

Charlotte County

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



Regular and Land Use Meeting

Tuesday, November 24, 2020
9 a.m.

Board of County Commissioners

COUNTY COMMISSIONERS

Bill Truex, District 3, Chairman

Christopher Constance, District 2, Vice Chairman

Ken Doherty, District 1

Stephen R. Deutsch, District 4

Joseph Tiseo, District 5

COUNTY ADMINISTRATOR

Hector Flores

COUNTY ATTORNEY

Janette S. Knowlton

CLERK OF THE CIRCUIT COURT

Roger D. Eaton

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

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

9:00 A.M.

Call to Order and Roll Call

Invocation

If you wish, please rise for the invocation

[Pastor Bill Frank](#)
[First Baptist Church of Punta Gorda](#)

Pledge of Allegiance

[Elect Chairman and Vice Chairman](#)

County Attorney

The County Attorney is to conduct this portion of the meeting for the purpose of electing a Chairman and Vice Chairman of the Board of County Commissioners.

Changes to the Agenda

See separate sheet

Proclamations - Commissioner Joseph Tiseo

[Small Business Saturday](#)
[Wendy Norman Day](#)
[**Change, Added - Community Garden Month, 11/19/2020**](#)

Employee Recognition

[Employee of the Month, February - October](#)

Employee of the Month - February 2020

Roy Benjamin

Public Works

Employee of the Month - March 2020

Francine Lisby

Budget and Administrative Services

Employee of the Month - April 2020

Antonio Freitas

Facilities

Employee of the Month - May 2020

Jane Ravella

Community Services

Employee of the Month - June 2020

Jammie Webb

Budget and Administrative Services

Employee of the Month - August 2020

Scott Francis

Facilities

Employee of the Month - September 2020

Carly Hobson

Public Works

Employee of the Month - October 2020

Zinnia Vargas

Budget and Administrative Services

Award Presentations

PUBLIC INPUT - AGENDA ITEMS ONLY

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

COMMITTEE VACANCIES

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.

* [Construction Industry Licensing Board Vacancy](#)

Construction Industry Licensing Board is seeking one volunteer to represent the "Mechanical Contractor" category. Volunteer must be a licensed Mechanical/HVAC Contractor and a resident of Charlotte County. Meetings are held on the 1st Thursday of each month at 6 pm at 18500 Murdock Circle, Administration Building. The term will expire on June 26, 2022. To obtain an application, please call 941-743-1298 or email Diane.Whidden@CharlotteCountyFL.gov.

* [MSBU-MSTU Advisory Board Vacancies](#)

The following **MSBU/TU Advisory Boards** are seeking volunteers who must be both a property owner within and reside within the Unit. Submit applications to Public Works Department, 7000 Florida Street, Punta Gorda, Florida 33950; call 941-575-3600 or e-mail MSBU-TU@CharlotteCountyFL.gov.

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

unexpired terms through October 31, 2021, October 31, 2022, and October 31, 2023.

- **Rotonda Sands North Street & Drainage Unit** is seeking two members to fill vacant unexpired terms through October 31, 2021 and October 31, 2023.
- **South Gulf Cove Waterway Unit** is seeking two members to fill vacant unexpired terms through October 31, 2022 and October 31, 2023.

* [Marine Advisory Committee Vacancy](#)

Marine Advisory Committee is seeking one volunteer to serve as a Member-at-Large for a three (3) year term. Applicant must be a resident of Charlotte County with preference for those who are in one of these designated areas: fishing guide or tour boat operations, bait and tackle operators, commercial fishing industry, marina operations, personal watercraft or marine sales, certified scuba diving profession. Term will expire December 31, 2023. To obtain an application, call or email Nina, (941) 743-1553 / janina.stamoulis@charlottecountyfl.gov.

