

## BOARD OF COUNTY COMMISSIONERS

JANUARY 23, 2024

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: Vice Chair 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: Chair Truex.

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

The Invocation was given by Pastor Bill Frank, First Baptist Church of Punta Gorda, followed by the Pledge of Allegiance.

### **Changes to the Agenda**

**Addition #1:** R-6, Discussion and Direction on Non-Navigable Waterway Debris Removal Contract Public Works Provide direction on the continuation of the non-navigable waterway debris removal contract. Budgeted Action: National Resource Conservation Service (USDA-NRCS) agreed to fund the initial request of 8.5 million dollars. Subsequently Public Works requested an additional \$8,180,628.00 to continue the work on this program. We currently have 2 million dollars total remaining. We will be requesting an additional \$6.6 million but there is no guarantee this funding is available.

Requested by: Public Works

**Change #1:** R-5, Urban Qualification for Community Development Block Grant (CDBG) **Human Services** a) Approve the letter to HUD and authorize the Chairman to sign; and b) Approve the letter to the City of Punta Gorda and authorize the Chairman to sign. **Budgeted Action: No action needed.**

Requested by: Budget & Administrative Services

**Change #2:** R-3, Added attachment – Updated 1/26/2024 WCIND Agenda.

Requested by: Community Services

**Change #3:** R-5, Added attachment – Updated Presentation.

Requested by: Human Services

**Change #4:** R-4, Added attachments – Draft February 7, 2024 agenda, Draft February 7, 2024 Workshop agenda, Draft February 7, 2024 annotated agenda.

Requested by: Utilities

**COMMISSIONER DOHERTY MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**Proclamations - Commissioner Joseph Tiseo**

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

**MOTION CARRIED 4:0.**

**Artist of the Month - February**

Lance Henderson accepted the Proclamation.

**Ray Desjardins Day**

Ray Desjardins, Information Technology (IT) Senior Division Manager accepted the Proclamation.

**Spring Training at the Sports Park Month**

Jill Boyd, Recreation Superintendent, Dan Moeller, Tampa Bay Rays Head Groundskeeper, and Tampa Bay Rays DJ Kitty, accepted the Proclamation.

**Annual Greek Festival Days**

Jim Sanders accepted the Proclamation.

**Employee Recognition**

Employee of the Month - December 2023

Ted Baldwin, Facilities Construction & Maintenance

Travis Perdue, Facilities Construction and Maintenance Director highlighted Mr. Baldwin's career, customer service, communication skills, and presented Award.

Leadership Development Program 2023

Amanda Baez, County Attorney; Salvatore Crapanzano, Public Works; Anastacia DeFilippo, Community Development; Donald Finkelstein, Public Safety; Mike Gallagher, Utilities; Elizabeth Hoffman, Budget & Administrative Services; Jeremiah Lanford, Public Works; Erica LeMaster, Public Works; Katie Lukasek, Public

Works; Colby Mazzoni, Public Safety; Michael Morse, Budget & Administrative Services; Anthony Pribble, Facilities Construction & Maintenance; Mary Jane Sykes, Budget & Administrative Services.

### **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 Paddle for Heroes.

**Commissioner Deutsch** commented on December 31, 2023 Freedom Run, Paddle for Heroes, and presented check to **Vice Chair Constance**.

### **PUBLIC INPUT - AGENDA ITEMS ONLY**

Tim Ritchie discussed Water Authority Agenda - February 7, 2024.

Hank Killion mentioned 24-159, Hurricane Ian Permanent Repair - Fish Gates.

### **COMMITTEE VACANCIES**

**MPO - Bicycle/Pedestrian Advisory Committee (BPAC)** is seeking one South County Representative. This individual 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.

**MPO - Citizens' Advisory Committee (CAC)** is seeking one South County Representative This individual 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.

**Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB)** is seeking one volunteer representing the "Disabled representative who is Disabled.; and one experienced representative of the local private for-profit transportation industry. 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 8, 2024. Please go online at [www.ccpgmpo.gov](http://www.ccpgmpo.gov) or contact the MPO for an application. The MPO mailing address is Charlotte County-Punta Gorda MPO, 18500 Murdock Circle, Port Charlotte, FL 33948. Fax: 941-883-3534 Email: [office@ccpgmpo.gov](mailto:office@ccpgmpo.gov). The MPO Board will elect the above positions at its Thursday, March 21, 2024 Meeting.

**The Historical Advisory Committee** is looking for four volunteers to fill one Historical Organization position and three At-Large positions. The volunteer for the Historical Organization must have permission of the organization to represent them and the organization must operate within Charlotte County. All applicants must live in Charlotte County to be considered. Please contact [Claudia.Mayo@charlottecountyfl.gov](mailto:Claudia.Mayo@charlottecountyfl.gov) for an application.

**The Tourist Development Council** is seeking one volunteer who is involved in the tourism industry (ie: restaurant, attraction, etc.) or represents tourism accommodations as an owner or operator of a motel, hotel, recreational vehicle park or other tourist accommodation located in the county and subject to tourist development tax. Volunteers shall be an elector of Charlotte County or reside in a county adjacent to Charlotte County and own a business within Charlotte County and have demonstrated an interest in tourist development. Length of term is four years. For an application, please contact Nina Stamoulis at 941-743-1300, press 2, or via email at Janina.Stamoulis@CharlotteCountyFL.gov.

