

# Charlotte County

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



## Regular and Land Use Meeting

Tuesday, May 12, 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

[Invocation](#)

**Pledge of Allegiance**

**Changes to the Agenda**

See separate sheet

**Proclamations - Commissioner Stephen R. Deutsch**

[Proclamations](#)

- El Jobean Pre-Memorial Day Remembrance Celebration
- National Public Works Week
- Water Safety Awareness Month
- Trauma Awareness Month **\*\*Added, 5/6/2020\*\***

**Employee Recognition**

**Award Presentations**

**CITIZEN INPUT - AGENDA ITEMS ONLY**

The public is invited to attend and provide input. Alternative means to give testimony in writing are available for individuals who cannot or do not wish to attend in person. Written comments may be submitted by emailing the comments to [BCC\\_PublicComment@CharlotteCountyFL.gov](mailto:BCC_PublicComment@CharlotteCountyFL.gov).

Comments must be received for the regular portion of the meeting by 9 a.m., May 12, for the 10 a.m. Public Hearing portion, no later than 10 a.m., May 12, for the Land Use portion, no later than 2 p.m., May 12, and for the Land Use Public Hearing portion, no later than 2 p.m., May 12, and they will be read by a County staff member to the County Commission and a copy will be given to each board member. Comments about Charlotte County Commission agenda items submitted by email will be read into the meeting record **ONLY** if a name is included in the submission.

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

## **COMMITTEE VACANCIES**

[MSBU-MSTU Advisory Board Vacancies](#)

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

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

## REPORTS RECEIVED AND FILED

[2019 Utilities Department Annual Report](#)

[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:

April 14, 2020 BCC Regular and Land Use Meeting

April 23, 2020 BCC Pre-Agenda

**Budgeted Action:**

No action needed.

### Board of County Commissioners

#### C. Commission Office

##### 1. [Appointment - Harbour Heights Street and Drainage MSBU Advisory Board](#)

**Recommended Action:**

Approve the appointment of Adam Riley to fill the unexpired term of William Brewster on the Harbour Heights Street and Drainage MSBU Advisory Board. This appointment will be effective immediately and will expire on October 31, 2021.

**Budgeted Action:**

No action needed.

#### D. County Administration

#### E. County Attorney

1. [Extension 8 of State of Local Emergency - COVID-19](#)

**Recommended Action:**

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

**Budgeted Action:**

No action needed.

F. **Budget and Administrative Services**

**Fiscal Services**

1. [Reimbursement Resolution for Water and Sewer Utility Capital Improvements](#)

**Recommended Action:**

Approve Resolution authorizing reimbursement of costs related to acquisition, construction and equipping of certain water and sewer utility capital improvements.

**Budgeted Action:**

No action needed. Funding for the expenditures comes from various Utility funds.

2. [Murdock Village Refinancing](#)

**Recommended Action:**

Approve the agreement to refinance the Murdock Village note to eliminate the balloon payment.

**\*\*Change, Added attachments - Resolution, Loan Agreement, Rate Lock Agreement, 5/7/2020\*\***

**\*\*Change, Added attachment - Final Authorizing Resolution with Exhibits, 5/11/2020\*\***

**Budgeted Action:**

No action needed. Revised debt service is within the budget.

**Information Technology**

**Purchasing**

3. [20-100, Award, Change Order #2, Football Scoreboards \(Community Services\)](#)

**Recommended Action:**

Approve award of Change Order #2 Piggyback purchase, File No. 20-100 Football Scoreboards in the amount of \$10,270.00 to Daktronics of Clearwater, Florida to increase the original contract amount to \$162,448.00 for the installation of Football Scoreboards at various County Park locations.

**Budgeted Action:**

No action needed. Budgeted in the Community Services Capital Maintenance Plan as approved in the FY20 budget process and later amended. Funding is supplied from Capital Projects ad valorem.

**4. [Property Deletions for the Month of May, 2020 \(Purchasing\)](#)****Recommended Action:**

Approve the deletion of additional property inventory items listed on the attached for the month of May 2020.

**Budgeted Action:**

No action needed.

**Real Estate Services****5. [Burnt Store Water Reclamation Facility Expansion Project - Site Acquisition \(Utilities\)](#)****Recommended Action:**

Approve Resolution authorizing and directing the acquisition of the real property located at 17460 Burnt Store Road, Punta Gorda, Florida 33955 for the Burnt Store Water Reclamation Facility Expansion Project.

