONER CONSTANCE AND COMMISSIONER TISEO OPPOSED

UB 8. PAL-22-00006, Harborview Excavation

Community Development

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large-Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State agencies for review and comment; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Mineral Resource Extraction (MRE) with an annotation requiring a conservation easement in a form acceptable to the County Attorney's Office and the Board of County Commissioners prior to issuance of a commercial excavation permit; for property located at 43761 and 44511 Neal Road, in the Punta Gorda area and within the East County area, containing 478.31± acres; Commission District I; Petition No. PAL-22-00006; Applicant: Harborview Properties Neal Road, LLC; providing an effective date. Located in Commission District I.

Legislative

Ms. Shao gave a brief overview of Proposed Changes, Location Map, 1000' Buffer Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, FLUM Series Map #24: MRE Prohibited Locations, FLUM Series Map #4: Watershed Overlay District, FLUM Series Map #6: Prime Aquifer Recharge Areas, Overall Excavation Plan, Post Reclamation Plan, 500 Foot Features, 1/2 Mile Features, FLUM Series Map #22: Critical Wildlife Corridors, Wildlife Corridor, and Mineral Resource Exclusion Area.

Chair Truex spoke to concerns, quality of life, silica, transportation, alternate routes, traffic, Neal Road, and fill cost. **Commissioner Constance** commented on FLUM Series Map #4: Watershed Overlay District, FLUM Series Map #22: Critical Wildlife Corridors, lakes, future home timeline, State agencies, and review. **Commissioner Deutsch** discussed material affordability and transportation, Neal Road, mining, water quality and supply, health concerns, home proximity, access, State agencies, review, and approval timeline. **Commissioner Doherty** mentioned mines, process, excavation permit, Neal Road, road paving and maintenance, Bermont road, existing mines, dirt volume, cost increases, affordable housing, buffer, transmittal, State agencies, and review. **Commissioner Tiseo** noted traffic report and impacts, road impact scope, Bermont Road, data, fill price, mines, buildout schedule, vehicle trips, application, and safety.

Attorney Derek Rooney, Applicant Representative spoke to amendment, transmittal, long range planning, TDU, density, traffic, study, health concerns, impacts, zoning, excavations, sea level rise, fill, cost, agriculture, lakes, wildlife, wetlands, Neal Road, material affordability, MSTU, MSBU, water quality, silica, exclusion areas, chemicals, SWFWMD, Farms Program, home proximity, access, easement, State agencies, review, and approval timeline.

Ms. Rossi responded to road impact scope, radius, Bermont Road, county requirements, and trips.

Public Input for Petition Number PAL-22-00005, Bishop Excavation and Petition Number PAL-22-00006, Harborview Excavation

Paul Collins spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, commented on impacts, SR 31, Bermont Road, Neal Road, road condition, access, safety, speed limit, vehicles, and zoning.

Jeffrey Hill spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, discussed surrounding farms, crops, tourism, mining excavations, negative impacts, bee population, 1972 Environmental Protection Act, airports, citrus grove, and commercial uses.

Dave Schutz spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, mentioned temperature change, ecosystems, stress, indicator species, water systems, agricultural, mining, and land.

Sue Hill spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, noted environment, dust, mines, health concerns, agriculture, and zoning.

Minutes Clerk Johnston administered the oath for testimony.

Manny Hermina spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, remarked on Neal Road, mines, vehicles, traffic, road condition, and safety.

Stacy Hermina spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, commented on quality of life, property values, safety, noise pollution, wildlife, health, impacts, Neal Road, and farm land.

Ann Baker spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, discussed mining, health impacts, agricultural and mining lands, water quality, toxins, heavy metal exposures, Bermont Road, and silica.

Minutes Clerk Johnston administered the oath for testimony.

Calvin Sill spoke against PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, mentioned orange grove, disease, restrictions, roads, access, Neal Road, site concerns, and barrier.

Thomas Williamson spoke in favor of PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, noted Habitat for Humanity, affordable housing, materials, cost, increase, and debt to income levels.

Danny Nix spoke in favor of PAL-22-00005, Bishop Excavation, PAL-22-00006, Harborview Excavation, remarked on dust, soil tilling, dirt roads, and affordable housing.

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

MOTION CARRIED 5:0.