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 three members to fill positions with terms through October 31, 2024, October 31, 2025, and October 31, 2026.
- **Burnt Store Village Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2026.
- **Edgewater North Waterway Unit** is seeking one member to fill a position with a term through October 31, 2025.
- **Englewood East Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2024, and October 31, 2026.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2024.
- **Grove City Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2024, and October 31, 2025.
- **Harbour Heights Street & Drainage Unit** is seeking one member to fill a vacant position with a term through October 31, 2024.
- **Manchester Waterway Utility Unit** is seeking one member to fill a position with a term through October 31, 2024.
- **Pirate Harbor Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2024.
- **Pirate Harbor Waterway Unit** is seeking one member to fill a position with a term through October 31, 2025.
- **Placida Area Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2026.

• **Rotonda Lakes Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2026.

• **Rotonda Sands Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2025.

## **REPORTS RECEIVED AND FILED**

\* Monthly Housing Division Report - November 2023

### **Human Services**

November 2023 Housing Division Report.

\* Monthly Housing Division Report - December 2023

### **Human Services**

December 2023 Housing Division Report.

## **CONSENT AGENDA**

**COMMISSIONER DOHERTY MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-2 AND F-5, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

### **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 2024-010**

**Budgeted Action:** No action needed.

#### **B. Minutes Division**

##### 1. Minutes

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

December 19, 2023 BCC Board Workshop  
January 4, 2024 BCC Pre-Agenda  
January 9, 2024 BCC Regular Meeting  
January 9, 2024 BCC Utilities Department Quarterly Update

**Budgeted Action:** No action needed.

### **Board of County Commissioners**

**C. Commission Office**

**D. County Administration**

**E. County Attorney**

**F. Budget and Administrative Services**

### **Fiscal Services**

#### **1. FEMA DR-4734 Hurricane Idalia Grant Agreement (Z4147)**

**Recommended Action:** a) Approval to accept FEMA DR-4734 Hurricane Idalia Federally Funded Subaward and Grant Agreement (Agreement Number Z4147); and b) Authorize the Chairman to execute the Hurricane Idalia Grant Agreement. **GRT 2024-003**

**Budgeted Action:** No action needed. A budget adjustment will be brought to the Board once award is funded by the Federal Emergency Management Agency (FEMA). Funding is anticipated to be 75% reimbursable from FEMA with a 25% match local and state match required.

### **Information Technology**

### **Purchasing**

#### **2. 22-443, Piggyback, GPS Devices Tracking (Fleet Management)**

**Recommended Action:** a) Retroactively approve award of "Piggyback" purchase, File #22-443, GPS Tracking Devices, per Sourcewell Contract 020221-GPI, which was awarded to GPS Insight of Scottsdale, Arizona, at the unit prices submitted, through and including March 26, 2025, with option to extend for an additional year at the same prices, terms, and conditions of Sourcewell's Contract 020221-GPI; and b) Authorize County Administrator, or his designee, to approve renewal options at the same prices, terms, and conditions of Sourcewell's Contract 020221-GPI.

**Budgeted Action:** No action needed. Expenses will be funded by the Fleet Management Fund, and then will be charged back to the department as budgeted in the FY2024 budget process.

**Vice Chair Constance** noted pricing, monitoring, contract, retroactivity, cost, and phones. **Commissioner Tiseo** spoke to cost, benefits, tracking, bidding, satellite monitoring, piggyback, Sourcewell, vendors, hardware, and process.

Kim Corbett, Purchasing Senior Division Manager responded to contract, retroactivity, monitoring, units, cost, equipment, bidding, global positioning system (GPS), piggyback, Sourcewell, and market place.

Gordon Burger, Budget and Administrative Services Director interjected on monitoring, geofencing, theft recovering, fleet management, GPS, bidding, Cityworks, and fueling system.

**COMMISSIONER DOHERTY MOVED TO RETROACTIVELY APPROVE AWARD OF "PIGGYBACK" PURCHASE, FILE #22-443, GPS TRACKING DEVICES, PER SOURCEWELL CONTRACT 020221-GPI, WHICH WAS AWARDED TO GPS INSIGHT OF SCOTTSDALE, ARIZONA, AT THE UNIT PRICES SUBMITTED, THROUGH AND INCLUDING MARCH 26, 2025, WITH OPTION TO EXTEND FOR AN ADDITIONAL YEAR AT THE SAME PRICES, TERMS, AND CONDITIONS OF SOURCEWELL'S CONTRACT 020221-GPI; AND AUTHORIZE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO APPROVE RENEWAL OPTIONS AT THE SAME PRICES, TERMS, AND CONDITIONS OF SOURCEWELL'S CONTRACT 020221-GPI, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

3. 24-159, Award, Hurricane Ian Permanent Repair - Fish Gates (Public Works)

**Recommended Action:** Approve award of Request for Bid #24-159, Hurricane Ian Permanent Repair – Fish Gates to V&H Construction, Inc. of Fort Myers, Florida for the total amount of \$197,800. This is for permanent repairs for three (3) fish gates that were heavily damaged during Hurricane Ian. These are located in Rotonda West and need to be replaced so that the community can restock their carp to control vegetation.

