

BOARD OF COUNTY COMMISSIONERS

DECEMBER 12, 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 (via teleconference and departed at 12:06 pm), 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: None.

The Meeting was called to order at 9:00 am

The Invocation was given by Pastor Daniel Dagan, Hope Apostolic Church, followed by the Pledge of Allegiance.

Changes to the Agenda

Addition #1: R-7, Approve a letter of support for House Bill 389; designating a portion of I-75 between U.S. 17/Duncan Road and Harbor View Road in Charlotte County as "Deputy First Class Christopher Taylor Memorial Bridge," to recognize and memorialize the ultimate sacrifice made by Deputy Taylor.

Requested by: Commission Office

Change #1: H-2, Updated wording: a) Approve agreement with the Florida Department of Environmental Protection to receive a grant in the amount of ~~\$400,000~~ **\$200,000** for Bissett Park; and b) Authorize the Chairman to sign the agreement; and c) Approve Resolution for budget adjustment BA24-080 in the amount of \$200,000; and d) Approve amendment to Capital Improvement Project "Bissett Community Park" increasing total project by \$200,000.

Requested by: Community Services

Vice Chair Constance commented on **Chair Truex** and participation.

County Attorney Knowlton interjected on **Chair Truex** and participation.

COMMISSIONER DOHERTY MOVED TO APPROVE CHANGES TO THE AGENDA AND FOR CHAIR TRUEX TO PARTICIPATE VIA TEAMS, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

Proclamations - Commissioner Stephen R. Deutsch

COMMISSIONER DOHERTY MOVED TO APPROVE THE PROCLAMATION, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

Sunseeker Resorts Day

Micah Richins, Sunseeker Executive Vice President and Chief Operating Officer accepted the Proclamation.

Employee Recognition

Years of Service - November 2023

5 Years: Jordan Croteau, Public Safety; Tyler Faircloth, Public Safety; Daniel Gerry, Community Development; Tracey Jewell, Community Development; Juan Viteri, Public Safety; **10 Years:** Zachary Ballard, Public Safety; Marlon Dix, Public Safety; Steven Dunn, Public Safety; Jeffrey El-Khadlidi, Public Safety; John Estill, Jr., Public Safety; Ryan Gage, Public Safety; Brett Johnson, Public Safety; Kimberly Kelley, Facilities; Brian Miller, Public Safety; Brandon Nevling, Public Safety; Wesley Ojeda, Public Safety; Andrew Robinson, Public Safety; **15 Years:** Zachary Cain, Public Safety; **20 Years:** Kenneth Kelsch, Utilities; Frank Muscato, Utilities; **25 Years:** Karen Bliss, Public Works; **30 Years:** Amy Judy, Public Safety.

Employee of the Month - November 2023

Jason Thompson
Community Services

Tommy Scott, Community Services Director highlighted Mr. Thompson's career, dedication, team leadership, and presented Award.

Award Presentations

Commissioners' Award for Customer Service - Ken Doherty

Fourth Quarter Commissioners' Award FY2022-23
Caroline Wannall
Utilities

Commissioner Doherty highlighted Ms. Wannall's career, education, community outreach, and presented Award.

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

Commissioner Stephen R. Deutsch to accept donation on behalf of Kaye Gaines of St. Petersburg, FL.

Commissioner Deutsch highlighted activities, construction, community and first responders support, fundraising, and accepted donation.

PUBLIC INPUT - AGENDA ITEMS ONLY

Bryan Burner discussed Concession Services.

Kathleen Browning mentioned Concession Services.

Richard Russell noted Harbor Boulevard and Access Road Intersection Improvements, Harbor View Road Widening Project, and Kings Highway Widening Project.

David Kesselring spoke to Clerk's Finance Memorandum, Crime Prevention Fund, 24-042 Rotonda Bridge Rehabilitation 2 – 014061 and 014062, Consider a Resolution Electing to Use the Uniform Method of Collecting Non-Ad Valorem Assessment, and Concession Services.

Thom Krause commented on Concession Services.

Cathy Wooley discussed Concession Services.

COMMITTEE 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 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.

- **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.
- **South Burnt Store Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2024.

REPORTS RECEIVED AND FILED

2023 Affordable Housing Advisory Committee (AHAC) Annual Incentive Report
Human Services

Annual submission to the BOCC is required pursuant to § 420.9076 (4), F.S.

CONSENT AGENDA

Vice Chair Constance mentioned 2024 Meetings, Workshops and Public Hearings.

COMMISSIONER DOHERTY MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-14, SECONDED BY COMMISSIONER DEUTSCH

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.

B. Minutes Division

1. Minutes

Recommended Action: Approve the following Minutes:

November 21, 2023 BCC Board Workshop

November 21, 2023 BCC Utilities Department Update Meeting
November 21, 2023 BCC Joint Meeting with City of Punta Gorda
November 27, 2023 BCC Pre-Agenda

Budgeted Action: No action needed.

Board of County Commissioners

C. Commission Office

1. Appointment - Parks and Recreation Advisory Committee

Recommended Action: Approve the appointment of Robin Cyphert, District IV representative, to replace Debra Anlauf. Effective immediately, representative shall fill the current term, expiring November 30, 2026.