Mr. Bayne replied to Charlotte County mines, permits, process, material shortages, transporting cost, SWFWMD, DEP, water testing and quality, mining timeline, and reclamation.

Mr. Cullinan interjected on watershed, excavation areas, exclusion areas, wildlife corridor, and wetlands.

Ms. Vernon responded to excavation permit, requirements, Neal Road, Public Works, road paving, Traffic Impact Analysis, and scope.

Mr. Fakhri spoke to Traffic Impact Analysis, radius, Neal Road, Bermont Road, scope, level of service, and trips.

COMMISSIONER DOHERTY MOVED TO APPROVE TRANSMITTING A LARGE-SCALE PLAN AMENDMENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) AND OTHER STATE AGENCIES FOR REVIEW AND COMMENT; THE AMENDMENT REQUEST IS TO CHANGE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM AGRICULTURE (AG) TO MINERAL RESOURCE EXTRACTION (MRE) WITH AN ANNOTATION REQUIRING A CONSERVATION EASEMENT IN A FORM ACCEPTABLE TO THE COUNTY ATTORNEY'S OFFICE AND THE BOARD OF COUNTY COMMISSIONERS PRIOR TO ISSUANCE OF A COMMERCIAL EXCAVATION PERMIT; FOR PROPERTY LOCATED AT 43761 AND 44511 NEAL ROAD, IN THE PUNTA GORDA AREA AND WITHIN THE EAST COUNTY AREA, CONTAINING 478.31± ACRES; COMMISSION DISTRICT I; PETITION NO. PAL-22-00006; APPLICANT: HARBORVIEW PROPERTIES NEAL ROAD, LLC; PROVIDING AN EFFECTIVE DATE. LOCATED IN COMMISSION DISTRICT I, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 3:2., COMMISSIONER CONSTANCE AND COMMISSIONER TISEO OPPOSED

UB 10. TLDR-22-03, Revisions to Section 3-9-2, Rules of Construction; Definitions, and new Section 3-9-91. Accessory Use - Farmers' Market

Community Development

Hold the first of two public hearings to discuss revisions to Section 3-9-2, Rules of Construction; Definitions; and new Section 3-9-91. Accessory Use - Farmers' Market; and request the Board to set the second public hearing for March 28, at 2:00 p.m., in accordance with Section 125.66, Florida Statutes. The proposed revisions are to amend Charlotte County Code Chapter 3-9: Zoning, 1) Article I. General, by revising Section 3-9-2, Rules of Construction; Definitions to a) add the definition of "Farmers' Market", and b) revise the definition of "Park" and "Private Park"; and 2) Article III. Special Regulations, by adding new Section 3-9-91. Accessory Use - Farmers' Market, providing for intent; providing for purpose; providing for requirements and conditions; providing for conflict with other Ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative

Mr. Cullinan gave a brief overview of Proposed Changes, Major Detailed Changes: New Definition of Farmers' Market, Park Public, and New Section 3-9-91 Accessory Use - Farmers' Market.

Commissioner Constance commented on Park Public.

Public Input

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE SETTING THE SECOND PUBLIC HEARING FOR MARCH 28, AT 2:00 P.M., IN ACCORDANCE WITH SECTION 125.66, FLORIDA STATUTES. THE PROPOSED REVISIONS ARE TO AMEND CHARLOTTE COUNTY CODE CHAPTER 3-9: ZONING, 1) ARTICLE I. GENERAL, BY REVISING SECTION 3-9-2, RULES OF CONSTRUCTION; DEFINITIONS TO A) ADD THE DEFINITION OF "FARMERS' MARKET", AND B) REVISE THE DEFINITION OF "PARK" AND "PRIVATE PARK"; AND 2) ARTICLE III. SPECIAL REGULATIONS, BY ADDING NEW SECTION 3-9-91. ACCESSORY USE - FARMERS' MARKET, PROVIDING FOR INTENT; PROVIDING FOR PURPOSE; PROVIDING FOR REQUIREMENTS AND CONDITIONS; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. APPLICANT: CHARLOTTE COUNTY BOARD OF COUNTY COMMISSIONERS, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

ADJOURNED: 6:13 pm

William G. Truex, Chair

DATE ADOPTED: _____

ATTEST:

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

**By: _____
Deputy Clerk**