* [Charlotte Harbor Community Redevelopment Agency Advisory Committee Vacancies](#)

Charlotte Harbor Community Redevelopment Agency Advisory Committee is seeking three volunteers, two business representatives and one resident. Members must be residents of Charlotte County. Meetings are held quarterly in the Administration Center at 18500 Murdock Circle. Meetings are generally held on the first Monday at 10:30 am. To obtain an application call 941-743-1300 and select option 1 or email lisa.eby@charlottecountyfl.gov.

* [MPO Committee Vacancies](#)

MPO - Citizens' Advisory Committee (CAC) are seeking one Charlotte County resident to serve as an At-Large Representative (applicant must live in Charlotte County); The CAC reviews and makes recommendations on transportation plans and projects that the MPO Board will consider.

MPO - Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) is seeking one volunteer representing the Private Transportation Industry (applicant must live in Charlotte County). 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.

MPO - Bicycle/Pedestrian Advisory Committee (BPAC) are seeking a South County 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.

The deadline for submitting an application is Thursday, November 26, 2020. Please go online at www.ccmppo.com or contact the MPO for an application. The MPO mailing address is: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com. The

MPO Board will elect the above positions at its Monday, December 7, 2020 Meeting.

REPORTS RECEIVED AND FILED

[Clerk of Court's County Investment Report](#)

CONSENT AGENDA

Clerk of the Circuit Court

A. Comptroller Division

1. [Finance](#)

Recommended Action:

Approve the Clerk's Finance Memorandum.

Budgeted Action:

No action needed.

B. Minutes Division

1. [Minutes](#)

Recommended Action:

Approve the following Minutes:

October 27, 2020 BCC Regular and Land Use Meeting

November 5, 2020 BCC Pre-Agenda

Budgeted Action:

No action needed.

Board of County Commissioners

C. Commission Office

1. [Appointment - Greater Port Charlotte Street & Drainage MSBU Advisory Board](#)

Recommended Action:

Approve the appointment of John Carlson to fill the unexpired term of Sue Tobin on the Greater Port Charlotte Street & Drainage MSBU Advisory Board). This appointment will be effective immediately and will expire on October 31, 2021.

Budgeted Action:

No action needed.

2. [Appointment - Planning and Zoning Board, District 4](#)

Recommended Action:

Approve the appointment of Thomas P. Thornberry as the District 4 representative on the Planning and Zoning Board, term expiring November 30, 2022, replacing Mr. Kenneth P. Chandler who is unable to continue serving.

Budgeted Action:

No action needed.

D. County Administration**E. County Attorney****1. [Extension 36 of Local State of Emergency - COVID-19](#)****Recommended Action:**

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

Budgeted Action:

No action needed.

2. [Conflict Waiver - Gray Robinson](#)**Recommended Action:**

Approve conflict waiver as requested by Gray Robinson law firm.

Budgeted Action:

No action needed.

F. Budget and Administrative Services**Fiscal Services****1. [Crime Prevention Fund](#)****Recommended Action:**

Approve the transfer of \$85,000 to the Sheriff's Office.

Budgeted Action:

No action needed. Budgeted in the Crime Prevention Fund budget as approved in the FY2021 budget process. Funding for the expenditure comes from court related fines and fees.

Information Technology**Purchasing****2. [21-023, Award, Effluent Pumps - Annual \(Utilities\)](#)****Recommended Action:**

a) Approve award of Bid #21-023, Effluent Pumps - Annual to the lowest responsive, responsible bidder, Alpha General Services Inc., of Sebring Florida at the unit price submitted for a period of January 1, 2021 through and including December 31, 2021; and

b) Authorize County Administrator, or his designee, to approve renewal options for up to two (2) additional one (1) year periods at the same prices, terms and conditions, by mutual consent. The purpose of this bid is secure a firm price for the purchase and delivery of effluent pumps for Charlotte County Utilities on an "as required basis."

Budgeted Action:

No action needed. Budgeted in the Utility Operating Fund budget as approved in the FY2021 budget process. Funding for the expenditure comes from rate revenues.