Budgeted Action: No action needed.

2. Reappointment - Agriculture & Natural Resources Advisory Committee

Recommended Action: Approve the reappointment of David Kemeny to the Agriculture & Natural Resources Advisory Committee as a representative of commodity production. The term will begin immediately and expire on December 31, 2026.

Budgeted Action: No action needed.

3. Reappointments - Affordable Housing Advisory Committee

Recommended Action: Approve the following reappointments: a) Kurt Pentelecuc to the Affordable Housing Advisory Committee as a Non-Profit Provider. The term begins immediately and expires December 31, 2025; and b) Michael Meagher to the Affordable Housing Advisory Committee as a representative of the residential home building industry. The appointment is effective immediately and expires December 31, 2025.

Budgeted Action: No action needed.

4. Reappointments - Environmentally Sensitive Lands Oversight Committee

Recommended Action: Approve the following reappointments: a) Shaun O'Rourke as a representative of Environmental Expertise; and b) Derek Miller as a representative of Business & Land Development. The appointments begin immediately and will expire December 31, 2026.

Budgeted Action: No action needed.

5. Gulf Consortium Executive Committee

Recommended Action: Approve a letter of recommendation for Commissioner Christopher G. Constance to seek a position on the executive committee for the Gulf Consortium.

Budgeted Action: No action needed.

D. County Administration

1. 2024 Meetings, Workshops and Public Hearings

Recommended Action: Approve 2024 meeting, workshop and public hearing schedule.

Budgeted Action: No action needed.

E. County Attorney

F. Budget and Administrative Services

Fiscal Services

1. Crime Prevention Fund

Recommended Action: Approve the transfer of \$87,000 to the Sheriff's Office.

Budgeted Action: No action needed. Budgeted in the Crime Prevention Fund budget as approved in the FY2024 budget process. Funding for the expenditure comes from court related fines and fees.

Information Technology

Purchasing

2. 24-042, Award, Rotonda Bridge Rehabilitation 2 - 014061 and 014062 (Public Works)

Recommended Action: Approve award of Request for Bid #24-042, Rotonda Bridge Rehabilitation #2 – 014061 and 014062, to Thomas Marine Construction, Inc., of Fort Myers, Florida, for the total amount of \$836,629.51. This is for the services of a Contractor to complete bridge repairs.

Budgeted Action: No action needed. Budgeted in the Public Works MSBU/TU Bridges Capital Maintenance Plan as approved in the FY24 budget process. Funding is supplied by Rotonda West Street and Drainage MSBU assessments.

3. 24-011, Ranking, Comprehensive Vulnerability Assessment (Administration)

Recommended Action: a) Approve ranking of firms for Request for Proposal #24-011, Comprehensive Vulnerability Assessment: 1st WSP USA, Inc. of Ft. Myers, Florida; 2nd Half Associates of Tampa, Florida; and 3rd

The Balmoral Group of Winter Park, Florida; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for a firm to identify potential climate impacts to Charlotte County.

Budgeted Action: No action needed

4. 24-023, Award, Hurricane Ian Permanent Repair - Burnt Store Headwall (Public Works)

Recommended Action: Approve award of Request for Bid #24-023, Hurricane Ian Permanent Repair – Burnt Store Headwall to V&H Construction, Inc. of Fort Myers, Florida for the total amount of \$194,985. This is for removal of the existing Sand Cement Headwall, damaged by Hurricane Ian, and the construction of a new Concrete Headwall in the same location on Burnt Store Road in Punta Gorda.

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 using general county revenues. As a Federal Highway Administration site, reimbursement is not anticipated.

5. 24-015, Award, Harbor Boulevard and Access Road Intersection Improvements (Public Works)

Recommended Action: Approve award of Request for Bid #24-015, Harbor Boulevard and Access Road Intersection Improvements, to Ajax Paving Industries of Florida, LLC, of North Venice, Florida, for the total amount of \$299,892.91. This bid is to secure a firm price for the services of a Contractor to build a concrete traffic separator at Harbor Boulevard and the Access Road Intersection.

Budgeted Action: No action needed. Budgeted in Capital Improvements Project "Various Intersection Improvements" approved in the FY24 budget process. Funding is supplied from capital gas taxes, reimbursed from road impact fees.

6. 24-113, Water Quality Analysis - Utilities - Annual Contract (Utilities)

Recommended Action: a) Approve award of Request for Bids #24-113, Water Quality Analysis - Utilities - Annual Contract, with Sanders Laboratories, Inc. of Nokomis, Florida at the unit prices listed on the attached tabsheet for the term of January 1, 2024 through and including September 30, 2025 with option to renew for two additional one-year terms; and b) Authorize the County Administrator, or his designee, to approve the additional renewals at the same prices, terms, and conditions by mutual consent. This is for various water testing services for the Utility Department.

Budgeted Action: No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Operations budget as approved in the FY2024 budget process. Funding for this expenditure comes from rate revenues.