**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 90% reimbursable from FEMA (Federal Emergency Management Agency) with a 5% match paid by Florida Department of Emergency Management and 5% match paid by local county funds.

4. 22-578, Amendment 1, Construction Manager at Risk, Babcock Ranch Fire Station 9 and Charlotte County Sheriff Office District 5 Headquarters, Guaranteed Maximum Price (Facilities)

**Recommended Action:** a) Approve Amendment #1 to Contract #22-578, Construction Manager at Risk, Babcock Ranch Fire Station 9 and Charlotte County Sheriff Office District 5 Headquarters with Florida Premier Contractors, LLC for the Guaranteed Maximum Price (GMP) for the management/construction of the projects in the amount of \$7,021,716; and b) Authorize the Chairman to sign Amendment #1; and c) Approve Resolution for budget adjustment BA24-088 in the amount of \$2,000,000, allocating \$1,000,000 to each Capital Improvements Project "Babcock Fire Station 9" and "Babcock Sheriff District 5 Headquarters"; and d) Approve amending Capital Improvements Projects "Babcock Fire Station 9" and "Babcock Sheriff District 5 Headquarters." **RES 2024-011**

**Budgeted Action:** Approve budget adjustment BA24-088 in the amount of \$2,000,000 amending the FY24 budget for adopted capital improvements project “Babcock Fire Station 9” increasing from \$3,100,000 to \$4,100,000, and amending “Babcock Sheriff District 5 Headquarters” increasing from \$3,500,000 to \$4,500,000. Funding for the adjustment to “Babcock Fire Station 9” is supplied from Capital Projects Fund to be reimbursed from Fire Impact fees, if available. The adjustment to “Babcock Sheriff District 5 Headquarters” is supplied from the Sheriff Infrastructure Fund, ad valorem.

## **Real Estate Services**

### **5. WCIND Access/Storage Easements**

**Recommended Action:** Accept permanent easements from WCIND for Access and Storage as part of the Beach Renourishment program. These easements will replace the temporary easements set to expire in January 2024.  
**AGR 2024-007 / AGR 2024-008**

**Budgeted Action:** No action needed.

**Vice Chair Constance** commented on easements. **Commissioner Tiseo** discussed easements, effective date, termination ability, and language.

Stephen Kipa, Real Estate Services Manager replied to effective date, easement, and language.

**COMMISSIONER TISEO MOVED TO ACCEPT PERMANENT EASEMENTS AGREEMENT 2024-007 AND AGREEMENT 2024-008 FROM WEST COAST INLAND NAVIGATION DISTRICT FOR ACCESS AND STORAGE AS PART OF THE BEACH RENOURISHMENT PROGRAM. THESE EASEMENTS WILL REPLACE THE TEMPORARY EASEMENTS SET TO EXPIRE IN JANUARY 2024 WITH CHANGE OF EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

## **Risk Management**

### **Transit**

**G. Community Development**

**H. Community Services**

**I. Economic Development**

**J. Facilities Construction and Maintenance**

**K. Human Resources**

**L. Human Services**



1. 2020-2023 Local Housing Assistance Plan (LHAP) Technical Revisions

**Recommended Action:** a) Adopt Resolution approving the technical revisions to the 2020-2023 Local Housing Assistance Plan (LHAP); and b) Authorize the Chairman to execute the Certification of the revised LHAP. **RES 2024-012**

**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. 19-159, Amendment 2, Burnt Store Water Reclamation Facility (WRF) Replacement/Expansion (Utilities)

**Budget & Admin Services**

a) Approve Amendment #2 to Contract #19-159, Burnt Store Water Reclamation Facility (WRF) Replacement/Expansion with McKim & Creed, Inc. for additional services in the amount of \$462,100; and b) Authorize the Chairman to sign Amendment #2 to the contract for the amended services.

Ms. Corbett highlighted 19-159, Amendment 2, Burnt Store Water Reclamation Facility (WRF) Replacement/Expansion.

**COMMISSIONER DOHERTY MOVED TO APPROVE AMENDMENT #2 TO CONTRACT #19-159, BURNT STORE WATER RECLAMATION FACILITY REPLACEMENT/EXPANSION WITH MCKIM & CREED, INC. FOR ADDITIONAL SERVICES IN THE AMOUNT OF \$462,100; AND AUTHORIZE THE CHAIRMAN TO SIGN AMENDMENT #2 TO THE CONTRACT FOR THE AMENDED SERVICES, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

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

**County Administration**

Authorize the Chairman to sign the Third 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**

Assistant County Administrator Claire Jubb gave a brief overview of Purchase and Sale Agreement (PSA), Current Status, and Third Amendment to the PSA.

**Vice Chair Constance** mentioned tree buffer, contract, planned development (PD), infrastructure credit, transfer, and fees. **Commissioner Doherty** noted tree buffer, condition, PD, closing, language, and transfer fee. **Commissioner Tiseo** spoke to exhibit C, credit, site work, and reimbursable credit.