Real Estate Services**Risk Management****Transit****3. [2021 Transit Resolutions](#)****Recommended Action:**

- a) Approve Resolution for the Section 5310 Federal Transit Grant FY21-22; and
- b) Approve Resolution for the Section 5311 Federal Transit Grant FY21-22; and
- c) Approve Summary Resolution authorizing the County Administrator, or his/her designee, to execute designated Transit Division grant applications, contracts, agreements, grant-related documents and Transportation Services Agreement.

Budgeted Action:

No action needed.

G. Community Development**H. Community Services****I. Economic Development****1. [Set a Charlotte Harbor Community Redevelopment Agency meeting for December 8, 2020.](#)****Recommended Action:**

~~Set a Charlotte Harbor Community Redevelopment Agency meeting for December 8, 2020 at 10:00 a.m., or as soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida.~~

****Deleted, 11/18/2020****

Budgeted Action:

~~No action needed.~~

J. Facilities Construction and Maintenance**1. [Lease Agreement with C.A.R.E. at Grace Street Annex](#)****Recommended Action:**

- a) Approve Lease Agreement between Charlotte County and Center for Abuse and Rape Emergencies; and
- b) Approve Resolution authorizing County Administrator, or his designee, to sign and execute amendments, extensions, terminations, and novation changes to the lease agreement.

Budgeted Action:

No action needed. Budgeted in the General Fund.

K. Human Resources

L. Human Services

M. Public Safety

1. [Emergency Medical Services County Pre-Hospital Grant Application](#)

Recommended Action:

Approve Resolution and application for FY21 Emergency Medical Services (EMS) Pre-Hospital County grant.

Budgeted Action:

A budget amendment in the amount of \$18,619 will be submitted to the Board if a letter of award is received. The grant is 100% funded and there is no local match required by the County. Funding will come from Emergency Medical Services and reimbursed by advanced grant funds from the Florida Department of Health.

N. Public Works

1. [Set a Public Hearing to Consider an Ordinance Approving the Slow Speed Minimum Wake Zone for Alligator Creek](#)

Recommended Action:

Set a public hearing for December 8, 2020 at 10:00 a.m., or as soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida, to consider approving an ordinance establishing a Slow Speed Minimum Wake Zone in a portion of Alligator Creek.

Budgeted Action:

No action needed. Funding will be supplied by the Alligator Creek Waterway MSBU as approved in the FY21 budget process. Funding for this expenditure will come from Alligator Creek Waterway MSBU assessments.

O. Tourism Development

P. Utilities

Q. Other Agencies

REGULAR AGENDA

R. Regular Agenda

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

County Administration

Update on Charlotte County's COVID-19 response.

2. [Water Authority Agenda - December 2, 2020](#)**Utilities**

Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the upcoming December 2, 2020 Meeting.

****Change, Added attachment - Dec. 12, 2020 Agenda, 11/23/2020****

3. [Sales Tax Update](#)**County Administration**

Update on Sales Tax.

4. [Height and Density Incentives for Mixed-use Zoning Designation](#)**Community Development**

Discussion and direction on the direct the range of incentive standards for the proposed mixed-use zoning district. Specifically, the weight given to each proposed incentive category for increases in height and/or density. First reading was held at a Special Meeting on November 10, 2020.

****Change, Added attachment - Revised, Presentation, 11/19/2020****

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing**1. [County Ordinance Revisions Chapter 4-4](#)****Public Works**

Conduct a public hearing to consider an ordinance approving the revisions of Chapter 4-4 that are necessary to correlate with the requirements set forth in the Amended and Restated Exclusive Franchise Agreement for collection services in unincorporated Charlotte County.

2. [County Ordinance Revisions Chapter 1-12](#)**Public Works**

Conduct a public hearing to consider an ordinance approving the revisions of Chapter 1-12 that are necessary to correlate with the requirements set forth in the Amended and Restated Exclusive Franchise Agreement for collection services in unincorporated Charlotte County.