7. 24-172, Award, Centennial Ballpark New Playground (Community Services)

Recommended Action: Approve "Piggyback" purchase File #24-172, Centennial Ballpark New Playground to Top Line Recreation, Inc. of Deltona, Florida for the total amount of \$184,904.24, pricing in accordance with the School

Board Volusia County MTS-906BC Contract. This is for the delivery and installation of new playground equipment designed for ages 5 to 12, for the Centennial Ballpark

Budgeted Action: No action needed. Budgeted in the Community Services Capital Maintenance Plan approved in the FY24 budget process. Funding is supplied from Capital Projects ad valorem.

8. 23-514, Approve Change Order 2, Franz Ross Park Walking Path (Community Services)

Recommended Action: Approve Change Order #2 to Contract #23-514, Franz Ross Park Walking Path as awarded to Titan Construction Management, LLC of Tarpon Springs, Florida for an additional \$4,568.38.

Budgeted Action: No action needed. Budgeted in the Community Services Capital Maintenance Plan approved in the FY24 budget process. Funding is supplied from Capital Projects ad valorem.

9. 24-027, Award, Junk Abatement - Annual Contract (Community Development)

Recommended Action: a) Approve award of Request for Bid #24-027 Junk Abatement - Annual Contract, to the lowest responsive, responsible bidder, Steri-Clean of SW Florida of Punta Gorda, Florida at the unit prices bid for the term from January 1, 2024 through and including December 31, 2024; and b) Authorize the County Administrator, or his designee, to approve two (2) additional one-year terms at the same prices, terms and conditions, by mutual consent. This Contract is for the services junk abatement by Magistrate Order of junk like conditions on various properties within Charlotte County.

Budgeted Action: No action needed. Budgeted in the general fund- Code compliance budget as approved in the FY2024 budget process. Funding for the expenditure comes from Ad Valorem.

10. 23-294, Approve Amendment 1, Hurricane Ian Recovery Assessments (Facilities)

Recommended Action: a) Approve Amendment #1 to Contract #23-294, Hurricane Ian Recovery Assessments, with CSA Consulting Group LLC of Wayne, New Jersey, in the amount of \$453,576. This amendment is for the performing of Hurricane Ian/Idalia Comparative Assessments for Community Service locations, and Staff Augmentation Proposal Insurance Claims Clerking to assist County Project Management; and b) Authorize the Chairman to sign Amendment #1 to Contract #23-294.

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.

11. 21-054, Approve, Change Order 9, West and South County Right of Way Landscape Maintenance - Annual Contract (Public Works)

Recommended Action: Recommend approval of Change Order #9 to Contract #21-054, West and South County Right of Way (ROW) Landscape Maintenance for South County Group as awarded to Brightview Landscape Services Inc. of Port Charlotte, Florida in the amount of \$13,214.04. This change order is for necessary hurricane

related replanting and repairs at U.S. 41 at the County Line and maintenance/replanting of Jones Loop Road at I-75.

Budgeted Action: No action needed. For the hurricane-related charges (\$8,298.00), a 4th quarter Budget Adjustment will be brought to the Board for approval. Hurricane costs are being collected in the hurricane fund using general county revenues. As Federal Highway Administration site, reimbursement is not anticipated. The Jones Loop replanting of \$4,916.04 is budgeted in the Transportation Trust Fund.

12. 23-006, Approve Change Order 4, County Right of Way Landscape Maintenance – Mid County - Annual Contract (Public Works)

Recommended Action: Recommend approval of Change Order #4 to Contract #23-006, County Right of Way Landscape Maintenance - Mid County - Annual Contract as awarded to Brightview Landscape Services Inc. of Port Charlotte, Florida in the amount of \$197,164.03. This change order is for the addition of maintenance services for Olean Boulevard Retention Pond. Also, necessary replacement and repairs of landscaping due to damages from Hurricane Ian for Charlotte Harbor Gateway, Elkcam Boulevard and US 41 Southbound.

Budgeted Action: No action needed. For the hurricane-related charges (\$191,764.03), a 4th quarter Budget Adjustment will be brought to the Board for approval. Hurricane costs are being collected in the hurricane fund using general county revenues. As Federal Highway Administration sites, reimbursement is not anticipated. The Olean Blvd retention pond maintenance of \$5,400 annually is budgeted in the Transportation Trust Fund.

13. Property Deletions for the Month of December, 2023 (Purchasing)

Recommended Action: Approve the deletion of additional property inventory items listed on the attached for the month of December 2023.

Budgeted Action: No action needed.

Real Estate Services

14. Harbor View Road Widening Project

Recommended Action: Approve Resolution authorizing the voluntary acquisition of real property or easement interests in real property that may be required for the future implementation of the Harbor View Road Widening Project. **RES 2023-230**

Budgeted Action: No action needed.

Vice Chair Constance noted right of way (ROW) acquisition, design, timeframe, conservation easement, December 6, 2023 meeting, Florida Department of Transportation (FDOT), public hearing, and December 18, 2023 Metropolitan Planning Organization (MPO) meeting. **Commissioner Tiseo** spoke to public comment and MPO.

COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2023-230 AUTHORIZING THE VOLUNTARY ACQUISITION OF REAL PROPERTY OR EASEMENT INTERESTS IN REAL PROPERTY THAT MAY BE REQUIRED FOR THE FUTURE IMPLEMENTATION OF THE HARBOR VIEW ROAD WIDENING PROJECT, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

Risk Management

Transit

G. Community Development

1. Interlocal Agreement, Englewood Area Fire Control District

Recommended Action: Approve interlocal agreement for the County to collect the Englewood Area Fire Control District impact fees for applicable new construction properties within the district. **AGR 2023-219**

Budgeted Action: No action needed.