**Budgeted Action:**

No action needed. Budgeted in CIP project "Burnt Store Water Reclamation Facility Expansion" as approved in the FY20 budget process. Funding is supplied from the Florida Department of Environmental Protection and wastewater rate revenues.

**Risk Management****Transit**

- G. Community Development**
- H. Community Services**
- I. Economic Development**
- J. Facilities Construction and Maintenance**
- K. Human Resources**
- L. Human Services**
- M. Public Safety**
- N. Public Works**
- O. Tourism Development**
- P. Utilities**

1. [Utilities SCADA Upgrades Capital Improvement Program FY20](#)

**Recommended Action:**

Approve Resolution and budget adjustment BA20-021, in the amount of \$413,000 increasing the FY2020 adopted budget for new Capital Improvements Plan (CIP) project - Utilities Supervisory Control and Data Acquisition System (SCADA) Upgrades.

**Budgeted Action:**

Approve Resolution and budget adjustment BA20-021, in the amount of \$413,000 to provide for the "SCADA System Upgrades" capital improvement project within the FY20 Utilities Capital Improvements Program. Funding is supplied from the Utility Operations and Maintenance Fund.

Q. **Other Agencies**

## REGULAR AGENDA

R. **Regular Agenda**

1. [Mosquito Control Tanker Purchase](#)

**Public Works**

Approve purchase of a used Tanker Truck as an addition to the fleet to be utilized by Mosquito Control in the amount of \$12,500.

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

**County Administration**

Update on Charlotte County's COVID-19 response.

**\*\*Change, Added presentation, 5/12/2020\*\***

3. [May 19, 2020 BCC Schedule Change](#)

**County Administration**

a) Approve rescheduling the May 19, 2020 MSBU Workshop from 1:30 p.m. to 4:00 p.m.; and

b) Approve setting a COVID-19 Update Meeting on May 19, 2020 at 1:30 p.m.

**\*\*Added, 5/6/2020\*\***

4. [Utility Agreement Between Charlotte County and Bella Via at Port Charlotte LLC](#)

**Commission Office**

~~Discussion and direction from the Board concerning a Utility Agreement dated October 12, 2006 between Charlotte County and Bella Via at Port Charlotte LLC.~~

~~**\*\*Added, 5/7/2020\*\***~~

~~**\*\*Deleted, 5/7/2020\*\***~~

5. [Resolution Requesting Governor to Accelerate Reopening](#)

**Commission Office**

Approve Resolution requesting the Governor to accelerate the reopening of businesses within Charlotte County.

**\*\*Added, 5/8/2020\*\***

**\*\*Change, Added attachment - Revised Resolution, 5/11/2020\*\***

## **PUBLIC HEARING AGENDA**

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

1. [Consider an Ordinance Amending the General Ordinances and Special Acts Chapter 1-10 of the Code entitled "Licenses and Business Regulations"](#)

**County Attorney**

Conduct a Public Hearing on May 12, 2020 at 10:00 a.m., or as soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte to consider an ordinance amending Chapter 1-10 of the Code entitled "Licenses and Business Regulations," to include a requirement for human trafficking public awareness signs to be posted in additional business establishments.

2. [Create the South Charlotte Stormwater MSBU Advisory Board](#)

**Public Works**

Conduct a public hearing on May 12, 2020, at 10 a.m. or as soon thereafter as may be heard, in Room 119 at 18500 Murdock Circle, Port Charlotte, Florida to consider the creation of the South Charlotte Stormwater Municipal Service Benefit Unit (MSBU) Advisory Board.

## **PRESENTATION AGENDA**

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

1. [Burnt Store Road Phase II Construction Update](#)

Update on the Burnt Store Road Phase II project.

## **2 P.M. LAND USE AGENDA**

## **CITIZEN INPUT - LAND USE CONSENT AGENDA ITEMS ONLY**

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## Consent Agenda

### UA1. [FP-04-05-10, River Club, D.R. Horton, Inc.](#)

#### **Community Development**

D.R. Horton, Inc. requests approval of an Amended Developer's Agreement for River Club Subdivision, consisting of 350 single-family lots. The site is 126.0 acres, more or less, and is located north and south of Westchester Boulevard, east of Melissa Court, and west of Oakview Drive, in Section 19, Township 40 South, Range 23 East, in Commission District I.