Assistant County Attorney Thomas David remarked on deed, fees, closing, ownership, tax roll, advantages, tree buffer, and PD.

**COMMISSIONER DOHERTY MOVED TO AUTHORIZE THE CHAIRMAN TO SIGN THE THIRD AMENDMENT TO THE AGREEMENT 2021-142 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, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 3:1., VICE CHAIR CONSTANCE OPPOSED**

**RECESS: 10:10 am – 10:12 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)**

##### 3. West Coast Inland Navigation District January 26, 2024 Agenda

#### **Community Services**

**(Change #2)** Added attachment – Updated 1/26/2024 WCIND Agenda.

Discussion and direction on the West Coast Inland Navigation District (WCIND) agenda for the upcoming meeting on January 26, 2024.

Tina Powell, Parks and Natural Resources Manager highlighted West Coast Inland Navigation District January 26, 2024 Agenda.

**Commissioner Deutsch** commented on Derelict Vessel Update - White Paper Request for Legislative Action. **Commissioner Tiseo** discussed Derelict Vessel Update - White Paper Request for Legislative Action.

#### 4. Water Authority Agenda - February 7, 2024

##### **Utilities**

**(Change #4)** Added attachments – Draft February 7, 2024 agenda, Draft February 7, 2024 Workshop agenda, Draft February 7, 2024 annotated agenda.

Discussion and direction on the Peace River Manasota Regional Water Supply Authority Board agenda for the upcoming February 7, 2024 meeting.

Dave Watson, Utilities Director highlighted Water Authority Agenda – February 7, 2024.

**Vice Chair Constance** mentioned Election of Chairman and Vice-Chairman for 2024, Operating Protocol Agreement between the Authority and the Polk Regional Water Cooperative for Water Supply Operations on the Peace River, and February 7, 2024 Workshop Agenda. **Commissioner Doherty** noted Operating Protocol Agreement between the Authority and the Polk Regional Water Cooperative for Water Supply Operations on the Peace River and February 7, 2024 Workshop Agenda. **Commissioner Tiseo** spoke to Election of Chairman and Vice-Chairman for 2024, reservoir, mitigation costs, and land schedule.

County Attorney Knowlton responded to Election of Chairman and Vice-Chairman for 2024.

#### 5. Urban Qualification for Community Development Block Grant (CDBG)

##### **Human Services**

**(Change #1)** Urban Qualification for Community Development Block Grant (CDBG) **Human Services** a) Approve the letter to HUD and authorize the Chairman to sign; and b) Approve the letter to the City of Punta Gorda and authorize the Chairman to sign. **Budgeted Action: No action needed.**

**(Change #3)** Added attachment – Updated Presentation.

a) Approve the letter to HUD and authorize the Chairman to sign; and b) Approve the letter to the City of Punta Gorda and authorize the Chairman to sign.

Carrie Walsh, Human Services Director gave a brief overview of Presentation Summary, What is Community Development Block Grant Disaster Recovery (CDBG-DR), Timeline and Funding, What is CDBG, What is entitlement, Qualification Process, Consolidated Plan, Consolidated Plan Components, Consolidated Plan Components Continued, How is CDBG used, Suitable Living Environment: Springs Rescue Mission Expansion, Joplin Early Childhood Center, Sequoia Mental Health Services Clinical Office Building, and Next Steps.

**Vice Chair Constance** commented on What is CDBG-DR, allocation, funding, childcare centers, mental health facilities, and Florida Commerce. **Commissioner Deutsch** discussed What is CDBG, What is entitlement, population, benefits, funds availability, and consultant. **Commissioner Doherty** mentioned funding, Department of Housing and Urban Development (HUD), and Next Steps. **Commissioner Tiseo** noted population, eligibility, funding, work scope, Consolidated Plan, allocation, process, entitlement, proportionate share, impacted counties, and vendor.

**COMMISSIONER TISEO MOVED TO APPROVE THE LETTER TO HUD AND AUTHORIZE THE CHAIRMAN TO SIGN; APPROVE THE LETTER TO THE CITY OF PUNTA GORDA AND AUTHORIZE THE CHAIRMAN TO SIGN; AND INITIATE THE REQUEST FOR PROPOSALS PROCESS, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**(Addition #1)** 6. Discussion and Direction on Non-Navigable Waterway Debris Removal Contract

#### **Public Works**

Provide direction on the continuation of the non-navigable waterway debris removal contract.

John Elias, Public Works Director highlighted Discussion and Direction on Non-Navigable Waterway Debris Removal Contract.

**Vice Chair Constance** spoke to funding, wants, needs, mobilization costs, impacts, stormwater Municipal Service Benefit Units (MSBUs), and proportionate share. **Commissioner Deutsch** commented on funds, Oyster Creek, Alligator Creek, and access. **Commissioner Doherty** discussed funding, Oyster Creek, Alligator Creek, U.S. Department of Agriculture (USDA), opportunities, stormwater MSBUs, Reserves, General Fund, and assessment. **Commissioner Tiseo** mentioned funding, Reserves, crediting rating, finances, work timeline, exposure, Federal Emergency Management Agency (FEMA), prioritization, street and drainage, stormwater MSBUs, assessment, maintenance, contractor, and contract.