H. Community Services

1. Placida Passive Park Land Water Conservation Fund Grant Application

Recommended Action: Approval to apply for a grant from the Land Water Conservation Fund in the amount of \$3,000,000 for the Placida Passive Park. **GRT 2023-098**

Budgeted Action: No action needed. A budget adjustment and capital improvements project amendment will be brought to the Board for approval, if awarded. Adjustment will be to the Capital Improvement Project "Placida Passive Park" approved in the FY24 budget process. Grant funding in the amount of \$1,500,000 will be provided by the Land Water Conservation Fund through the Florida Department of Environmental Protection. The source of the 50% local cost share in the amount of \$1,500,000 has yet to be identified but will need to be determined at the time of acceptance.

2. Florida Recreation Development Assistance Program - Bissett Park

(Change #1) Updated wording: a) Approve agreement with the Florida Department of Environmental Protection to receive a grant in the amount of ~~\$400,000~~ **\$200,000** for Bissett Park; and b) Authorize the Chairman to sign the agreement; and c) Approve Resolution for budget adjustment BA24-080 in the amount of \$200,000; and d) Approve amendment to Capital Improvement Project "Bissett Community Park" increasing total project by \$200,000.

Recommended Action: a) Approve agreement with the Florida Department of Environmental Protection to receive a grant in the amount of \$400,000 for Bissett Park; and b) Authorize the Chairman to sign the agreement;

and c) Approve Resolution for budget adjustment BA24-080 in the amount of \$200,000; and d) Approve amendment to Capital Improvement Project "Bissett Community Park" increasing total project by \$200,000. **GRT 2023-099 / RES 2023-231**

Budgeted Action: Approve budget adjustment BA24-080 in the amount of \$200,000, amending the FY24 budget for Capital Improvement Project "Bissett Community Park" from \$625,000 to \$825,000. The required 50% match in the amount of \$200,000 will be provided by the Capital Projects Fund, ad valorem.

3. Florida Recreation Development Assistance Program - G.C. Herring Park

Recommended Action: a) Approve agreement with the Florida Department of Environmental Protection to receive a grant in the amount of \$200,000 for G.C. Herring Park development; and b) Authorize the Chairman to sign the agreement; and c) Approve Resolution for budget adjustment BA24-079 in the amount of \$200,000; and d) Approve amendment to Capital Improvement Project "G.C. Herring Park" increasing the total project by \$200,000. **GRT 2023-100 / RES 2023-232**

Budgeted Action: Approve budget adjustment BA24-079 in the amount of \$200,000, amending the FY24 budget for Capital Improvement Project "G.C. Herring Park" from \$2,591,000 to \$2,791,000. The required 50% match in the amount of \$200,000 will be provided by the 2020 Sales Tax Extension.

I. Economic Development

1. Interlocal Agreement, Southwest Florida Workforce Development Consortium Amendment

Recommended Action: Approve Amendment 5 to the Interlocal Agreement for the Southwest Florida Workforce Development Consortium. **A.AGR 2005-029**

Budgeted Action: No action needed

J. Facilities Construction and Maintenance

K. Human Resources

L. Human Services

M. Public Safety

1. Emergency Operations Center Expansion and Enhancement Funding Agreement

Recommended Action: a) Approve grant agreement between Florida Division of Emergency Management and Charlotte County in the amount of \$12,000,000 for the expansion and enhancement of the Emergency Operations Center; and b) Approve Resolution for budget adjustment BA24-085 in the amount of \$12,000,000; and c) Approve new Capital Improvement Project "Emergency Operations Center Expansion"; and d) Authorize the County Administrator, or designee, to sign any grant related documents. **AGR 2023-220 / RES 2023-233**

Budgeted Action: Approve budget adjustment BA24-085 in the amount of \$12,000,000, adding a new project titled “Emergency Operations Center Expansion” to the adopted FY24 Capital Improvement Program. Funding will be supplied using the Capital Projects Fund to be reimbursed by the Florida Division of Emergency Management. There is no local match required.

N. Public Works

1. Amendment 1, Florida Department of Environmental Protection Charlotte County - 2022 Hurricane Ian and Nicole Beach and Dune Recovery Project

Recommended Action: a) Approval and authorization to accept grant Amendment 1 to award Agreement 23CH1 with the Florida Department of Environmental Protection (FDEP) – Charlotte County - 2022 Hurricane Ian and Nicole Beach and Dune Recovery Project Beach Management Funding Assistance Program (BMFAP) grant; and b) Authorize the Chairman to sign the grant Amendment 1 documents. **A.GRT 2023-079**

Budgeted Action: A budget amendment will be brought to the Board for approval. There is no local cost share required for this grant. The total amount of the funding agreement is increased by \$1,393,535.75 to \$2,706,249.75 and will be provided by the FDEP.