3. [Year-round and Shortage/Emergency Water Conservation Measures Ordinance](#)**Utilities**

Conduct a public hearing to consider an ordinance modifying the existing ordinance to comply with Southwest Florida Water Management District year-round water conservation measures and to add water shortage plan provisions distinguishing between water management districts in Charlotte County.

4. [Revisions to Section 3-2-42, Construction Industry License Board - Regarding Appeals](#)**Community Development**

Conduct a public hearing to consider an ordinance amending Charlotte County Code of Ordinances, Chapter 3-2, Buildings and Building Regulations, Section 3-2-42(h), Construction Industry License Board -Appeals, providing for consistency with Section 162.11 of Florida Statutes, providing for inclusion in Charlotte County Codes, providing severability, and providing for an effective date.

PRESENTATION AGENDA

T. 10:00 A.M. Presentations

1 P.M. PUBLIC INPUT - ANY SUBJECT

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

2 P.M. LAND USE AGENDA

PUBLIC INPUT - LAND USE CONSENT AGENDA ITEMS ONLY

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

Consent Agenda

UA1. [DRC-20-00006 Kuykendall Roofing](#)

Community Development

Weiler Engineering is requesting Final Detail Site Plan approval for Kuykendall Roofing Inc. This project consists of a building trades contractor's office with on premise storage yard with less than 10 service vehicles. The site is located at 3000 Acline Rd, Punta Gorda, FL, in Section 28, Township 41, Range 23.

Quasi-Judicial

UA2. [DRC-20-00051 JT Young Trucking](#)

Community Development

Southwest Engineering & Design is requesting Final Detail Site Plan approval for the JT Young Trucking Facility. The proposed development consists of an existing building rehabilitated for an office building, a fully enclosed repair shop, warehouse, fuel pumps, and expanding of existing areas with asphalt millings to allow parking of semi-tractors and trailers. This project site is 14.21 +/- acre and is located at 11504 First Ave., Punta Gorda, FL, in Section 34, Township 41 S, Range 23 E.

Quasi-Judicial

UA3. [DRC-20-00081 Heritage Landing Amenity Center](#)

Community Development

Banks Engineering is requesting a Major Modification to the Heritage Landing Final Detail Site Plan (Amenity Center). This project consists of an addition of a clubhouse, tennis center, fitness center, and chickee bar within the amenity tract at Heritage Landing. This project site is 12.53 ± acres and is located at 14581 Heritage Landing Blvd, Punta Gorda, FL.

Quasi-Judicial

UA4. [FP-19-06-08, Biscayne Landing, Lennar Homes, LLC](#)

Community Development

Lennar Homes, LLC has requested Final Plat approval for a residential subdivision to be named, Biscayne Landing. The Preliminary Plat for Biscayne 130 was approved on October 22, 2019 (PP-19-06-08). There have been no changes to the plat linework since that approval. However, the new name for the project is "Biscayne Landing", the owner is now Lennar Homes, LLC. The final plat will be phased. Phase 1 will consist of 214 lots. They also seek approval of a Developer's Agreement and surety to cover the construction of the plat infrastructure. The site is 125.93 ± acres and is located east of Biscayne Drive, north of El Jobean Road, west of the Flamingo Waterway, and south of Franklin Avenue, in Section 10, Township 40S, Range 21E, in Commission District IV.

Quasi-Judicial

UA5. [FP-19-11-15, Cove at West Port Phase 1A, Forestar \(USA\) Real Estate Group](#)

Community Development

Forestar (USA) Real Estate Group, Inc has requested Final Plat approval for a subdivision to be named, Cove at West Port Phase 1A, formerly known as The Shores and The Cove at West Port Phase 1, consisting of forty-eight (48) residential lots. They also seek approval of a Developer's Agreement and surety to cover the construction of the plat infrastructure. The site is 115.34± acres and is located south of U.S. Highway 41, north of El Jobean Road, east of the Crestwood Waterway, and west of the Flamingo Waterway, in Sections 10 and 11, Township 40S, Range 21E, in Commission District IV.