Mr. Burger replied to Hurricane Ian, FEMA, exposure, funding, Reserves, credit ratings, and cash flow.

Deputy County Administrator Emily Lewis interjected on Oyster Creek, Alligator Creek, and administration decisions.

Joanne Vernon, Public Works County Engineer remarked on contractor, contract, mobilization, and tonnage price.

#### **PUBLIC HEARING AGENDA**

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

**PRESENTATION AGENDA**

**T. 10:00 A.M. Presentations**

**RECESS: 11:29 am – 1:00 pm**

**1 P.M. PUBLIC INPUT - ANY SUBJECT**

Bonnie Gordon noted Fiddlers Green Nature Trail, Dot Crush, dust emissions, testing, health safety, noise, and environmental impacts.

Ron Fisher spoke to Fiddlers Green Nature Trail, Dot Crush, dust emissions, testing, health safety, noise, environmental impacts, and Department of Environmental Protection (DEP).

Tim Ritchie commented on radioactive sand dust, December 19, 2023 Workshop, sediment testing, funding, Mosaic, Heal Our Harbor, Team Punta Gorda, and Janicki Environmental.

Shirley Stewart discussed Waterford Estates, shooting range, noise, operational hours, Hurricane Ian, buffer, Community Development District (CDD), remedy, explosives, and Charlotte County Sheriff's Office (CCSO).

William Kraus mentioned Waterford Estates, shooting range, noise, explosives, design, operational hours, and buffers.

Connie Wendt noted Waterford Estates, shooting range, CCSO, Environmental Protection Agency (EPA) standards, noise, hearing damage, explosives, and operational hours.

Mike Gotay spoke to Waterford Estates, CCSO, shooting range, noise, metal targets, operational hours, and public use.

Holly Harris commented on Waterford Estates, shooting range, noise, and public use.

**Taken Out Of Order**

**AA. County Administrator Comments - None**

**BB. County Attorney Comments - None**

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

**DD. County Commissioner Comments**

**Vice Chair Constance** discussed Dot Crush, civil litigation, FDEP, dust testing, CCSO, shooting range, uses, baffling, Metropolitan Planning Organization (MPO), Community Action Agency Board (CAAB), Burnt Store Area Plan, timeline, study, consultant, March Workshop subjects, development, Burnt Store Coalition, meeting, Commissioner attendance, and discharge. **Commissioner Doherty** mentioned shooting range, design and bid documents, Dot Crush, FDEP, regulations, air quality, Tallahassee trip, appropriations requests, support issues, Burnt Store Area Plan, study, past documents, permits, consultant, and discharge. **Commissioner Deutsch** noted CAAB, MPO, telephonic participation, Placida Bunk House, Historical Advisory Committee, issues, fundraising, Mosaic, regulations, phosphate mining, CCSO, shooting range, noise, operational hours, Dot Crush, William R. Gaines Jr. Veterans Memorial Park, and Beirut Tower. **Commissioner Tiseo** spoke to Dot Crush, regulations, permit, dust testing requirement, FDEP, code case, funding, update letter, CCSO, shooting range, design, concerns, explosives, facility rules, operational hours, Waterford Estates, unified response, baffling, Hurricane Ian, buffer, MPO, meeting conflict, CAAB, telephonic participation, Placida Bunk House, preservation, report, fundraising, Request for Proposals (RFP), process, timeline, Mosaic, DeSoto County, Resolution, City of North Port, Junior Commission Program, Burnt Store Coalition, meeting, Commissioner attendance, Burnt Store Area Plan, drainage plan, studies, and discharge.

Assistant County Administrator Jubb responded to FDEP, Dot Crush, code case, update letter, CCSO, shooting range, uses, operational hours, unified response, baffling, buffer, Burnt Store Area Plan, studies, and South County Stormwater MSBU.

County Attorney Knowlton replied to Dot Crush, dust testing, FDEP, civil litigation, code case, CCSO, shooting range, buffer, CDD, Burnt Store Coalition, meeting, and Commissioner attendance.

Tommy Scott, Community Services Director remarked on Placida Bunk House, county history, efforts, Historical Advisory Committee, issues, fundraising, State Preservation Society, RFP, process, vendors, and timeline.

**RECESS: 2:06 pm – 2:14 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 4:0.**

UA1. DRC-23-00082, Jacaranda Place Phase 2

#### **Community Development**

Stantec is requesting a PD Final Detail Site Plan approval for Jacaranda Place Phase 2. The project consists of a 292-unit multi-family development with amenities and associated infrastructure. This project site is 7.82± acres and is located at 1200 Loveland Blvd, Port Charlotte, FL in Section 7, Township 40 South, Range 23 East within the boundary of the Sandhill DRI. Located in Commission District I. **RES 2024-013**

**Quasi-Judicial**

UA2. DRC-23-00163, Livano Charlotte Harbor

**Community Development**

Exceptional Engineering, Inc is requesting a PD Final Detail Site Plan approval for Livano Charlotte Harbor. The project consists of 333 multi-family units with associated infrastructure. This project site is 29.76± acres and is located at 100 Tamiami Trail, Port Charlotte, Florida in Section 03, Township 40, Range 21. Located in Commission District IV. **RES 2024-014**