2. Adopt New CIP for Harborview Road - Kings Highway Intersection Improvements

Recommended Action: a) Approve Resolution for budget adjustment BA24-083 in the amount of \$150,000; and b) Approve adoption of a new Capital Improvement Project (CIP) titled “Harborview Rd/Kings Highway Intersection Improvements.” **RES 2023-234**

Budgeted Action: Approve budget adjustment BA24-083 in the amount of \$150,000 creating a new CIP titled “Harborview Rd/Kings Hwy Intersection Improvements” in the FY24 Capital Improvement Program. Funding is provided from reserves in the Greater Charlotte Street Lighting District Fund.

O. Tourism Development

P. Utilities

1. Wetlands Florida Department of Environmental Protection Grant Ratification

Recommended Action: a) Approve ratification of approval to apply for the Wetlands Restoration and Protection Grants with Florida Department of Environmental Protection in the amount of \$1,012,500, and b) Authorize the Chairman, or designee, to sign any grant related documents.

Budgeted Action: No action needed. A budget and project amendment will be brought to the board for approval, if awarded. Budgeted in the Capital Improvement Project “East Port WRF Deep Well Supply Line” as approved in the FY24 Capital Improvement Program. Proposed county match of \$1,012,500 will come from the Utility Wastewater Connection Fee Fund Reserves.

2. Manzhura Bros Coffee Off-Site Utility Agreement

Recommended Action: Approve Off-Site Utility Agreement between the County and the Developer, Vast, Inc. **AGR 2023-221**

Budgeted Action: No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Operations budget as approved in the FY2024 budget process. Funding for this expenditure comes from rate revenues.

3. Florida Department of Environmental Protection for South County Elevated Storage Tank Project - Inclusion Forms Submission

Recommended Action: a) Authorize County staff to submit electronically to the Florida Department of Environmental Protection (FDEP) the Request for Inclusion forms in the amount of \$10 million to assist with funding for the South County Elevated Storage Tank Project through email; and b) Authorize the Chairman to execute the Request for Supplemental Appropriation for Hurricanes Fiona and Ian (SAHFI) funds letter for online FDEP submittal; and c) Approve Resolution authorizing the County Administrator, or designee, to submit Request for Inclusion Forms to FDEP for the South County Elevated Storage Tank Project to be eligible for financing through the SRF program; and d) Authorize the Chairman to execute Resolution. **AGR 2023-222 / RES 2023-235**

Budgeted Action: No action needed. A budget and project amendment will be brought to the Board for approval, if awarded. Adjustment will be to the Capital Improvement Project "Potable Water Storage Tank South County" approved in the FY24 budget process. There is no local match required.

4. Florida Department of Environmental Protection for East Port Plant Expansion Project - Inclusion Forms Submission

Recommended Action: a) Authorize County staff to submit electronically to the Florida Department of Environmental Protection (FDEP) the Request for Inclusion application in the amount of \$20 million to assist with funding for the East Port Water Reclamation Facility Expansion Project through email; and b) Authorize the Chairman to execute the Request for Supplemental Appropriation for Hurricanes Fiona and Ian (SAHFI) funds letter for online FDEP submittal; and c) Approve Resolution authorizing the County Administrator, or his or her designee, to submit Request for Inclusion application to FDEP for the East Port Water Reclamation Facility Project to be eligible for financing through the SRF program and to execute any related documents or amendments to the application; and d) Authorize the Chairman to execute the Resolution. **AGR 2023-223 / RES 2023-236**

Budgeted Action: No action needed. A budget and project amendment will be brought to the Board for approval, if awarded. Adjustment will be to the Capital Improvement Project "East Port WRF Expansion" approved in the FY24 budget process. There is no local match required.

5. Interlocal Agreement, Amendment 1, Regional Integrated Loop System Phase 2B Pipeline

Recommended Action: a) Approve First Amended Interlocal Agreement between Peace River Manasota Regional Water Supply Authority (Authority) and Charlotte County for the Regional Integrated Loop System Phase 2B Interconnect; and b) Authorize the Chairman to sign the First Amended Interlocal Agreement. **A.AGR 2022-023**

Budgeted Action: No action needed. A budget adjustment and project amendment to the Capital Improvement Project "Water Main Along Hillsborough for Water Authority 2B Project" will be determined based on final agreement terms and brought back for approval at a later date.

Q. Other Agencies

REGULAR AGENDA

R. Regular Agenda

1. Hurricane Update

County Administration

Update on the County's continued efforts following Hurricane recovery to include an update from Emergency Management, Facilities Construction & Maintenance and Public Works.

Patrick Fuller, Emergency Management Director highlighted Hurricane Ian, assistance, Federal Emergency Management Agency (FEMA), housing, non-congregate sheltering program, Community Development Block Grant, Hurricane Idalia, and claims.

Travis Perdue, Facilities Construction and Maintenance Director highlighted Construction Manager (CM) contracts, Charlotte Sports Park, Justice Center, Charlotte County Utilities (CCU) Building A, Mid-County Library, and Cultural Center.

John Elias, Public Works Director highlighted waterways, debris removal, focus, funding, Natural Resources Conservation Service (NRCS), solid waste, West County Waste Management, transfer facility, operations, Placida Boat Ramp, roll offs, maintenance and operations, signs, marking, FDOT, and street light repairs.