#### **Quasi-Judicial**

### UA2. [FP-04-05-10, River Club, D.R. Horton, Inc.](#)

#### **Community Development**

D.R. Horton, Inc. requests approval of a Bond Reduction for River Club Subdivision, consisting of 350 single-family lots. The site is 126.0 acres, more or less, and is located north and south of Westchester Boulevard, east of Melissa Court, and west of Oakview Drive, in Section 19, Township 40 South, Range 23 East, in Commission District I.

#### **Quasi-Judicial**

### UA3. [FP-16-09-05, Windward Isles, Vasco PGF Development, LLC](#)

#### **Community Development**

Vasco PGF Development, LLC is requesting approval of an Amended Developer's Agreement for Windward Isles, consisting of 24 residential lots. The site is 7.30 acres, more or less, and is located south of Rio Villa Drive, north of Alligator Creek, east of Palm Drive, and west of Windmill Boulevard, in Section 19, Township 41S, Range 23E, in Commission District II.

#### **Quasi-Judicial**

**UA4.** [FP-16-09-05, Windward Isles](#)**Community Development**

Vasco PGF Development, LLC is requesting a Bond Reduction for Windward Isles Subdivision, consisting of 24 residential lots. The site is 7.30 acres, more or less, and is located south of Rio Villa Drive, north of Alligator Creek, east of Palm Drive, and west of Windmill Boulevard, in Section 19, Township 41S, Range 23E, in Commission District II.

**Quasi-Judicial****UA5.** [FP-05-04-05, Oak Harbour, KB Home Fort Myers, LLC](#)**Community Development**

KB Home Fort Myers, LLC is requesting the release of Bond #929388493, issued by Continental Insurance Company, in the amount of \$80,348.13, which covered the construction of the infrastructure of Oak Harbour Subdivision. The site is 42.59 acres, more or less, and is located south and east of I-75, west of Taylor Road, and north of Jones Loop Road, in Sections 22 and 27, Township 41S, Range 23E, in Commission District II.

**Quasi-Judicial****UA6.** [FP-13-01-01, Coral Caye, Placida Commons, LLC](#)**Community Development**

Placida Commons, LLC is requesting approval of an Amended Developer's Agreement for Coral Caye Subdivision. The property is 35.20 acres, more or less, and is located east of Placida Road, west of Cape Haze Drive, south of Dixon Lane, and north of Blue Heron Cove, in Sections 33 and 34, Township 41S, Range 20E, in Commission District III.

**Quasi-Judicial****UA7.** [FP-15-07-02, Coco Bay, Island Lake Estates, LLC](#)**Community Development**

Island Lake Estates, LLC has requested approval of an Amended Developer's Agreement for the plat infrastructure of Coco Bay Subdivision, consisting of 178 single-family lots. The site is 169.68 acres, more or less, and is located south of San Casa Drive, north of Cypress Road, east of Placida Road, and west of Winchester Boulevard, in Section 16, Township 41S, Range 20E, in Commission District III.

**Quasi-Judicial**

**UA8. [DRC-20-00010 Heritage Landing Pod A](#)****Community Development**

Banks Engineering is requesting a Major Modification to a Final Detail Site Plan for Heritage Landing Pod A. This project is a proposed multi-family tract consisting of 18 four-unit coach homes with attached garages and associated infrastructure. This project site is 8.85 +/- acres of a 890.74 +/- acre development, and is located at 14040 Heritage Landings, Punta Gorda, Florida in Section 17, Township 42, Range 23.

**Quasi-Judicial****Public Hearing****UB1. [Z-19-11-38, West Port LLC](#)****Community Development**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to Planned Development (PD). This is a major modification of an existing PD to revise the concept plan and conditions of approval, for property bound by Franklin Avenue to the north, O'Donnell Boulevard and the Flamingo Waterway to the east, El Jobean Road (SR 776) to the south, and Crestview Waterway to the west, in the Port Charlotte area, containing 434.68± acres; Commission District IV; Petition No. Z-19-11-38; Applicant: West Port, 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](#)