**Quasi-Judicial**

UA3. PFP-21-05-04 and FP-22-05-15, Babcock Ranch Community Northridge and Phase 2

**Community Development**

Approve a Bond Reduction request and Second Amendment to Developer's Agreement to reduce the amount of the approved surety provided under Bond No. 268015607, issued by Liberty Mutual Insurance Company in the amount of \$8,713,266.10 to \$1,281,656.60 for the completion of the remaining infrastructure for Babcock Ranch Community Northridge and Babcock Ranch Community Northridge Phase 2 located south of Bermont Road, north of Greenway Boulevard, west of Talon Terrace and east of SR 31, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, within the East County area. Located in Commission District I. **A.AGR 2021-080**

**Quasi-Judicial**

UA4. FP-20-01-01, Babcock National Phase 2

**Community Development**

Approve a Bond Reduction request and First Amendment to Development Agreement to reduce the amount of the approved surety provided under Letter of Credit No. FGAC-20456 in the amount of \$4,013,024.20 to \$213,979.70 for the completion of the remaining infrastructure for Babcock National Phase 2. The site contains 42.81± acres and is generally located south of Bermont Road, north of Greenway Boulevard, east of Leaning Pine Lane, and west of the Babcock Trail, within the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, the East County area. Located in Commission District I. **A.AGR 2020-145**

**Quasi-Judicial**

UA5. FP-21-02-06, Babcock National Phase 3

**Community Development**

Approve a Bond Reduction request and First Amendment to Development Agreement to reduce the amount of the approved surety provided under Letter of Credit No. FGAC-21489 in the amount of \$547,540.84 to \$53,526.00 for the completion of the remaining infrastructure for Babcock National Phase 3. The site contains 12.39± acres and is generally located south of Bermont Road, north of Greenway Boulevard, east of Sugar Hill Drive, and west of the Babcock Trail, within the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, in the East County area. Located in Commission District I. **A.AGR 2021-137**

**Quasi-Judicial**

UA6. FP-21-03-07, Babcock National Phase 4

**Community Development**

Approve a Bond Reduction request and First Amendment to Development Agreement to reduce the amount of the approved surety provided under Letter of Credit No. FGAC-21669 in the amount of \$1,805,894.81 to \$121,462.00 for the completion of the remaining infrastructure for Babcock National Phase 4. The site contains 16.74± acres and is generally located south of Bermont Road, north of Greenway Boulevard, east of Olympic Court, and west of the Babcock Trail, within the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, in the East County area. Located in Commission District I. **A.AGR 2022-006**

**Quasi-Judicial**

UA7. FP-21-07-16, Palms at West Port 1A

**Community Development**

Approve a Bond Release for the Final Plat of a residential subdivision named, Palms at West Port 1A. The site contains 31.74± acres and is generally located north of El Jobean Road, south of Bridle Ridge Street, east of Remington Trace Drive and west of Centennial Boulevard, in the Port Charlotte area. Located in Commission District IV.

**Quasi-Judicial**

UA8. FP-22-02-04, Babcock National Phase 6

**Community Development**

Approve a Bond Reduction request and First Amendment to Development Agreement to reduce the amount of the approved surety provided under Letter of Credit No. FGAC-22559 in the amount of \$550,837.25 to \$62,405.20 for the completion of the remaining infrastructure for Babcock National Phase 6. The site contains 18.51± acres and is generally located south of Bermont Road, north of Greenway Boulevard, east of Sugar Hill Drive, and west of the Babcock Trail, within the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, in the East County area. Located in Commission District I. **A.AGR 2023-014**

**Quasi-Judicial**

**Public Hearing**



Minutes Clerk Johnston administered oath for testimony.

UB1. PP-23-07-08, Babcock Ranch Community Shoppes at Yellow Pine

**Community Development**

Approve a Preliminary Plat for a commercial subdivision to be named, Babcock Ranch Community Shoppes at Yellow Pine and consisting of one lot. This site contains 16.08± acres and is generally located north of Cypress Parkway, east of SR 31, west of Curry Preserve Drive, and south of Lake Babcock Drive, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, within the East County area. Located in Commission District I.

**Quasi-Judicial**

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

Jenny Shao, Zoning Coordinator provided credentials, gave a brief overview of PP-23-07-08, Location Map, 2023 Aerial Location Map (Full Range), 2023 Aerial Location Map (Mid-Range), Aerial Location Map, 2022 Google Earth Image, Future Land Use Map (FLUM) Designations, Zoning Designations, 1,000' Mailed Notice Area Map, Proposed Changes, and Proposed Changes (Aerial).

Attorney Rob Berntsson, Applicant Representative accepted Ms. Shao as an expert, commented on development, and parcel.