Vice Chair Constance commented on Hurricane Idalia, claims, flooding, CCU buildings, consultant report, build year, cost estimates, total loss, insurance, Mid-County Library, design contract, street signs and lights, Florida Power & Light (FPL), and Midway Boulevard. **Commissioner Doherty** discussed CCU buildings, consultants report, and design. **Commissioner Tiseo** mentioned CCU buildings, consultants report, drainage, design, construction, Heating, Ventilation, and Air Conditioning (HVAC), Mid-County Library, spatial concept plan, FDOT, street signs and lights, FPL, insurance, claims, and FEMA.

2. Charlotte County Coastal Storm Risk Management Feasibility Study

Public Works

Discussion and direction on the Storm Risk Management Feasibility study.

Mr. Elias highlighted Charlotte County Coastal Storm Risk Management (CSMR) Feasibility Study, responded to easements, Agreement, and study cost.

Matthew Logan, Projects Manager gave a brief overview of Charlotte County CSMR Feasibility Study Discussion, Background, Cost Comparison of Projects, Challenges, and Next Steps.

Chair Truex noted process, National Association of Counties (NACo), modifications, and policy. **Vice Chair Constance** spoke to perpetual easements, funding, Sarasota County, regional project, starts, requests, storm erosion, FEMA, Florida Association of Counties (FAC), NACo, and US Army Corps of Engineers (USACE). **Commissioner Deutsch** commented on Challenges, estimates, USACE, new start, and applications. **Commissioner Doherty** discussed USACE, perpetual easements, funding, coastal counties, NACo, and Agreement. **Commissioner Tiseo** mentioned project limits, erosion control line, reimbursement, funding, easements, study costs, coastal counties, FAC, and NACo.

Deputy County Administrator Emily Lewis remarked on projects, Federal budget, considerations, erosion control line, perpetual easements, costs, USACE, market rate, new start, beach renourishment, funding, FEMA, reimbursement, FAC, NACo, and coastal counties.

3. Florida Power & Light Residential Street Light Conversion Agreements

Public Works

a) Discussion and direction regarding the Florida Power & Light (FPL) residential street light conversion options; and b) Approve the FPL residential street light agreements. c) Approve Resolution authorizing administrative approval of the agreements and future amendments to the agreements. **AGR 2023-224 / AGR 2023-225 / RES 2023-237**

Mr. Elias introduced Eric Culling, FPL light-emitting diode (LED) Lighting Solutions Senior Representative, replied to outlay, and savings.

Mr. Culling highlighted FPL residential street light conversion options.

Vice Chair Constance noted rate, light transition, cost savings, storm repairs, materials, upgrades, outlay, safety, security, and Agreements. **Commissioner Deutsch** spoke to costs, improvements, savings, storm repairs, and insurance. **Commissioner Tiseo** commented on rates, Public Service Commission (PSC), savings, LED, warranty, storm repairs, and replacement.

COMMISSIONER DOHERTY MOVED TO APPROVE THE FPL RESIDENTIAL STREET LIGHT AGREEMENTS 2023-224 AND 2023-225, APPROVE RESOLUTION 2023-237 AUTHORIZING ADMINISTRATIVE APPROVAL OF THE AGREEMENTS AND FUTURE AMENDMENTS TO THE AGREEMENTS, SECONDED BY COMMISSIONER DEUTSCH

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

4. Kings Highway Widening Project

Public Works

Discussion and direction on Kings Highway Widening project.

Mr. Elias introduced Ryan Bell, Johnson Engineering, Inc. Transportation Director, remarked on Project Development and Environment (PD&E), Courtly Manor Drive, median cuts, DeSoto County, funding, and assistance.

Mr. Bell gave a brief overview of Project Overview, county road (CR) 769 PD&E DeSoto County, Typical Section, Tie-In Option 1, Tie-In Option 2, and Tie-In Preference.

Chair Truex discussed Option 2. **Vice Chair Constance** mentioned Southwest (SW) Kingsway Circle, tie-in, Option 2, DeSoto County, and golf course. **Commissioner Doherty** noted FDOT, DeSoto County, Option 1, funding, Option 2, and speed limit. **Commissioner Tiseo** spoke to Option 2, Option 1, DeSoto County, funding, assistance, and median cuts.

Deputy County Administrator Lewis responded to DeSoto County, funding, and assistance.

5. Appoint by Ballot - Parks and Recreation Advisory Board

Commission Office

Select by ballot one member to the Parks and Recreation Advisory Board to serve as an At-Large representative. The appointment is effective December 31, 2023, and will expire December 31, 2027.

County Administrator Flores announced the ballot majority vote for Maria Greenberg.

Chair Truex commented on applicant Lawrence Benjamin. **Commissioner Deutsch** discussed applicants. **Commissioner Doherty** mentioned applicants and committee vacancies.

County Attorney Knowlton interjected on **Chair Truex** vote.

COMMISSIONER DEUTSCH MOVED TO APPOINT BY BALLOT MARIA GREENBERG TO THE PARKS AND RECREATION ADVISORY BOARD, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

6. Concession Services

Commission Office

Review, discussion and direction on concession agreement.