Quasi-Judicial

UA6. [FP-19-11-16, Hammocks at West Port Phase 1, KL West Port, LLC](#)

Community Development

KL West Port, LLC has requested Final Plat approval for a subdivision to be named, The Hammocks at West Port Phase 1, consisting of 110 residential lots. They also seek approval of a Developer's Agreement and surety to cover the construction of the plat infrastructure. The site is 118.34 ± acres and is located south of U.S. Highway 41, north of El Jobean Road, east of the Crestwood Waterway, and west of the Flamingo Waterway, in Sections 11 and 14, Township 40S, Range 21E, in Commission District IV.

****Change, Added attachment - Revised, Presentation, 11/19/2020****

Quasi-Judicial

UA7. [FP-20-05-12 Kings Gate, Phase 8, Neal Communities of Southwest Florida, LLC](#)

Community Development

Waldrop Engineering has requested Final Plat approval for a 188-lot subdivision to be

named, Kings Gate, Phase 8. They also seek approval of a Developer's Agreement and surety to cover the construction of the plat infrastructure. The site is 18.65 ± acres and located one mile west of I-75, north of Rampart Blvd. and east of Kings Hwy., within the Victoria Estate DRI in Commission District I

Quasi-Judicial

- UA8.** [FP-20-07-13, Babcock Ranch Community Phase 1B3, Babcock Property Holdings, L.L.C.](#)

Community Development

Babcock Property Holdings LLC has requested Final Plat approval for a subdivision to be named, Babcock Ranch Community, Phase 1B3, consisting of 38 single-family lots. The site is 10.32 acres ± and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Sections 31 and 32, Township 42S, Range 26E, in Commission District I.

Quasi-Judicial

- UA9.** [FP-20-07-14, Babcock Ranch Community Village III Southwest, Pulte Home Company, LLC](#)

Community Development

Pulte Home Company, LLC has requested Final Plat approval for a subdivision to be named, Babcock Ranch Community, Village III Southwest, consisting of 101 single-family lots. They also seek approval of a Developer's Agreement and surety to cover the construction of the plat infrastructure. The site is 48.91± acres and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Sections 19 and 30, Township 42S, Range 26E, in Commission District I.

Quasi-Judicial

- UA10.** [FP-19-11-16, Isles at West Port Phase 1, KL West Port, LLC](#)

Community Development

KL West Port, LLC has requested Final Plat approval for a subdivision to be named, The Isles at West Port Phase 1, consisting of 60 residential lots. They also seek approval of a Developer's Agreement and surety to cover the construction of the plat infrastructure. The site is 37.13 ± and is located south of U.S. Highway 41, north of El Jobean Road, east of the Crestwood Waterway, and west of the Flamingo Waterway, in Sections 11 and 14, Township 40S, Range 21E, in Commission District IV.

Quasi-Judicial

Public Hearing

- UB1.** [PD-20-00006, Claburn PD Modification](#)

Community Development

Adopt 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 of the existing PD, Resolution Number 94-211, to allow specific commercial uses on a portion of the property specifically located on Claburn Circle and containing 4.08± acres; for property generally located northwest of Cochran Boulevard,

southwest of Tamiami Trail (US 41), and southeast of Frizzell Lane, in the Port Charlotte area, containing 11.38± acres; Commission District V; Petition No. PD-20-00006; Applicant: Development Real Estate Solutions, LLC; providing an effective date.

Quasi-Judicial

AA. County Administrator Comments

BB. County Attorney Comments

CC. Economic Development Director Comments

DD. County Commissioner Comments

County Commissioners

Bill Truex, District 3, Chairman

Christopher Constance, District 2, Vice Chairman

Ken Doherty, District 1

Stephen R. Deutsch, District 4

Joseph Tiseo, District 5

Board of County Commissioners

Schedule of Future Closures/Hearings/Workshops

[Schedule](#)