**Vice Chair Constance** discussed plat.

**Public Input**

**COMMISSIONER DOHERTY MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE A PRELIMINARY PLAT FOR A COMMERCIAL SUBDIVISION TO BE NAMED, BABCOCK RANCH COMMUNITY SHOPPES AT YELLOW PINE AND CONSISTING OF ONE LOT. THIS SITE CONTAINS 16.08± ACRES AND IS GENERALLY LOCATED NORTH OF CYPRESS PARKWAY, EAST OF SR 31, WEST OF CURRY PRESERVE DRIVE, AND SOUTH OF LAKE BABCOCK DRIVE, IN THE BOUNDARY OF THE BABCOCK RANCH COMMUNITY DEVELOPMENT OF REGIONAL IMPACT (DRI) INCREMENT 1, WITHIN THE EAST COUNTY AREA. LOCATED IN COMMISSION DISTRICT I, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

UB2. PP-23-08-09, Firelight - Phase I

**Community Development**

Approve a Preliminary Plat for a residential subdivision to be named, Firelight-Phase I, consisting of 219 single-family lots, and 23 tracts. This site contains 332.69± acres and is located at 26000 Zemel Road (Rd), 15170 Burnt Store Rd, and 15162 Burnt Store Rd, in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area. Located in Commission District II.

#### **Quasi-Judicial**

**Vice Chair Constance** polled the Board for Ex Parte Disclosures. **Vice Chair Constance, 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 PP-23-08-09, Location Map, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), Aerial Location Map, 2022 Google Earth Image, FLUM Designations, Zoning Designations, 1,000' Mailed Notice Area Map, Proposed Changes, and Proposed Changes (Aerial).

**Vice Chair Constance** mentioned water feature, cut through road, Proposed Changes (Aerial), and stormwater. **Commissioner Tiseo** noted hydrology, water discharge, impacts, requirements, flow, bypass, process, detention, modeling, rain events, and green area.

Attorney Rob Berntsson, Applicant Representative accepted Ms. Shao and Mr. Cullinan as experts, spoke to water feature, wildlife corridor, cut through road, development rights transfer, and density.

Todd Rebol, Banks Engineering commented on Southwest Florida Water Management District (SWFWMD), discharge, rate, requirements, flow, permit, detention, modeling, rain events, bypass, green area, and wetlands.

#### **Public Input**

**COMMISSIONER DOHERTY MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE A PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION TO BE NAMED, FIRELIGHT-PHASE I, CONSISTING OF 219 SINGLE-FAMILY LOTS, AND 23 TRACTS. THIS SITE CONTAINS 332.69± ACRES AND IS LOCATED AT 26000 ZEMEL ROAD (RD), 15170 BURNT STORE RD, AND 15162 BURNT STORE RD, IN THE PUNTA GORDA AREA, WITHIN THE BOUNDARY OF THE BURNT STORE AREA PLAN AREA. LOCATED IN COMMISSION DISTRICT II, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

UB3. SV-23-06-05, Bruce Schafer 21271 Cottonwood Avenue Canal Vacation

#### **Community Development**

Approve a Resolution of Street Vacation to vacate a portion of the Haverhill Waterway Right-of-Way behind the applicant's property located at 21271 Cottonwood Avenue, consisting of 2,809.46± square feet, to bring an

existing shed into compliance with the required setbacks of the zoning district. The area to be vacated is generally located south of Cottonwood Ave, west of Dewitt Street, north of Haverhill Waterway, east of Morningstar Waterway, within the Port Charlotte area. Located in Commission District V. **RES 2024-015**

### **Legislative**

Ms. Shao gave a brief overview of SV-23-06-05, Location Map, 2023 Aerial Location Map (Full Range), 2023 Aerial Location Map (Mid-Range), Aerial Location Map, 2023 Google Earth Image, FLUM Designations, Zoning Designations, 1,000' Mailed Notice Area Map, Proposed Changes, Proposed Changes (Aerial), and Proposed Easements.

**Vice Chair Constance** discussed shed, placement, compliance, setbacks, encroachment, property line, code, and value increase. **Commissioner Doherty** mentioned vacation, benefits, property, value, stormwater, drainage easement, rights, survey, and property line. **Commissioner Deutsch** noted property and shed purchase, permit, placement, anchoring, canal, waterway width, and survey. **Commissioner Tiseo** spoke to shed, placement, encroachment, right-of-way (ROW), code complaint, setbacks, compliance, variance, carport, vacation, conditions, easement, occupation, and survey.

Shaun Cullinan, Planning and Zoning Official remarked on shed, placement, ROW, deck, encroachment, permit, compliance, setbacks, options, code complaint, carport, occupation, survey, canal, and waterway width.

Bruce Schafer, Applicant commented on garden shed, permit, zoning, setbacks, variance, vacation, landscape, canal maintenance, waterways, purchase, and anchoring.

Assistant County Attorney David interjected on process, plat, vacation, easement, and ROW.

County Attorney Knowlton responded to easement occupations.

Mr. Kipa commented on easement, decking, encroachment, property line, survey, and anchoring.

### **Public Input**

Ryan English spoke in favor of SV-23-06-05, Bruce Schafer 21271 Cottonwood Avenue Canal Vacation, discussed garden house, aesthetics, landscape, moving cost, variance, and setback.

Dave Bonderenko spoke in favor of SV-23-06-05, Bruce Schafer 21271 Cottonwood Avenue Canal Vacation, mentioned property, garden shed, and setbacks.

Louis Agosto spoke in favor of SV-23-06-05, Bruce Schafer 21271 Cottonwood Avenue Canal Vacation, noted Mr. Schafer, property, and landscape.