Chair Truex noted presentations, complaints, private provider, and public beach. **Commissioner Deutsch** spoke to Request for Proposals (RFP), requirements, process, License Agreement, County representation, complaints, social media post, staff, and scoring sheets. **Commissioner Doherty** commented on November 28, 2023 Regular and Land Use Meeting, rankings, Bike and Roll, bidding, process, RFP, termination, private business, public beach,

vendor, complaints, License Agreement, remedy, social media post, and staff. **Commissioner Tiseo** discussed License Agreement, scoring, categories, staff, complaints, social media post, and County representation.

County Attorney Knowlton remarked on RFP, termination, reconsideration motion, License Agreement, requirements, vendor, complaints, and rules.

COMMISSIONER DOHERTY MOVED TO RECONSIDER NOVEMBER 28, 2023 MOTION TO HAVE PRESENTATIONS

MOTION FAILED DUE TO LACK OF SECOND

COMMISSIONER DOHERTY MOVED TO TERMINATE CURRENT AGREEMENT, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO TERMINATE RFP PROCESS FOR RFP 2023000536 AND WAIVE THE RULES, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

(Addition #1) 7. Letter of Support, House Bill 389

Commission Office

Approve a letter of support for House Bill 389; designating a portion of I-75 between U.S. 17/Duncan Road and Harbor View Road in Charlotte County as "Deputy First Class Christopher Taylor Memorial Bridge," to recognize and memorialize the ultimate sacrifice made by Deputy Taylor.

Chair Truex mentioned time sensitivity. **Vice Chair Constance** noted loss and dedication.

COMMISSIONER DOHERTY MOVED TO APPROVE A LETTER OF SUPPORT FOR HOUSE BILL 389; DESIGNATING A PORTION OF I-75 BETWEEN U.S. 17/DUNCAN ROAD AND HARBOR VIEW ROAD IN CHARLOTTE COUNTY AS "DEPUTY FIRST CLASS CHRISTOPHER TAYLOR MEMORIAL BRIDGE," TO RECOGNIZE AND MEMORIALIZE THE ULTIMATE SACRIFICE MADE BY DEPUTY TAYLOR, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing

1. Consider a Resolution Electing to Use the Uniform Method of Collecting Non-Ad Valorem Assessments

County Attorney

Conduct a public hearing to consider a Resolution electing to use the Uniform Method of Collecting Non-Ad Valorem Assessments. **RES 2023-238**

Assistant County Attorney Pooja Patel highlighted Consider a Resolution Electing to Use the Uniform Method of Collecting Non-Ad Valorem Assessments.

Public Input

Cliff Quilly spoke to Resolution, ballot, and process.

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

MOTION CARRIED 5:0.

Chair Truex commented on Mr. Quilly's concerns. **Vice Chair Constance** discussed process and Mr. Quilly's concerns. **Commissioner Doherty** mentioned process. **Commissioner Tiseo** noted Resolution and process.

County Attorney Knowlton spoke to process.

COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2023-238 ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

PRESENTATION AGENDA

T. 10:00 A.M. Presentations

PUBLIC INPUT - ANY SUBJECT

Cliff Quilly commented on Stump Pass Beach, take back, USACE, beach renourishment program, groin, and FEMA.

Richard Russell discussed DeSoto County, impact fees, Kings Highway widening project, and development.

Clayton Taylor mentioned American Library Association (ALA), action, Public Library Association (PLA), Florida Library Association (FLA), Christian Family Coalition, Charlotte County Republican Assembly, and surrounding counties.

Ellie Nista noted ALA, action, taxpayer dollars, FLA, Christian Family Coalition, Charlotte County Republican Assembly, constituents, and values.

Carol Borden spoke to ALA, Charlotte County Republican Assembly, action, PLA, and FLA.

AA. County Administrator Comments

County Administrator Flores commented on staff and leadership team.

BB. County Attorney Comments - None

CC. Economic Development Director Comments - None

DD. County Commissioner Comments

Vice Chair Constance discussed Junior Commissioner Program, library system, Deltona Drive, speeding issues, Charlotte County Sheriff's Office (CCSO) shooting range, and noise complaints. **Commissioner Deutsch** mentioned Junior Commissioner Program. **Commissioner Doherty** noted impact fees, Regional Planning Council (RPC) Meeting, quorum, committees, and volunteers. **Commissioner Tiseo** spoke to Junior Commissioner Program, impact fees, technical reports, Sales Tax, and RPC Meeting.

RECESS: 12:06 pm – 2:00 pm

BOARD OF COUNTY COMMISSIONERS

DECEMBER 12, 2023

An Executive Session 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 Executive Session was called to order at 12:06 pm

The opening of the public portion of the Executive Session was announced. County Attorney Knowlton informed the attorney / client portion of the Executive Session would be held in the County Attorney's Conference Room, advised the purpose of the session is to discuss the lawsuit captioned Wilbur Graf v. Charlotte County Board of County Commissioners, Case No. 22-1387CA, and stated the following would be in attendance: **Vice Chair Constance, Commissioner Deutsch, Commissioner Doherty, Commissioner Tiseo**, County Administrator Flores, County Attorney Knowlton, and Assistant County Attorney Tiernan Cole.

EXECUTIVE SESSION RECESS: 12:08 pm – 12:43 pm

The Executive Session was reconvened and closed in Room 119 with **Vice Chair Constance, Commissioner Doherty, Commissioner Tiseo**, County Attorney Knowlton, and Minutes Clerk Welsh present.

ADJOURNED: 12:46 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 DEUTSCH

MOTION CARRIED 4:0.

UA1. FP-20-07-14, Babcock Ranch Community Village III Southwest

Community Development

Approve a Bond Release for the Final Plat of a residential subdivision named, Babcock Ranch Community Village III Southwest. The site contains 48.91± acres and is generally located south of Greenway Boulevard, northeast of Curry Preserve Drive, and northwest of Preservation Blvd, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1. Located in Commission District I.

Quasi-Judicial

UA2. CSZ-23-05, 27870 and 28030 Bermont Road

Community Development

Approve a Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone for property containing three parcels, two parcels located at 27870 and 28030 Bermont Road, and one parcel generally located north of Bermont Road, southeast of Duncan Road, and west of Quail Drive, in the Punta Gorda Area; containing 40.25± acres, for calculation and severance of 373 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), (d)(1)l. of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-23-05; Applicant: 26 Villas Del Sol, LLC, providing an effective date. Located in Commission District II. **RES 2023-239**

Quasi-Judicial

UA3. DRC-23-00184, Coral Lakes, Phase I

Community Development

Banks Engineering is requesting a PD Final Detail Site Plan approval for Coral Lakes, Phase I. The project consists of 496 single-family units, an amenity area, and associated infrastructure. This project site is 173.38± acres of a 306.51± parcel boundary and is located at 13000 Burnt Store Road, and a portion of 13250 Burnt Store Road, Punta Gorda, FL in Section 09, Township 42, Range 23. Located in Commission District II. **RES 2023-240**

Quasi-Judicial

Public Hearing

UB1. PP-23-04-06, West Port East

Community Development

Approve a Preliminary Plat for a subdivision to be named, West Port East, consisting of 436 lots, and 23 tracts. This site contains 187.66± acres and is located at 17372 Toledo Blade Boulevard, within the boundary of the Murdock Village Community Redevelopment Area (CRA), in the Port Charlotte area. 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.

Minutes Clerk Johnston administered oath for testimony.

Jenny Shao, Project Planning and Zoning Coordinator provided credentials, gave a brief overview of PP-23-04-06, Location Map, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), Aerial Location Map, 2023 Google Earth Image, Future Land Use Map (FLUM) Designations, Zoning Designations, 1000' Notification Area Map, Proposed Changes, and Proposed Changes (Aerial).

Brent Rocklein, Applicant Representative commented on West Port Crossings, roads, ROW, and connections.

Public Input

Sidney Watkins spoke against PP-23-04-06, West Port East, discussed notification, Hurricane Ian, flooding, buffer, safety issues, silt, drainage, and traffic control sign.

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

MOTION CARRIED 4:0.

Vice Chair Constance mentioned backup material, West Port Crossings, roads, traffic flow, segments, plat, connections, and Community Development District (CDD). **Commissioner Deutsch** noted drainage, requirements, flooding, FEMA Floodplain Map, and stormwater ponds. **Commissioner Doherty** spoke to Sunset Preserve Way, 1000' Notification Area Map, flooding, CDD, preliminary plat, and requirements. **Commissioner Tiseo** commented on flooding, Sunset Preserve Way, drainage, 1000' Notification Area Map, buffer, CDD, fees, and road maintenance.


Shaun Cullinan, Planning and Zoning Official remarked on drainage, easements, CDD, FEMA Floodplain Map, overflow discharge, 1000' Notification Area Map, buffer, West Port Crossings, roads, plats, subdivisions, and process.

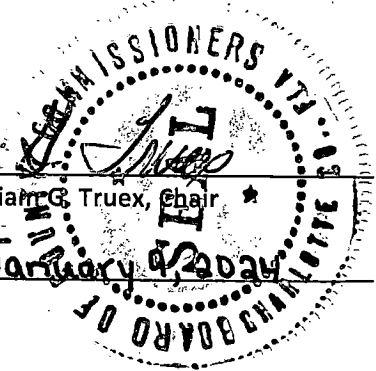
County Attorney Knowlton interjected on Mr. Watkins notification, citizen handouts, applications, and Staff Report.

COMMISSIONER DOHERTY MOVED TO APPROVE A PRELIMINARY PLAT FOR A SUBDIVISION TO BE NAMED, WEST PORT EAST, CONSISTING OF 436 LOTS, AND 23 TRACTS. THIS SITE CONTAINS 187.66± ACRES AND IS LOCATED AT 17372 TOLEDO BLADE BOULEVARD, WITHIN THE BOUNDARY OF THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AREA (CRA), IN THE PORT CHARLOTTE AREA. LOCATED IN COMMISSION DISTRICT IV, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 4:0.

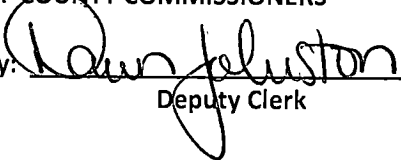
ADJOURNED: 2:38 pm



William G. Truex, chair
DATE ADOPTED: January 9, 2024


ATTEST:

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

By: 

Deputy Clerk