Ric Ping spoke in favor of SV-23-06-05, Bruce Schafer 21271 Cottonwood Avenue Canal Vacation, commented on shed, moving cost, landscape, and canal maintenance.

Larry Lavallee spoke in favor of SV-23-06-05, Bruce Schafer 21271 Cottonwood Avenue Canal Vacation, discussed landscape, community service, and waterway preservation.

**COMMISSIONER DOHERTY MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**COMMISSIONER DOHERTY MOVED TO APPROVE SV-23-06-05, BRUCE SCHAFFER 21271 COTTONWOOD AVENUE CANAL VACATION, TO EXTEND PROPERTY LINE TO THE WATER, AND CANAL EASEMENT WOULD EXTEND NORTH TO THE FORMER EASEMENT LINE, AND NEW SURVEY, SECONDED BY COMMISSIONER TISEO**

**MOTION CARRIED 4:0.**

UB4. PAS-23-00002, Commercial Development at Pinedale and SR776

### **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 Low Density Residential (LDR) to Commercial (COM), for property, containing 15 platted lots, located at 13343, 13377, 13385, 13393, 13401, and 13405 S Access Road, 6937 Pinedale Drive, 13420, 13410, 13402, 13394, 13386, 13378, 13370, and 13362 Hopkinton Avenue, in the West County area, containing 3.52± acres; Commission District IV; Petition No. PAS-23-00002; Applicant: Casto JBCC Hwy 70 LLC; providing an effective date. Located in Commission District IV.

### **Legislative**

Jie Shao, Principal Planner provided credentials, gave a brief overview of Proposed Changes, Location Map, 1,000' Mailed Notice Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, and Conceptual Design.

**Vice Chair Constance** mentioned traffic, median, residential homes, property values, and zoning. **Commissioner Doherty** noted residential, commercial, conceptual site plan, uses, and traffic. **Commissioner Tiseo** spoke to concurrency, road level service, Staff Report, commercial, access road, stacking, traffic, flow, uses, FLU, pond, and buffer.

Attorney Rob Berntsson, Applicant Representative accepted Ms. Shao as an expert, commented on traffic, flow, median, development, density, wall, buffering, residential homes, PD, uses, pond, carwash, FLU, Comprehensive Plan, noise, McCall Road, study, and requested approval.

Assistant County Attorney David interjected on re-notice and re-advertising costs.

**Public Input Petition Number PAS-23-00002, Commercial Development at Pinedale and SR776 and Petition Number PD-23-00004, Commercial Development at Pinedale and SR776**

William Highling spoke against PAS-23-00002, Commercial Development at Pinedale and SR776 and PD-23-00004, Commercial Development at Pinedale and SR776, discussed traffic, living quality, car wash, noise, buffering, McCall Road, property value, uses, next steps, flood effects, pond, and proximity.

**COMMISSIONER DOHERTY MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**COMMISSIONER DOHERTY MOVED TO CONTINUE ITEMS UB-4 AND UB-5, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

UB5. PD-23-00004, Commercial Development at Pinedale and SR776

### **Community Development**

Approve an ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Planned Development (PD), and adopting an associated General PD Concept Plan, in order to allow for commercial development; for property, containing 15 platted lots, located at 13343, 13377, 13385, 13393, 13401, and 13405 S Access Road, 6937 Pinedale Drive, 13420, 13410, 13402, 13394, 13386, 13378, 13370, and 13362 Hopkinton Avenue, in the West County area, containing 3.52± acres; Commission District IV; Application No. PD-23-00004; Applicant: Casto JBCC Hwy 70 LLC; providing an effective date. Located in Commission District IV.

### **Quasi-Judicial**

**Vice Chair Constance** 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.

**Vice Chair Constance** mentioned traffic, median, residential homes, property values, and zoning. **Commissioner Doherty** noted residential, commercial, conceptual site plan, uses, and traffic. **Commissioner Tiseo** spoke to concurrency, road level service, Staff Report, commercial, access road, stacking, traffic, flow, uses, FLU, pond, and buffer.

Attorney Rob Berntsson, Applicant Representative accepted Ms. Shao as an expert, commented on traffic, flow, median, development, density, wall, buffering, residential homes, PD, uses, pond, carwash, FLU, Comprehensive Plan, noise, McCall Road, study, and requested approval.

Assistant County Attorney David interjected on re-notice and re-advertising costs.

**Public Input Petition Number PAS-23-00002, Commercial Development at Pinedale and SR776 and Petition Number PD-23-00004, Commercial Development at Pinedale and SR776**

William Highling spoke against PAS-23-00002, Commercial Development at Pinedale and SR776 and PD-23-00004, Commercial Development at Pinedale and SR776, discussed traffic, living quality, car wash, noise, buffering, McCall Road, property value, uses, next steps, flood effects, pond, and proximity.

**COMMISSIONER DOHERTY MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**COMMISSIONER DOHERTY MOVED TO CONTINUE ITEMS UB-4 AND UB-5, SECONDED BY COMMISSIONER DEUTSCH**

**MOTION CARRIED 4:0.**

**ADJOURNED: 4:06 pm**

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**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**